

City of Milwaukee Settlement Agreement **Third Annual Report**



Prepared by the Crime and Justice Institute

SEPTEMBER 2021

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.

September 22, 2021

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

This report represents the Crime and Justice Institute's (CJI) Third Annual Report, providing our assessment of the Defendants' progress in implementing the reforms required by the Settlement Agreement. The Settlement Agreement stipulates a 30-day review period for the Parties to identify any objections and a 30-day period for CJI to make revisions. Thus, while this report is being released in late September, the information presented here reflects the Defendants' compliance status as of July 2021 and, therefore, some information may appear to be out of date at the time of release. Nonetheless, CJI is bound by the terms of the Agreement and the mandated review period.

In this Third Annual Report we again assess efforts towards compliance with all of the requirements of the Settlement Agreement. The Defendants are three years into the Agreement and are compliant in some areas, non-compliant in others, and the work remains in process in others. In this reporting period, there were ample documents available to CJI upon which to base our compliance assessments. In short, behavior on the street -- including traffic stops, field interviews, no-action encounters, report writing, and supervisory review of reports -- remains mostly unchanged, and the leadership of the Department is not focused on accountability of officers who fail to live up to the standards set forth in policy, training, the Settlement Agreement, and the Constitution. There is much work to be done inside the MPD by the future permanent chief. The number of vacancies in MPD's upper management in leadership positions, as well as the number of leaders and senior managers regularly separating from service, creates serious concerns for the ongoing capacity needed to lead this work. The new Executive Director at the FPC is actively filling positions and building capacity to achieve the goals of the Settlement Agreement, which is welcome progress.

During this reporting period, to test the integrity of the underlying data extracted, and upon which we base our analyses, CJI conducted a review of two, 24-hour days of video recorded from September 2019. This timing was chosen because it represented encounters that occurred after the Department was fully trained on Settlement Agreement requirements and after the quarterly data extraction process had stabilized. This review is not a required element of CJI's work, though deemed critically important to understand if the required underlying encounter documentation is accurate and reliable. This analysis reveals that there are significant issues with officers conducting frisks and failing to document them in RMS and TraCS. The analysis also shows that the data extraction methods are sound.

Similar to last year, this report includes a summary of our analysis of police encounters as required by the Settlement Agreement. Our "Analysis of 2020 Traffic Stops, Field Interviews, No-action Encounters, and Frisks" report, submitted as a companion to this Third Annual Report, provides additional detail. Efforts to comply with the Settlement Agreement are falling short. The data and other supporting documentation provided reveal that racially and ethnically disparate policing in Milwaukee continues and officers and supervisors are not being held accountable for their actions.

Sincerely,

Christine M. Cole

Christine M. Cole

Executive Director, Crime and Justice Institute

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EXECUTIVE SUMMARY

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

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

The reforms outlined in the Settlement Agreement are first and foremost the responsibility of the Defendants. CJI’s role as Consultant is to provide support and serve as an external entity that assesses and facilitates progress toward the Settlement Agreement requirements. Our role is not to lead the work, and as such, we rely on local leaders to drive the agenda and the local efforts. The initial work during year one of the Settlement Agreement (July 2018 to July 2019) set a foundation through revising policies, conducting training, and beginning to establish accountability processes. During the second year of the Agreement, the work focused on implementing systems of accountability to demonstrate that policy and training were being adhered to, that cross-division coordination and collaboration were strengthened, and that the data systems continued to improve. During the third year, work continued on implementing new accountability systems and enhancing existing accountability systems. In addition, our planned emphasis was to support the MPD moving from administrative preparedness to changed behavior and to support the FPC’s efforts toward

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

conducting and reporting on audits required by the Settlement Agreement. These plans were hindered by unanticipated changes in MPD leadership and subsequent additional personnel changes that resulted in delays and some backsliding in terms of progress toward compliance. Those challenges are further described below.

This Third Annual Report represents CJI's assessment of the Defendants' progress in implementing and sustaining the reforms required by the Settlement Agreement as of July 2021.²

Last year at this time we noted the need for and importance of improving trust between the police and communities. That need continues perhaps with more urgency. We still believe that the aspirations of the Settlement Agreement in Milwaukee are consistent with the national movement for police reform. However, in part illustrated by a poll reported in national news, the lack of trust between the community and police remains a significant issue in Milwaukee, and that is particularly true of the relationship between Black residents and the police.³ We continue to believe that transparency, accountability, and accuracy of data, which are all woven into the requirements of the Settlement Agreement, are key factors in making progress in the City of Milwaukee.

To be responsive to persistent questions about the integrity of the underlying data that MPD supplies quarterly to CJI and the Parties, CJI conducted a review of all body-worn camera footage from two 24-hour days in September 2019. The methodology is fully described in the chapter entitled Body-Worn Camera Review. While resource intensive, this review allowed us to catalogue a more complete picture of two average days of policing at MPD, develop a baseline for the completeness of documentation of police encounters relevant to the Settlement Agreement, and assess whether the data extractions provided by MPD offer the full scope of data on traffic stops, field interviews, and no-action encounters. The two days included in this review were after a full in-service training cycle that covered the requirements of the Settlement Agreement was completed during the first half of 2019. This review confirmed that the quarterly data extraction protocols developed by MPD include all documented encounters, which increases our confidence in MPD's quarterly data extraction process. However, the video review also found issues with undocumented stops and frisks that will need to be addressed. Based on our body-worn camera review, CJI found that during these two 24-hour periods, 13.6 percent of encounters that were relevant to the Settlement Agreement were not documented in MPD's databases. This

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

³ <https://www.usatoday.com/story/news/politics/2021/06/16/milwaukee-residents-give-police-low-ratings-amid-racial-reckoning/7512719002/>

means that 59 encounters lacked the required written record in RMS or TraCS of the stop and the officer's justification for it. A comparison between documentation available from the quarterly data extractions and the list of CAD records for the two relevant days also revealed 25 encounters without accompanying video footage, representing six percent of encounters that occurred on the reviewed days.⁴ Moreover, 46 of the 52 frisks that were observed on video lacked written documentation of the frisk in RMS or TraCS.

NOTABLE AREAS OF PROGRESS

Notwithstanding a two month vacancy in the FPC Executive Director position, FPC staff with Settlement Agreement responsibilities are moving forward and we have seen demonstrable progress toward filling positions and focused attention on the Settlement Agreement. Leon Todd assumed the role of Executive Director on December 30, 2020 and a chief of staff was hired in May 2021. The audit unit will shortly be staffed with a supervisor (who began in October 2020) and two auditors. While a long time coming, these are important achievements for the FPC. Even without full staff, the audit unit commenced audits, beginning with an audit of no-action encounters. The Inspections Section of MPD has continued to conduct audits every six months and have now completed three sets of audits of traffic stops, field interviews, no-action encounters, frisks, and searches.

The FPC and MPD have improved communication and collaboration over the past year, particularly around audits, but in other areas as well. Regular channels of communication between the MPD and the FPC have been established that did not exist before. As noted in previous reports this was a challenge, as numerous Settlement Agreement requirements involve both agencies or require both agencies to perform similar work. In addition, the team from the City Attorney's Office took on a more engaged role as a facilitator across City agencies and with the Plaintiffs' counsel, a welcome development. This increased engagement reduced barriers, improved communication, and in turn advanced progress toward compliance. CJI was also involved in more frequent communication with different entities in the City including members of the Common Council, FPC Commissioners, and the Mayor and his staff, who all initiated communication with CJI for updates on efforts related to the Settlement Agreement.

MPD now has two inspectors assigned to the Administration Bureau, which adds needed capacity and rank to manage both the ongoing work of the Bureau and the efforts toward compliance for the Department. A focus on the Agreement at the level of inspector is necessary for effective communication and alignment of work and

⁴ There are a number of possible explanations for the lack of accompanying body-worn images. The footage could have been improperly tagged, there could be malfunctions of body-worn cameras, or it is possible the camera was not activated.

philosophy across MPD's divisions and bureaus. Attention by the inspectors on the details of the administrative work and on establishing and utilizing effective feedback loops will create systemic change and increases the likelihood of achieving compliance.

In previous reports we stressed the importance of the Defendants developing a project management system to track progress, next steps, and responsibility for the 100-plus Settlement Agreement requirements. Under the leadership of Inspector Boston-Smith, MPD now has a sound project management system in place that is updated in real time. The information and documentation is tracked and organized by Sergeant Raclaw, who has demonstrated keen organizational skills and shown to be very responsive to CJI's inquiries. In preparation for this report, CJI received approximately 100 cover sheets and several hundred files, from MPD and FPC, to help demonstrate progress and document challenges. The improved information management and project management systems are an area of notable progress during this year.

Several enhancements to the in-service training during year three warrant mention. Per SA V.A.3, CJI is required to prepare a semiannual report on Defendants' compliance with the Fourth Amendment in conducting stops and frisks. After CJI presented our findings from the October 2020 report to Command Staff, Inspector Boston-Smith, with the support of the then Acting Chief, utilized the findings to improve the in-service training and emphasize in training the issues on which officers were not performing well. In addition, a new training was developed to help supervisors detect patterns of bias. This was done entirely by MPD staff with no external assistance, in part because of a lack of relevant existing trainings from which to draw. Lastly, for the first time, written testing was also incorporated into the in-service training. As will be reiterated throughout this report, MPD has much work to do to reduce racially disparate policing but these changes to training are a very important and welcome area of progress.

During this year full membership of the Collaborative Community Committee (CCC) was established and work between the CCC and MPD began. Regular and meaningful collaborative work towards the development of a Community Oriented Policing Standard Operating Procedure (SOP 003) occurred. This important work was made possible largely due to the efforts of Inspector Boston-Smith who personally engaged with the CCC and led the efforts for MPD.

Another notable area of progress is changes in personnel in the Information Technology Division (ITD) who have responsibilities related to the Settlement Agreement. ITD has been more responsive and timely compared to previous years and obstacles to progress with CJI, related to the quarterly data extractions in particular, have been alleviated. The data extractions continue to improve and are now delivered in a timely manner that reflect the agreed-upon timeframe. Over the past year, MPD added the final two missing data elements to the quarterly data extractions: the CAD transcript for traffic stops and use of force justification for traffic stops. A file that

describes any changes made to the quarterly extraction since the previous extraction is now included, which is a positive addition to the quarterly data for researchers endeavoring to combine datasets or make comparisons of the data over time.

NOTABLE CHALLENGES

While we witnessed steady progress by MPD's Administration Bureau, and its leadership under Inspector Boston-Smith and Inspector Waldner, on developing necessary structures and prioritizing efforts toward compliance with the Settlement Agreement, we do not see corresponding progress and prioritization from the Patrol Bureau. In the fall of 2020 we felt momentum for change. We witnessed meaningful and effective changes to training; Inspector Boston-Smith skillfully organized and moved compliance work forward; and Acting Chief Brunson's focused attention on individualized, objective, and articulable reasonable suspicion (IOARS) data from CJI's October 2020 semiannual report. However, there is little evidence now that the two-plus year efforts of the administrative units are being embraced to the degree they must by the Patrol Bureau. Our body-worn camera review finds not all stops and not all frisks are being documented as required. Our data analysis continues to find racial disparities in stops and searches. Thus, people, mostly Black people, are stopped and searched without cause and with impunity. We are very concerned that racial and ethnic disparities in police stops continue to occur, as illustrated in our companion report "Analysis of 2020 Traffic Stops, Field Interviews, No-Action Encounters, and Frisks" which is summarized below. It is imperative the Patrol Bureau increase its engagement with and attention to the explicit requirements of the Settlement Agreement to address these problems. Significant behavior change and efforts to engage patrol and patrol supervisors must still take place from the leadership level.

Changes in leadership at MPD and FPC during year three and the uncertainty that comes with those changes have been a challenge. Since August 2020 with the departure of Chief Morales there have been two different acting chiefs and as of the writing of this report, the MPD continues to operate with an acting chief. After a nearly 10-month term with MPD being led by an acting chief of police, the FPC is embarking on process to hire a permanent chief. In addition, the resignation of the FPC Executive Director in October 2020 resulted in a vacancy of two months and left the FPC staff without a leader or senior management.⁵ Clear direction, high expectations, and predictable follow-through using accountability systems to further the work of the Settlement Agreement are critically important for agency leadership to express, and that has not been observed during much of year three, in particular at the MPD.

Despite progress with the completeness and quality of the data provided to CJI and the Parties discussed above, racially disparate stop rates have continued and in fact worsened during year three. Details are discussed in the Racial and Ethnic Disparities

⁵ By December 30, 2020 there was a confirmed and full time Executive Director at the FPC.

section below and detailed in the companion report “Analysis of 2020 Traffic Stops, Field Interviews, No-Action Encounters, and Frisks.” In addition to the findings of racial and ethnic disparity in our annual analysis, the data continue to show that nearly half of pedestrian stop reports lack sufficient documentation of individualized, objective, and articulable reasonable suspicion (IOARS). Even more alarming, a vast majority of frisks are conducted without sufficient IOARS documentation. This means that either the activities themselves are not conducted or the reports are not written in accordance with training, department policy, the Settlement Agreement, and the Constitution. A lack of focused attention and mentorship on the street by first line supervisors, as well as mid-level and senior managers, permit incomplete and inadequate quality reports to continue. The administrative structures are in place; what is missing is follow-through, accountability, and a commitment to behavior change from leadership exacted upon the Patrol Bureau.

While we are encouraged by the collaborative work between the CCC and MPD on SOP 003, Community Oriented Policing, there is still no community policing status report after three years (SA IV.C.6). The documentation provided to CJI to date is largely a list of community engagement activities and we are unable to assess it for compliance based on the lack of criteria in the Settlement Agreement. A clear, written community policing strategy that is communicated and implemented throughout the Department is lacking. We again call upon the Parties to confer and agree on the expectations of a community policing status report, as the language of the Settlement Agreement is insufficient in detail. We are unable to assess compliance with the requirement until there is agreement on the expected contents of this semi-annual report.

THE YEAR AHEAD

Work during the first year of the Settlement Agreement was largely focused on policy and training and during the second and third year, the focus has been on implementation and establishing accountability mechanisms. During year four CJI will continue to work closely with MPD to improve adherence to training and policy by officers, increase timely and quality reviews by supervisors, and encourage attention on compliance at all levels of leadership. The Patrol Bureau in particular must become more engaged in the work toward compliance. We are concerned about additional personnel changes as typically coincide with the confirmation of a permanent chief. Our already lean budget has been tested with the frequent turnover of critical personnel – with every change there is required and repeated instruction and coaching. We also expect any interim chief and the permanent chief, once appointed and confirmed, to set clear expectations that work toward compliance with the Settlement Agreement is a priority. Continuing to developing a robust community engagement plan should also be a priority during year four.

For the FPC, with the hiring process for the auditing team expected to be concluded by early August, efforts to complete the FPC's first full set of audits (per SA IV.E.1 and IV.E.2) should be the focus.

During the upcoming year CJI will be conducting our own reviews and checks to confirm that the accountability systems developed and launched during the year are operating as intended. We will continue to review data and documentation to ensure that practice is aligned with training and policy and that the Defendants continue to make progress toward compliance. Despite the areas of progress outlined above, we continue to be very concerned about evidence of biased policing in Milwaukee.

INTRODUCTION

BACKGROUND

On February 22, 2017, the American Civil Liberties Union (ACLU), along with counsel from Covington & Burling LLP, filed a class action lawsuit against the City of Milwaukee, the Milwaukee Fire and Police Commission (FPC), and the Chief of the Milwaukee Police Department (MPD). Six individuals brought the case *Charles Collins, et al v. City of Milwaukee* (2017) on behalf of a class of people who allege that MPD’s policies and practices related to stops and frisks violate the protected rights of the Fourth and Fourteenth Amendments of the U.S. Constitution.⁶ In particular, the Plaintiffs alleged that the practices, policies, and customs of MPD authorize officers “to stop people without individualized, objective, and articulable reasonable suspicion of criminal conduct” and “to frisk people without individualized, objective, and articulable reasonable suspicion that the person is armed and dangerous”, which are violations of the Fourth Amendment (SA I.A.1)⁷. The Plaintiffs also claim that MPD sustains “stops and frisks of Black and Latino⁸ people that involve racial and ethnic profiling, or are otherwise motivated by race and ethnicity, rather than reasonable suspicion of criminal conduct, in violation of the Fourteenth Amendment” as well as Title VI of the Civil Rights Act of 1964 (SA I.A.1).

On July 23, 2018, the U.S. District Court for the Eastern District of Wisconsin entered an order adopting a Settlement Agreement among the Parties to *Charles Collins, et al. v. City of Milwaukee, et al.*⁹ The Defendants denied the allegations, and maintain that denial in the Settlement Agreement. By the terms of the Agreement, the City of Milwaukee, FPC, and the Chief of MPD in his official capacity (collectively, the “Defendants”) are committed to implementing significant changes to policies, training, supervision practices, and the use and sharing of data. The Settlement Agreement is a comprehensive agreement that outlines specific actions the Defendants must take to reform policing. The MPD and FPC are required per the Agreement to update selected policies, appropriately document stops and frisks, improve training, supervision, and auditing relating to stops and frisks, publish stop-and-frisk and complaint data, and improve processes related to public complaints. Finally, they must utilize a Consultant

⁶ An amended complaint filed on May 24, 2017 included nine individuals.

⁷ Citations to a specific paragraph of the Settlement Agreement follow the text that relies on that paragraph and appears in parentheses containing “SA” followed by the paragraph number.

⁸ The Settlement Agreement uses the term Latino. Throughout this report we use Hispanic/Latino to reflect the actual language that is included in the relevant datasets used for our analysis and to be consistent with our annual data analysis report.

⁹ Order and Settlement Agreement (July 23, 2018). *Charles Collins, et al. v. City of Milwaukee, et al.*, (17-CV-00234-JPS) United States District Court, Eastern District of Wisconsin, Milwaukee Division.

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

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

As we've noted in previous annual reports, full compliance with the requirements of the Settlement Agreement will take a significant amount of time and effort from all Parties. This multi-year initiative requires significant effort on the part of several City entities and is not solely a Police Department effort.

CONSULTANT'S ROLE

A major function of the Consultant's role as outlined in the Settlement Agreement is to assess the Defendants' compliance in an annual report (SA V.A.1). This annual report assesses the Defendants' efforts and hindrances towards compliance with the required reforms in the Settlement Agreement and includes results of required data analysis as outlined in the Agreement. Per the Settlement Agreement, if CJI finds non-compliance on any requirement, we work with the Defendants to reach compliance and formally follow up in six months with a report on whether they have rectified the issues. CJI's main task is to track and report on the compliance of the Defendants by verifying required changes are being implemented and conducting prescribed data analyses. Our role, according to this Settlement Agreement, is to focus on compliance, adherence, and data quality and analysis.

HOW THIS REPORT IS ORGANIZED

Similar to our Second Annual Report, this Third Annual Report generally reflects the categorization of requirements as outlined in the Settlement Agreement. Below we begin with a discussion about our activities and work conducted as the Consultant during year three and provide definitions of compliance statuses, which remain unchanged from previous years. During year three the CJI team conducted a review of video footage from two full days of MPD activity. The methods and results of that review are described in detail in the relevant section. The subsequent chapters include assessments and discussions on the Defendants' efforts toward compliance in the following areas that mirror the Settlement Agreement:

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

- Compliance; and
- Miscellaneous.

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

SUMMARY OF CJI ACTIVITIES

During the third year of our role as Consultant, we did not conduct any in-person site visits because of travel restrictions due to COVID-19. However, the team continued to engage almost daily with the Defendants by phone and via Zoom video conferencing. CJI participated remotely in MPD's in-service training on April 12, 13, and 15, 2021.

During this year CJI made the following virtual presentations:

- Overview of Second Annual Report to MPD Command Staff on 10/2/20
- Semi-Annual Analysis to MPD Command Staff on 10/27/20
- Status update to MPD Command Staff on 2/25/21
- Overview and update to the Litigation Subcommittee of the Fire and Police Commission on 3/23/21
- Semi-Annual Analysis to MPD Command Staff on 4/26/21
- Overview and update to the Judiciary and Legislation Committee of the Common Council on 5/17/21

During year three, we continued regular engagement with staff at MPD and FPC who are responsible for Agreement-related tasks and we have had regular calls with the following groups and individuals:

- FPC Executive Director Todd
- FPC staff tasked with overseeing compliance efforts
- MPD staff tasked with overseeing compliance efforts
- MPD Command Staff, including Chief Norman and Chief of Staff DeSiato
- City Attorney's Office
- Plaintiffs' counsel

During these meetings the CJI team works with the Parties to make progress toward compliance, assist in troubleshooting issues, and works within the City's systems and political realm to help further work related to the Settlement Agreement

The CJI team has continued to experience good working relationships with the MPD and FPC staff who oversee efforts toward compliance. The administrative and project management systems put in place and refined during year three are working well.

During year three we continued the iterative process with MPD and FPC to assess proposed documentation, provide feedback on submitted documentation, and suggest improvements that would help demonstrate that all elements of the agreed-upon language in the Agreement are being met. CJI and the Defendants have instituted a tracking system of cover sheets to help track progress and documentation related to individual Settlement Agreement requirements. Both the FPC and MPD prepare and submit cover sheets to CJI. CJI provided the Defendants a deadline to submit any documentation to be considered in this year three report. The Defendants provided a cover sheet and update on nearly every paragraph in the Agreement. CJI

received and reviewed approximately 100 cover sheets and several hundred files to help demonstrate progress and challenges on the part of MPD and FPC in preparation for this report. The CJI team measures the documentation received against the exact language included in the Agreement.

In March 2021, we submitted our six-month report to the Parties and the Court that provided an updated status on items that were deemed non-compliant in our Second Annual Report. Per the March 2021 report, nine items were deemed still non-compliant. This interim report, [Second Six-Month Report on Non-Compliant Items](#) is required per SA V.A.1 and is publicly available on the FPC website.¹⁰

Additionally, during the last twelve months we completed two semiannual reports in compliance with SA V.A.3., in [October 2020](#) and [April 2021](#), and both are available on the FPC website.¹¹ These reports outline the Defendants' compliance with the Fourth Amendment in conducting stops and frisks. The Settlement Agreement requires that CJI use a random selection of encounters to analyze whether officers are appropriately documenting individualized, objective, and articulable reasonable suspicion for stops and frisks, and produce a tabulation of the hit rate, including by race and ethnicity, showing how often officers find contraband during a frisk.

Lastly, a core component of the Consultant's role involves an annual data analysis to assess the extent of racial and ethnic disparities in police encounters (see SA V.1.d.viii through V.1.d.x). During year three we conducted our second set of regression analyses to assess the racially and ethnically disparate impact of policing in Milwaukee. The results of that analysis are summarized below in the Compliance chapter and the full technical details on that analysis are being published concurrently with this Third Annual Report in a separate report entitled, "Analysis of 2020 Traffic Stops, Field Interviews, No-action Encounters, and Frisks."

¹⁰ <https://city.milwaukee.gov/fpc/Reports/Crime-and-Justice-Institute-Reports.htm>

¹¹ Id.

ASSESSING COMPLIANCE

In this Third Annual Report, we assess the compliance status for all of the requirements in the Agreement in the subsequent chapters. The tables include the Settlement Agreement paragraph numbers, the exact Agreement language, and the compliance status as of the writing of this report. The assessments are as of July 2021 to meet the required deadline of a draft report submitted to the Parties by July 23. Per the Agreement, the Parties have 30 days to review and provide any objections to the report, and we as the Consultant then have 30 days to make any revisions to the report. Thus, while this report will be finalized and become publicly available in late September, it reflects the compliance status as of July 2021.

For the topic-specific chapters below, we describe the progress made and challenges in each area and the year three compliance status. In some instances, a single Settlement Agreement paragraph contains more than one element to be addressed. In those cases, we provide an assessment of compliance on the distinct components and, therefore, a single Agreement paragraph may be represented by more than one row in the tables below.

We classify items into the following categories, which remain unchanged from our previous annual reports:¹²

- **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.

¹² We also use a status of “unable to assess” for one item, SA IV.C.6.

CONTEXT FOR REFORM

As part of our assessment of efforts toward compliance during year three, it is worthwhile to reflect on the context within which these reforms are taking place. It is important for the public and those who work in City government to appreciate the challenging and resource-intensive work that is occurring within the most impacted agencies. For numerous personnel in MPD and FPC, the Settlement Agreement is a core component of their daily work. For others, it may be easy to assume that compliance is the responsibility of others and will be accomplished in time. In fact, most members of the MPD, from Command Staff to officers on the street, and a core group at the FPC should be thinking about and focusing on the Settlement Agreement and progress toward compliance in their daily work. For the MPD officers and their supervisors working in the districts, following SOPs, adhering to training, and embodying the principles of the Constitution is what will bring the City closer to compliance. But these behaviors require relentless attention by steady leadership and a willingness to hold people accountable.

CITY GOVERNMENT

During this third year of work on the Settlement Agreement, there has been increased attention from City leaders on CJI's work and through that, the MPD's and FPC's efforts toward compliance. CJI was invited and accepted to present to the Judiciary and Legislation Committee of the Common Council and the Litigation Subcommittee of the Fire and Police Commission. These opportunities to present, respond to questions, and interact with the City leaders are important opportunities to increase awareness among them, as well as the public, about the ongoing work and challenges related to the Settlement Agreement.

In the last year, the increased attention from the dedicated team of lawyers from the City Attorney's Office was instrumental in securing focused attention from a central point within City government. We applaud the team's efforts in supporting the FPC and MPD staff and facilitating interactions between those two agencies.

During year three there was a remarkable level of turnover of personnel not only at the leadership levels in the FPC and MPD but also among personnel who were responsible for elements of the Settlement Agreement. With each change of personnel, progress toward compliance is impacted and can be stalled as new staff get up to speed. CJI staff spend countless hours with new faces to forge trusting relationships and get them connected with the flow and the nuances of this work.

We are enthusiastic to see the CCC strengthen and become active again and hope it remains a strong voice for reform. CJI has noted previously and repeats here that the many reforms of the Agreement require substantial government involvement, following the notion that creating and living in a safe community is not only the concern of the public and police. Achieving and sustaining compliance requires a full

City effort and may require initiatives and actions not specifically required by the Settlement Agreement. As City leaders consider a permanent police chief, understanding candidates' plans to achieve and sustain compliance should be top of mind and require a clear articulation by those who seek the position. From our vantage point, too infrequently are questions being asked by the public, by City leaders, and by the press about compliance.

Budgetary constraints could also interfere with the Defendants' work toward compliance. Budget concerns across the country have been exacerbated by public health and safety needs from the COVID-19 pandemic and calls to defund the police are stark reminders of the need to build trust and confidence. Achieving the reforms agreed upon by the Parties and set forth in the Settlement Agreement comes with costs.

Again this year, we point out that others in City government beyond MPD and FPC still have work to do in "owning" the requirements of the Settlement Agreement and embracing the reforms as an opportunity to make necessary improvements in structure, behavior, and relationships. Activities toward compliance should be viewed as objective, critically important reforms and not a "check of the box" to achieve compliance with the Settlement Agreement. Further, references to the Settlement Agreement as the "ACLU agreement" create a hurdle to embracing the reforms as rightful, contemporary, constitutional policing, and as a guide toward improving policing in meaningful and sustainable ways in the City of Milwaukee.

FPC

At the start of the 2021 calendar year, a new Executive Director assumed the role at the FPC. Leon Todd, the fourth person to lead the FPC since CJI started its work in Milwaukee in October 2018, seems to be established in his role. There is now a chief of staff, auditors in place, and with three new commissioners, increased stability from only six months ago. In the last year, there were two unanticipated resignations from Commissioners and the aforementioned reference to a vacancy in the FPC Executive Director position.

In June and July 2021, three new FPC commissioners were nominated by the Mayor and confirmed by the Common Council bringing the number of commissioners to seven. (One of those seven is in holdover status though still able to participate fully until replaced by a confirmed commissioner.) In July 2021, Ed Fallone was elected as the chair and Everett Cocroft was elected vice-chair for the next 12 months.

Even with the newly confirmed commissioners, there continues to be two available seats and one member in a long-expired term. The available seats limit points of access for community members who may be qualified and interested in serving. As we have noted in previous reports, the Settlement Agreement envisions a more robust and effective FPC.

Again in the last year, there has been criticism about the Commission – its members, its decisions, and its ability to hold itself accountable. We hope that the recent changes to and attention toward the Commission will bring stability to it and the MPD. We believe that a fully engaged Commission that demonstrates an ability to hold itself accountable, as well as provide effective oversight to the MPD, is vital to the Defendants’ ability to achieve compliance with the Settlement Agreement and for the public to have confidence in the integrity of the police and oversight in the City.

MPD

MPD’s work in the first two and one half years established a foundation for reform through policy revision, improved and expanded training, and establishing accountability mechanisms. These are necessary precursors to seeing behavioral change on the street. Efforts over the last year to advance from policy and training to changed behavior are a much higher hill to climb. Despite routine refinements to training and consistent communication between administrative units and Patrol, the data show clearly that MPD struggles to act in ways that are consistent with policy, training, the Settlement Agreement, and the U.S. Constitution. The only documentation standard the Department has met is the IOARS standard for traffic stops. MPD does not document field interviews, no-action encounters, or frisks in a manner consistent with the standards set forth in the Settlement Agreement. Whether the reports are poorly written and lacking necessary detail or the stops are truly unconstitutional, the results are similar: the Department is not yet meeting the required thresholds for the quality of its reports. Sworn members of the Department up the chain of command need to be held accountable for these failures. The inadequacy of the reports is merely a data point; the actuality is, members of the public, mostly members of the Black community are not only being disproportionately stopped and frisked, but the reports also fail to document the reasonable suspicion in accordance with policies, training, the Settlement Agreement, and the Constitution.

Police departments operate in a paramilitary style and consequently, those working on compliance need not only rank but also the full support of the agency leader. The future permanent chief needs to commit fully to the task of achieving compliance, support those assigned to compliance, and maintain high-level personnel in positions to achieve compliance. In particular, a strategy and a plan for the Patrol Bureau is imperative. Follow through with non-disciplinary corrective action (NDCA) and increased staffing in the Internal Affairs Division (IAD) we believe are necessary. IAD is understaffed for the expectations and demands placed on it. In particular, the bifurcated responsibilities for the IAD captain to oversee compliance and run internal affairs at a major police department is not sustainable. In addition, only one sergeant from IAD manages much of the Agreement-related responsibilities in addition to other duties. The future chief should consider adding capacity to the existing structure, which presently hinges too heavily on the Inspectors in the Administration Bureau.

CITY ATTORNEY'S OFFICE

Since our Second Annual Report, the team from the City Attorney's Office positioned itself to provide an infrastructure that coordinates the efforts and responses of the Defendants toward compliance. The existence of a central, coordinating body improves communication, cooperation, and efficiency. As a coordinating entity, the team at the City Attorney's Office facilitates collective work toward shared goals rather than the Defendants remaining in silos that lack necessary cross-department communication. This is a welcome development during year three.

BODY-WORN CAMERA REVIEW

The Settlement Agreement requires that Defendants ensure that every encounter between the Milwaukee Police Department and members of the public is documented in electronic, digitized records. The relevant section of the Settlement Agreement reads:

SA IV.A.1. Defendants shall ensure that every traffic stop, field interview, no-action encounter, frisk, and search conducted by any member of the Milwaukee Police Department is documented in an electronic, digitized record regardless of the outcome of the encounter.

Notably, the Settlement Agreement does not include a provision that the Consultant or the Defendants specifically assess the extent to which all traffic stops, field interviews, no-action encounters, frisks, and searches are documented, despite the requirement of SA IV.A.1 that the Defendants ensure every stop is documented. Thus, to help assess the extent to which all MPD stops are being documented CJI conducted a one-time, comprehensive review of a sample of MPD body-worn camera footage, and compared the contents of the videos to the electronic encounter documentation in the quarterly data extraction.

In previous compliance assessments, CJI relied on MPD's audit findings and the content of the required quarterly data extractions that MPD provides to CJI and the Parties as an accurate representation of the totality of police encounters. In the future, CJI will also rely on FPC's audits. These sources are useful and valuable assessment tools but they do not capture undocumented stops. The review of BWC footage described below is intended to 1) help assess the extent to which encounters are documented in electronic, digitized records, and 2) test the integrity of the quarterly data extraction protocols and whether they include every documented traffic stop, field interview, no-action encounter, frisk, and search.

This review is not a required element of CJI's work, though deemed important to understand if and to what extent the underlying encounter documentation, on which our assessments are based, are accurate and reliable. We believe this one-time, comprehensive review of video provides adequate information about the reliability of the extraction protocols and data and offers guidance and important information to the Defendants about additional quality control checks that are necessary to ensure every traffic stop, field interview, on-action encounter, frisk, and search is documented.

DATA REQUEST AND SOURCES

In April of 2020 CJI requested access to video recordings occurring on three randomly selected days in September 2019. The first cycle of in-service training specific to the Settlement Agreement occurred between January 2, 2019 and June 18, 2019, so the selected days represent a time after which officers were trained on the policies and

standards established by the Department to comply with the Settlement Agreement. September was chosen because it occurs outside of officer in-service training, and is not during the winter or summer when seasonal patterns of criminal activity and policing may be expected. MPD verified that there were not any system-wide technological disturbances that would cause these days to be atypical in documentation, or any major city events, officer trainings, high profile crimes, or other unusual events occur during these days that would make them outliers. CJI requested this video footage of police encounters in April 2020 to conduct this review.¹³ After iterative discussions with the Defendants regarding the scope and process for this review, we received access to the videos in July 2020. CJI allocated approximately 1,000 hours of staff time toward this effort and completed the video review in December 2020.¹⁴ CJI's analysis of the data from the video review began in January 2021.

The volume of videos for those three days was significant, yielding approximately 11,000 individual videos. Ultimately, budget and resource constraints necessitated that we limit the review to two of the three dates requested and received: Wednesday, September 4 and Sunday, September 29. This includes a typical weekday and a typical weekend day from which to assess whether encounters relevant to the Settlement Agreement are properly documented. We reviewed over 6,000 individual videos recorded on those two days.

This review relied on three sources of data for September 4 and September 29, 2019:

- All video footage recorded by officers, including all body-worn camera footage and mobile digital video recording device footage as needed.
- Encounter data provided in the quarter three 2019 data extraction.
- A list of all CAD numbers for September 4 and 29 that includes the location, date, time, and call type of the encounter.

METHODOLOGY

The footage from over 6,000 videos and the list of 5,480 CAD numbers comprises everything recorded by officers and all the dispatch records for those two days. This includes encounters and investigative activities that are beyond the scope of encounters that are relevant to the Settlement Agreement, which is limited to traffic stops, field interviews, no-action encounters, frisks, and searches.

¹³ The signed Protective Order adopted on April 10, 2020 allows MPD to share video with CJI without having to redact personally-identifiable information.

¹⁴ Three graduate student interns assisted CJI with this body-worn camera review and analysis between July 2020 and July 2021. We are grateful to Torri Sperry, Andrea Tyree, and Rosemary Volinski for their review and analytical support.

To narrow down the videos and CAD numbers to encounters relevant to the Settlement Agreement, we merged the data collected from the video review with the CAD data and 2019 quarter three extraction data. Any encounter in the video review or CAD data that had a match in the quarter three extraction data was included in our final dataset. We constrained the rest of the encounters to types that we would expect to see in the extraction data, namely traffic stops, field interviews, no-action encounters, frisks, and searches that occurred on the two dates. We did this by categorizing each video we reviewed into one of these encounter types using the definitions of these encounter types specified in the Settlement Agreement.

After constraining the dataset to encounters deemed relevant to the Settlement Agreement, we sent a list of encounters that did not match to encounter records in the quarterly extraction to MPD and requested that they search RMS and TraCS records for any documentation, in case it had not come through in the extraction query. Through this process, we confirmed that the encounters deemed relevant to the Agreement without associated quarterly data were not missing from the extraction files, but instead reflected information that was missing from the databases entirely, representing what would be considered “undocumented” encounters. Thus, a positive finding of the video review is that the quarterly data extraction protocols MPD developed appear to include all documentation for encounters relevant to the Settlement Agreement and the extraction appears to include all reported encounters.

We engaged in an iterative process with MPD to confirm that all encounters considered relevant to the Settlement Agreement were categorized accurately and appropriately. For example, officers capture investigatory activities on video that are not a part of traffic stops, field interviews, or no-action encounters and those were appropriately not included in the data extraction. This process resulted in a final, compiled dataset of 434 encounters relevant to the Settlement Agreement and occurring during the two dates of interest. The findings of this review are presented below.

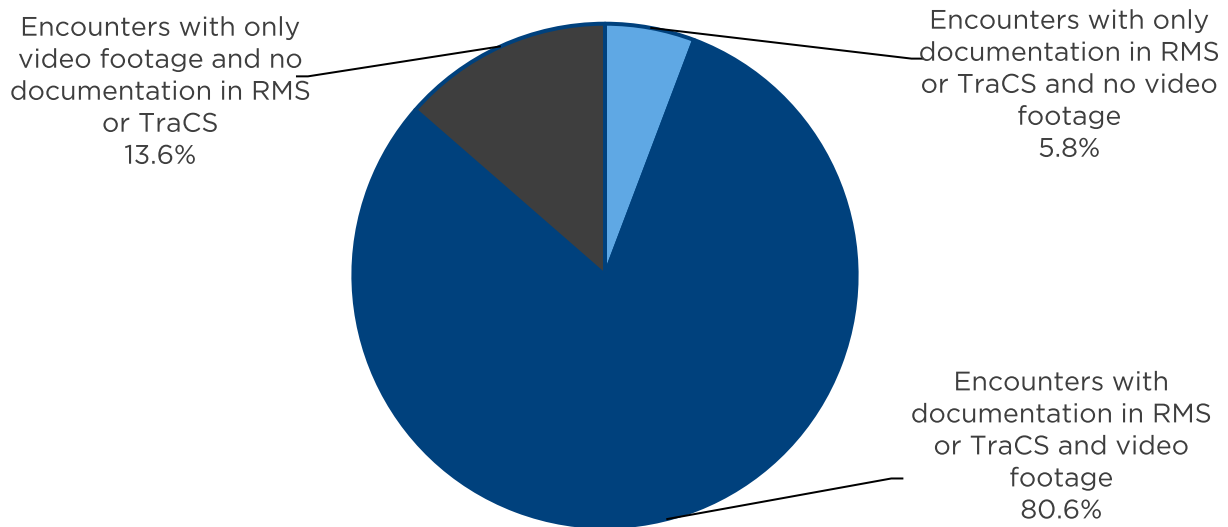
FINDINGS

Over the two days in September 2019, of the 434 encounters, 59 encounters were viewed on video and were not documented in RMS or TraCS. This indicates that 13.6 percent of encounters were not documented in accordance with the requirement set forth in the Settlement Agreement that “every traffic stop, field interview, no-action encounter, frisk, and search... is documented in an electronic, digitized record.” In addition, 25 encounters from those two days (5.8 percent) had documentation in RMS or TraCS but did not have associated body-worn camera video footage.¹⁵ Three hundred and fifty encounters, representing 80.6 percent of encounters from those two

¹⁵ Two of these encounters were traffic stops that had video footage but the videos were associated with the wrong CAD number. SA IV.A.7 states that all videos associated with an encounter must be searchable by the unique encounter identifier.

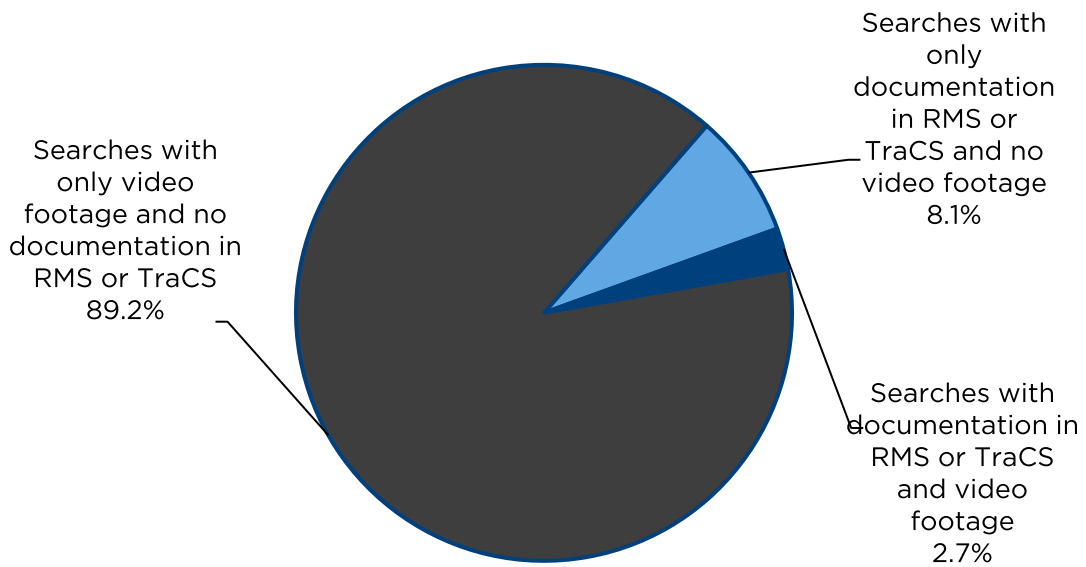
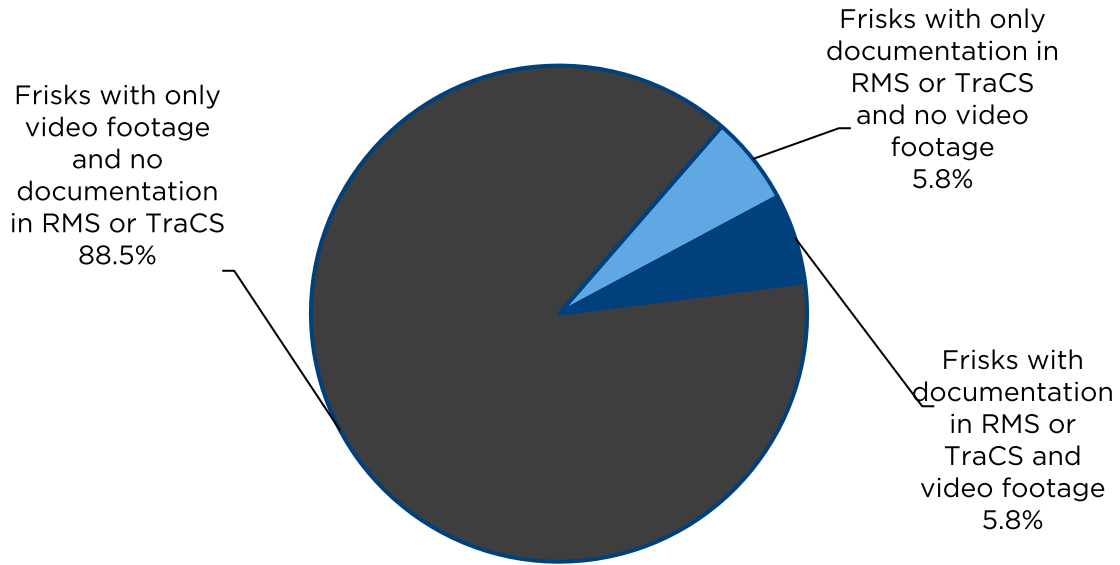
days, had both video footage and associated RMS or TraCS documentation. Figure 1 below outlines this breakdown.

Figure 1: Documentation for Encounters on September 4 and September 29, 2019, N=434



Our review also found discrepancies in frisk and search documentation. Figure 2 provides the breakdown of documentation for frisks and searches. There were 52 frisks and 37 searches observed on video or noted in written documentation for the 434 encounters reviewed in this analysis. Of the 52 frisks, 46 were observed on video but lacked written documentation in TraCS or RMS (88.5 percent). Of the 37 searches, 33 lacked written documentation that a search occurred during the encounter (89.2 percent). This indicates that officers are observed conducting frisks and searches, the majority of which are not supported with documentation in RMS or TraCS as required by the Settlement Agreement.

Figure 2: Documentation for Frisks and Searches on September 4 and September 29, 2019, N=52 (frisks) and 37 (searches)



As noted above, while the Defendants are required to ensure all stops are documented, there is no specific requirement in the Settlement Agreement for the Consultant to assess whether all stops are being documented, which we believe creates a gap in understanding whether officers are documenting every stop, frisk, and search. For compliance assessments, CJI will rely upon information from the quarterly encounter data, MPD's audits, and FPC's audits to assess whether the Defendants are meeting the requirement to ensure all stops are documented. To that end, compliance with SA IV.A.1 not only requires the policy, procedure, and training foundations the Defendants have already developed, but also the ongoing accountability through MPD and FPC audits to identify missing or inadequate documentation.

Some amount of mismatch in the documentation is to be expected when accounting for human and technological error. It is difficult to say how much error is acceptable as there is a dearth of research in this area. Even in this study of a limited sample, the finding that 13.6 percent of police encounters during two days in September 2019 were captured on video but not documented in RMS or TraCS is a concern. Moreover, a significant number of undocumented encounters involve frisks or searches that are also not documented in written data – there were 31 frisks and 21 searches conducted during the 59 undocumented encounters observed on video.

As noted above, one goal of this BWC review is to assess the extent to which MPD is documenting stops in an electronic, digitized format. This review provides evidence that MPD is not fulfilling the documentation requirements detailed in the Settlement Agreement. A second goal is to assess MPD's data extraction protocols. This review demonstrates that the quarterly data extraction protocols MPD developed appear to include all encounters relevant to the Settlement Agreement.

POLICIES (SA IV)

SUMMARY OF REQUIREMENTS IN SETTLEMENT AGREEMENT

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

PROGRESS

The Defendants revised MPD's Standard Operating Procedures as required by the Settlement Agreement during year one. As noted in our Second Annual Report, some additional revisions to SOPs were necessary to improve clarity for officers and supervisors in reporting or to reflect updates to electronic systems. During year three, updates to the following policies were made: SOP 085-Citizen Contacts, Field Interviews, Search and Seizure; SOP 440-Early Intervention Program; SOP 450-Personnel Investigations; and SOP 747-Body Worn Camera. As of the writing of this report, revisions to SOP 747 were finalized and approved and revisions to the other policies were in draft status awaiting review by the police unions before being sent to the FPC which is expected during the summer of 2021.

Revisions were made to SOP 747, in part, to be in full alignment with SA IV.13 which states:

MPD shall require that all patrol officers activate both body-worn cameras and mobile digital video recording devices at the initiation of any traffic stop, field interview, no-action encounter, frisk, or

search, and shall not deactivate the cameras until the encounter has concluded, with specific exceptions to protect privacy rights as set forth in amended SOP 730–Mobile Digital Video Audio Recording Equipment, and amended SOP 747–Body Worn Camera.

The language of the Agreement stipulates that MPD *require* all patrol officers to activate body-worn cameras and mobile digital video recording devices. MPD has done that through policy and, therefore, CJI deems the Defendants compliant with this requirement. As part of the semi-annual audits of traffic stops, field interviews, and no-action encounters, MPD reviews the extent to which officers are activating video equipment to policy. These audits have found that camera activation to adhere to policy is not happening consistently. CJI hopes that MPD continues to audit for this practice and use the audit findings as a feedback loop to improve adherence to policy through counseling, training, and discipline, as appropriate.

During year three, MPD’s Human Resources Division made notable progress on SA IV.6 which prohibits the use of the number of stops as a factor in evaluating performance. Revisions were made to MPD’s Probationary Performance Report (PR-89E) and to Performance Evaluation Report (PR-49E) to include language that prohibits the use of traffic stops, field interviews, no-action encounters, frisks and/or searches in evaluating officers’ probationary performance. The revised forms have been uploaded to MPD’s shared network. Revisions are also being made to SOP 500–Personnel Evaluations and SOP 270–Field Training and Evaluation Program to explicitly state that traffic stops, field interviews, no-action encounters, frisks and/or searches shall not be used to evaluate performance. During the upcoming year, CJI will conduct an assessment to verify these changes to policy and forms are being implemented in practice.

CHALLENGES

The FPC has experienced some challenges related to SA IV.14, which states:

Defendants shall recruit, hire, and promote a diverse corps of police officers at all levels of the chain of command to reflect the diversity of Milwaukee communities. FPC will update the promotional testing procedures for positions subject to such testing to include questions and activities testing a candidate’s ability to lead and direct community policing efforts.

The FPC has not shared analysis of the necessary demographic data by all levels in the organization including MPD recruits, hires, promotions, and staff overall. Such analysis could inform strategies and benchmarks to achieve a diverse corps of officers at every level. CJI is not aware of any updates to the recruitment plan drafted two years ago to make meaningful progress toward compliance that demonstrates a plan with an intentional effort to recruit a corps of officers at all levels that reflect the diversity of Milwaukee communities. Undoubtedly, recruiting is a difficult task and many agencies

across the nation are struggling, including major cities, and some are employing creative strategies and are seeing success.¹⁶ There were some revisions to promotional testing made during the year, which were described in our March 2021 Six-Month Report on Non-Compliant Items. The FPC was awaiting finalization of a new community policing SOP in order to make additional changes in promotional testing. SOP 003-Community Oriented Policing became effective in April 2021, and we hope that the FPC can now continue to make progress with community policing being integrated into promotional testing.

YEAR THREE ASSESSMENT

Settlement Agreement Paragraph	Compliance Status
IV.6 - The number of traffic stops, field interviews, no-action encounters, frisks and/or searches by any officer, squad, District, or other subunit of MPD, shall not be used as a performance indicator or in any other way to evaluate performance.	In process
IV.10.a - Defendants agree to amend MPD SOP 001-Fair and Impartial Policing.	Compliant
IV.10.b.i - Defendants agree to work with Plaintiffs to amend SOP 085-Citizen Contacts, Field Interviews, Search and Seizure.	Compliant
IV.10.b.ii - Defendants agree to work with Plaintiffs to amend SOP 300-Directed Patrol Missions/Saturation Patrols.	Compliant
IV.10.b.iii - Defendants agree to work with Plaintiffs to amend SOP 440-Early Intervention Program.	Compliant
IV.10.b.iv - Defendants agree to work with Plaintiffs to amend SOP 450-Personnel Investigations.	Compliant
IV.10.b.v - Defendants agree to work with Plaintiffs to amend SOP 730-Mobile Digital Video/Audio Recording Equipment.	Compliant

¹⁶The U.S. Department of Justice, COPS Office recently released a resource guide that may also be of use to the City. See Recruitment and Retention for Workforce Diversity (2021). <https://cops.usdoj.gov/RIC/Publications/cops-w0962-pub.pdf> accessed July 19, 2021.

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

REMAINING WORK

As of the writing of this report, revisions to three SOPs to update and clarify procedures were in the meet and confer process and are expected to go to the FPC during the summer of 2021.

The FPC needs to work with MPD to compile and analyze demographic data on department personnel (race, ethnicity, gender, years of service, and rank) to assess the extent to which a diverse corps of officers are hired and promoted at all levels of the chain of command to reflect Milwaukee communities per SA IV.14. To date, CJI has not seen data or documentation on hiring and promotions and expect that progress in this area will be made during year four. In addition, the FPC should continue to incorporate community policing into the promotional process now that SOP 003 is approved.

The Defendants are prohibited from using the number of traffic stops, field interviews, no-action encounters, frisks, and/or searches as a performance indicators for officers or any MPD unit. As noted above, MPD made notable progress in this during year three. In the upcoming year CJI will assess that the changes to forms and policies are actually reflected in practice. Traditionally, police use these metrics to assess activity and job performance. While changes to policy and forms are good progress, we have yet to see what MPD is using instead to judge work performance at the patrol level and see how well this prohibition is being enforced. This is a very difficult balance especially when cities are experiencing violent crime and pressure from politicians and community mounts. Navigating this difficult nuance will require a high level of evolved leadership.

DATA COLLECTION AND PUBLICATION (SA IV.A)

SUMMARY OF REQUIREMENTS IN SETTLEMENT AGREEMENT

The MPD is required to document every traffic stop, field interview, no-action encounter, frisk, and search as a digitized record in specified data collection systems. They must document traffic stops in Traffic and Criminal Software (TraCS), and field interviews and no-action encounters in Records Management Systems (RMS).¹⁷ If a traffic stop or field interview results in a frisk and/or search, then staff will enter documentation and the outcome concerning the frisk and/or search into the TraCS or RMS systems. Police encounter reports are required to include the following information per the Settlement Agreement:

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

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

In addition to the information required for police encounter reports, MPD must include information that allows for analysis of police encounters. The datasets must contain a unique identifier that serves as a bridge across TraCS, RMS, and Computer Aided Dispatch (CAD). Every record should include a unique identifier associated with the subject involved in the police encounter. The individual's unique identifier should be the same within and across all databases to track individuals who have repeat encounters with MPD. The Defendants must also provide population and socio-

¹⁷ While the Settlement Agreement stipulates that no-action encounters be recorded in CAD, this new data element is being recorded in RMS. The Parties agreed to this change on May 19, 2020.

economic data so that those conducting analysis can use them as control variables. The Parties are expected to collaboratively determine the relevant socio-economic factors to be included in data analyses. If officers capture any traffic stops, field interviews, or no-action encounters through police-vehicle camera or body-worn camera footage, then the encounter record must include a unique identifier that links the record with the associated footage. All video footage must also be searchable by CAD number.

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

PROGRESS

As of the writing of this report, we have received nine quarters of data from MPD, beginning with the first quarter of 2019 through the first quarter of 2021. They have established a consistent process of extracting, vetting, and delivering the data to the Parties each quarter within the agreed-upon timeframe. MPD incorporated two required data elements that were missing as of our last annual report: the CAD transcript explaining an officer's basis for traffic stops, and the use of force justification for traffic stops.¹⁸ MPD has worked to improve the completeness and quality of the quarterly data through training and accountability checks for officers who input data on traffic stops, field interviews, no-action encounters, frisks, and searches. They have developed checklists for each form that an officer may need to fill out to help ensure that everyone entering data into RMS or TraCS does so properly.

According to SA IV.A.3, MPD is required to assign each traffic stop, field interview, and no-action encounter a unique stop identification number. This identifier is the number assigned by dispatch, or the "CAD number". Officers manually type the CAD number into traffic stop, field interview, and no-action encounter records. In the 2019 data extractions we found a great number of instances where encounter records did not have valid CAD numbers and therefore did not have a unique stop identifier. Notably, the data for 2020 are vastly improved with the number of invalid CAD numbers in the

¹⁸ To gain compliance with the requirement for certain race and ethnicity categories to be available in TraCS and RMS (SA IV.A.3.a-1), MPD appealed to Wisconsin's Department of Transportation to adjust the race and ethnicity categories in TraCS. They were unable to change the code values, but they were able to make changes to the code text and added definitions. For example, previously the code value of "I" had a code value of "Indian", but they were able to shift this value to read "American Indian or Alaska Native."

data extractions we receive consistently lower.¹⁹ The Settlement Agreement also requires a unique identifier meant to allow analysis of all police encounters across data systems for a specific individual (SA IV.A.5). The “Master Name Index (MNI) number” serves as this identifier or primary key. Previously, problems with this field did not allow analysis of encounters for a specific individual across encounter types and databases. In March 2021, MPD provided the MNI number in files where it was missing before, bringing them into compliance with the terms of this requirement.

MPD has also achieved compliance with the requirement that video requests by CJI be met within the required timeframe of seven calendar days (SA IV.A.7) by demonstrating their ability to provide CJI timely access a few times during year three.

CHALLENGES

An ongoing challenge for MPD is complying with the requirements that they document *every* traffic stop, field interview, no-action encounter, frisk and search (IV.A.1, IV.A.2.a-d). A few sources, including MPD’s cursory reviews and audits, our semiannual IOARS analyses, and our video review reveal that there are traffic stops, field interviews, frisks, and searches that do not have an electronic, digitized record in TraCS or RMS. We do not have any evidence from this past year that no-action encounters have occurred without an accompanying digitized record in RMS.

As noted in previous CJI reports, the datasets provided by MPD and publicly posted by FPC are numerous and complex. This is understandable given the variety of data systems from which the files are extracted. Currently, the format and structure of these publicly-posted data files make it extremely challenging for a typical community member to conduct their own reviews and analysis of the data in order to understand police encounters in Milwaukee. We suggest, should resources permit, that the Defendants could make these data more accessible and digestible to the public. We are aware that the data extractions from MPD comply with the terms of the Settlement Agreement and that the Defendants providing the required information in a more accessible format is not a requirement of the Settlement Agreement.

We identified a discrepancy between the data dictionary and the code table for the race categories in the TraCS database, both of which are provided by MPD along with the quarterly data. The discrepancy relates to the category Native Hawaiian or Other Pacific Islander²⁰ and how that category is reflected in the dictionary and code table

¹⁹ There were under 500 records in each quarterly data extraction for which we could not match to the CAD data for the 2020 data sets.

²⁰ The Settlement Agreement requires MPD to include the category Native Hawaiian or Other Pacific Islander. The data dictionary and codebooks are supposed to accurately describe the data that MPD provides. The data dictionary explains that in TraCS, officers are limited to choosing entries from the following list: Asian (A), Black (B), Hispanic (H), Indian (I), and white (W). However, in the code table describing race categories in the TraCS database, there is a code (P) with the value of Native Hawaiian/Pacific Islander.

for TraCS. MPD has identified the cause of the discrepancy and will ensure that future iterations of the data dictionary and code table are aligned. While this level of detail may seem minor, it is very important that the data dictionary and code tables match each other exactly in describing the data in the extraction. This will allow researchers or members of the public to more easily understand the public data postings and ultimately the activities of MPD officers.

SA IV.A.8 requires that officers who conduct traffic stops, field interviews, no-action encounters, frisks, or searches file a report prior to the end of his or her tour of duty. One of the new revisions to SOP 085, which is working through the review and approval process, is to specify that this timeframe also applies to no-action encounters. The Inspections Section reviews for the timeliness of report completion and audits have shown officers consistently do not meet this timeframe. For example, the audit covering the period January to June, 2020 found that only 56 percent of field interviews and 89 percent of traffic stops were filed within the required timeframe. This is further evidence that the audits are identifying areas in need of improvement. While providing proof that officers are meeting this timeframe is beyond the Agreement (the SA only states that “Defendants shall *require* that any MPD officer...”)²¹ we encourage MPD to continue to audit this behavior and use the findings to make improvements in this field.

YEAR THREE ASSESSMENT

Settlement Agreement Paragraph	Compliance Status
IV.A.1 - Defendants shall ensure that every traffic stop, field interview, no-action encounter, frisk, and search conducted by any member of the MPD is documented in an electronic, digitized record regardless of the outcome of the encounter.	Non-Compliant
IV.A.2.a - Defendants shall ensure that all traffic stops are documented in TraCS.	Non-Compliant
IV.A.2.b - Defendants shall ensure that all field interviews are documented in RMS.	Non-Compliant
IV.A.2.c - Defendants shall ensure that all no-action encounters are documented in [RMS] ²¹ .	Compliant

²¹ The Settlement Agreement says that no-action encounters must be documented in CAD, however the Parties have agreed to document no-action encounters in RMS.

<p>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.</p>	<p>Non-Compliant</p>
<p>IV.A.3.a-I - Whether stored in TraCS, RMS, or CAD the electronic, digitized record for each traffic stop, field interview, and no-action encounter shall include all of the following information: <i>(see SA for full list of requirements)</i>.</p>	<p>In process</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>IV.A.4 - A system will be created, if none currently exists, to ensure that all of the required information detailed in paragraph IV.A.3 is properly inputted into RMS, TraCS, and CAD.</p>	<p>Compliant</p>
<p>IV.A.5 - There shall be a unique identifier that bridges TraCS, RMS, and CAD in order to permit analysis of all traffic stops, field interviews, no-action encounters, frisks, and searches of a specific individual regardless of the database in which the information is stored.</p>	<p>Compliant</p>
<p>IV.A.6 - There shall be an identifier that permits direct correlation between every traffic stop, field interview, no-action encounter, frisk, and search recorded in TraCS, RMS, and CAD and any video associated with the encounter, whether captured through police-vehicle video camera footage and/or officer body-worn camera footage.</p>	<p>Compliant</p>
<p>IV.A.7 - The MPD database(s) of video footage from police-vehicle cameras and body-worn cameras shall be searchable by CAD number with video to be produced one incident at a time, with such searches available for both types of video within one year from the date of this Agreement. Video footage concerning traffic stops, field interviews, no-action encounters, frisks, and searches</p>	<p>Compliant</p>

<p>shall be easily and quickly made available to the Consultant upon request, and no later than seven (7) calendar days from the date of the request.</p>	
<p>IV.A.8 - Defendants shall require that any MPD officer who conducts a traffic stop, field interview, no-action encounter, frisk, or search complete and file a report or the information, including at least all of the information identified in paragraph IV.A.3, prior to the end of his or her tour of duty.</p>	<p>In process</p>
<p>IV.A.10 - Defendants shall ensure that MPD provides, on a quarterly basis, the electronic, digitized data on all traffic stops, field interviews, no-action encounters, frisks, and searches described in paragraph IV.A.3, with the exception of any personally identifiable information, to the FPC, Plaintiffs' counsel, and the Consultant. Defendants shall also provide explicit identification of primary keys, foreign keys, constraints, and indices in order to identify how the...datasets or tables link together and what types of duplicates can be expected.</p>	<p>Compliant</p>
<p>IV.A.11 - Defendants shall ensure that MPD provides to the FPC, Plaintiffs' counsel, and the Consultant the manuals for police officer and supervisor use of TraCS, RMS, and CAD including examples aimed at clarifying the procedure for inputting into each system all of the information identified in paragraph IV.A.3 about traffic stops, field interviews, no-action encounters, frisks, and searches recorded in the system.</p>	<p>Compliant</p>
<p>IV.A.12 - Defendants shall ensure that MPD provides to the FPC, Plaintiffs' counsel, and the Consultant the codebooks and data dictionaries for users of TraCS, RMS, and CAD that clearly define every variables captured in records of traffic stops, field interviews, no-action encounters, frisks, and searches, as well as all values that each variable can be assigned.</p>	<p>In process</p>
<p>IV.A.13 - Defendants shall ensure that the FPC will publish on its website, on an annual basis, the electronic, digitized data on all traffic stops, field interviews, no-action encounters, frisks, and searches described in</p>	<p>Compliant</p>

paragraphs IV.A.1-3, with the exception of any personally identifiable information. The FPC will also post on its website any and all reports published by the Consultant pursuant to the Agreement.

REMAINING WORK

The data requirements of the Agreement are a vital component to assessing the impacts of the other requirements, and understanding the extent to which MPD's encounters with members of the public have a disparate impact on Black and Hispanic/Latino individuals. Based on the results of our body-worn camera review, MPD's internal audits, and CJI's analysis of encounter data, more work must be done to ensure the documentation standards of the Settlement Agreement are being met. MPD must prioritize resources and staff to fully comply with the data-related requirements and embrace the accountability measures developed to achieve compliance with other areas of the Settlement Agreement's requirements. To further progress toward compliance, MPD must ensure that every traffic stop, field interview, no-action encounter, frisk, and search is documented in an electronic, digitized record and must improve the accuracy of inputting CAD numbers into TraCS and RMS forms so that it can be reflective of a more reliable unique encounter identifier.

TRAINING (SA IV.B)

SUMMARY OF REQUIREMENTS IN SETTLEMENT AGREEMENT

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

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

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

PROGRESS

Our Second Annual Report commented on the need for MPD to utilize data to enhance training, particularly related to patrol documentation during year three. After CJI observed this year's training, it was clear that MPD made thoughtful and deliberate changes to training this year that further enhanced the content related to the Settlement Agreement for both officers and supervisors. The additional changes were made, in part, to be responsive to the findings from CJI's semiannual reports assessing documentation of individualized, objective, and articulable reasonable suspicion (IOARS) and findings from MPD's audits of traffic stops, field interviews, no-action encounters, frisks, and searches. There were some challenges to making the training revisions and the start of in-service training was intentionally pushed back because the Administration Bureau did not believe the revisions were sufficient. As a result, the

Inspections Section became involved with the training revisions and personnel changes at the Academy were made. New Academy personnel reached out to CJI on several occasions as they worked to ensure accuracy of the revised curriculum. This feedback loop between data collected from the field to training content is a critical piece of work toward overall compliance and CJI hopes this iterative process is maintained.

The in-service training covering the issues required by the Settlement Agreement for year three began on January 18, 2021 and concluded on June 10, 2021. CJI received copies of all training materials, training rosters of officers who completed training, a list of those who did not and the qualifying reasons why, and current Training History Reports issued by the Wisconsin Law Enforcement Standards Board showing certification of MPD's in-service instructors for this review period.

MPD made considerable progress regarding SA IV.B.1.a which states: "Defendants shall adopt procedures to ensure that all officers are able to articulate, verbally and in writing, the constitutional standards for individualized, objective, and articulable reasonable suspicion and probable cause in conducting a traffic stop, field interview, no-action encounter, frisk, and search, and will provide appropriate remedial training where any officer is unable to do so." In previous years the Academy only required random verbal articulation to test training participants' understanding. This year the Training Division employed scenarios to test officers' ability to document IOARS in writing. We are very encouraged that MPD has created a testing system that includes a written test by each participant. The tests are reviewed by Training Division staff and individuals who are not able to articulate constitutional standards are referred to remedial training. Further, scenario-based training has been incorporated and provides officers an opportunity to verbally articulate the constitutional standards and engage in a group discussion. Some scenarios were developed with input from Plaintiffs' counsel, specifically about the new encounter type, no-action encounters.

Progress was also seen related to SA IV.B.1.c, which requires testing to ensure the content of the training is learned by participating MPD staff and the Defendants moved from In Process to Compliant on this requirement by including comprehensive testing as part of in-service training for the first time. Training participants are administered a Constitutional Policing Assessment Test, a Constitutional Policing and Reporting Requirements Test, a Body-Worn Camera Test, and an Identifying Bias Trends in Milwaukee Policing Assessment Test to ensure participants' understanding of the training content.

As noted in the Executive Summary, MPD has made considerable progress regarding SA IV.B.1.d that requires supervisors be provided training on identifying trends and patterns on potentially biased practices regarding traffic stops, field interviews, no-action encounters, frisks, and searches. MPD moved from In Process to Compliant by developing a new training given the limitations of the existing training developed by Fridell and Laszlo that aligns with the tenets of Fair and Impartial Policing training. This

accomplishment cannot be overstated. Using data to identify patterns and trends of bias behavior is a difficult endeavor and it is not a traditional role for police supervisors. While supervisors are tasked with recognizing biased behaviors and trends, these patterns can often be insidious and hard to detect when it could look like good police work getting bad people off the streets. Further, researchers and professionals in data science agree that identifying patterns and trends of bias is complicated. A majority of stops being of a certain racial or ethnic group by itself does not demonstrate bias, and other elements need to be considered to assess whether police actions are biased. Suffice it to say, this is not a traditional skill set in police departments. The development of this training by MPD under Inspector Boston-Smith’s leadership, with no external assistance, should be applauded. CJI looks forward to the evolution of this work and hope it can serve as a contribution to best practices in policing.

In our Second Annual Report we noted training-related challenges regarding no-action encounters and the Plaintiffs’ counsel’s issues with how no-action encounters were being taught to officers during the 2020 in-service training. During year three, with facilitation by the team of lawyers at the City Attorney’s Office, the Parties reached agreement on the way in which no-action encounters are taught during MPD’s in-service training. Plaintiffs’ counsel observed training on two occasions and the collaborative efforts of the Parties on no-action encounters greatly improved instruction on this new type of encounter. That said, despite these improvements in training our data analysis indicates continued issues with officers operationalizing this learning about NAE’s in the field. Continued attention to this issue will be needed.

CHALLENGES

We describe the notable progress in the training developed this year but continue to have concerns about the Defendants’ ability to achieve full compliance with all aspects of SA IV.B.1.d given the complexity of the issue and the level of expertise needed. We believe identifying and confronting implicit biases necessitate a level of competence not traditionally taught in police departments to police officers. The ability to review data and findings for patterns based on designated cohorts that amount to a pattern of disparate treatment can be very difficult for supervisors. CJI has concerns about Defendants’ ability to fully comply with this requirement given the complexity and level of expertise needed and we continue to be concerned about challenges related to supervisors’ abilities to identify and address trends in bias.

YEAR THREE ASSESSMENT

Settlement Agreement Paragraph	Compliance Status
IV.B.1 – Defendants shall review and revise if necessary training materials for officers and supervisors on the policies, procedures, and constitutional requirements for conducting a traffic stop, field interview, no-action	Compliant

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

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

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

Compliant

REMAINING WORK

MPD has made notable efforts to strengthen training on a few fronts during year three. MPD has started to incorporate the use of data and audit findings to enhance their trainings and these feedback loops should continue next year. The semi-annual and annual data reports produced by CJI, the semi-annual audits conducted by MPD (and FPC in the future), and other data sources all provide MPD with a real opportunity to continue to strengthen training and adapt it to reflect what is happening in the community. We hope that Command Staff meetings will reiterate and emphasize the importance of training on deficiencies identified in the various data sources. In the upcoming year MPD needs to make further progress to ensure that supervisors are able to identify trends and patterns that may lead to biased policing. We expect continued progress in the new testing that was launched this year.

SUPERVISION (SA IV.C)

SUMMARY OF REQUIREMENTS IN SETTLEMENT AGREEMENT

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

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

PROGRESS

Agreement-related policy revisions are largely completed. Two in-service trainings have been conducted for all personnel since the Agreement went into place. Three sets of audits by the Inspections Section on traffic stops, field interviews, no-action encounters, frisks and searches have been performed. Given this foundation, a focus on supervisors and expectations of them increased during year three. Supervisors are regularly reviewing reports, identifying behavior that is inconsistent with the Settlement Agreement and responding to problems.

Early on as MPD began making plans for Settlement Agreement-related work, MPD recognized that a centralized system to track supervisor counseling did not exist. Documentation of any counseling was decentralized and not consistently recorded electronically, with no real oversight or mechanism for analysis or review. As a result, the Internal Affairs Division developed a new tracking system in AIM. After some troubleshooting, the Non-Disciplinary Corrective Action (NDCA) system launched in June 2020. This electronic system establishes a centralized system for supervisors to

document non-disciplinary counseling resulting from incorrect or incomplete reports. MPD has provided documentation covering July 2020 through May 2021 demonstrating that the NDCA system is operational; supervisor review is identifying late or incomplete reports; and corrective action such as counseling is occurring.

SA IV.C.4 requires MPD to update the performance review process to ensure that it includes matters relating to compliance with legal requirements concerning traffic stops, field interviews, no-action encounters, frisks, and searches. The Human Resources Division made notable progress during this reporting period on this requirement. Performance evaluation forms were revised to reflect compliance with legal requirements concerning traffic stops, field interviews, no-action encounters, frisks, and searches. Such changes were made to 13 performance evaluation forms, including lieutenant, sergeant, detective, police officer, court liaison officer, chief latent print examiner, document examiner, forensic investigator, forensic video examiner, identification systems specialist, latent print examiner, special investigations, and police ID supervisor. During the upcoming year, CJI will verify that these changes to forms and policy are being implemented in practice.

CHALLENGES

SA IV.C.1.a states:

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.

MPD's audits include a review for the timeliness and quality of supervisor review of arrest reports. Based on the most recent set of audits, in two instances of the audit sample, supervisors did not meet the threshold for this requirement. Because the Settlement Agreement notes that "all reports of arrests" must meet this threshold, we deem the Defendants non-compliant for this period. (Defendants were found to be compliant on this requirement in our Second Annual Report.) It is worth noting that the Settlement Agreement language sets a very high bar for the Defendants to achieve compliance with this requirement and it is not surprising that there will be setbacks in this area of work. This finding also speaks to importance of and value of the Inspections Sections reviews. We believe this demonstrates that the system of review and feedback loop is working.

The Department continues to develop the supervisory review process to ensure officers are meeting the documentation requirements for traffic stops, field interviews, and outcomes of encounters such as frisks and citations or warnings. It is clear that this system needs continued focus in order to ensure the standard of documentation

specified by the Settlement Agreement is being met and that supervisory review is occurring in a timely fashion. More specifically, we find MPD's process for supervisory review of outcomes of encounters, including citations, warnings, frisks, and searches, to be deficient in meeting the goals of the Settlement Agreement. It is currently unclear how the process provides supervisors the information necessary to properly identify missing or potentially deficient information when reviewing officers' documentation of citations, warnings, frisks, and searches. In addition, the process does not appear to require a review of *every* citation and warning prior to approval and documentation does not sufficiently demonstrate that reviews are being conducted within the required seven days.

The new NDCA system and the transition from paper to electronic tracking is very notable progress. It is our hope that this "new data" results in supervisors and a Command Staff who are more informed and engaged with the day-to-day actions of officers. Moving forward, MPD will need to consider the quality of the counseling taking place, above and beyond documenting that it is happening, and use the information to identify patterns and members who repeatedly violate policy. While the structure of the NDCA system is in place, the challenge remains in identifying the quality of corrective action that is being recommended by supervisors and taken by officers.

The Internal Affairs Division is required to prepare a report every six months for Command Staff on allegations of policy violations and any corrective actions taken. The expectation is that delivery of such report be routine, reliable, and actionable. While CJI has received two reports on policy violations that cover the periods January to June, 2020 and July to December, 2020 these reports were not completed within the required six-month timeframe and we find the Defendants Non-Compliant for SA IV.C.3 (part 3), which is a regression from the prior status of In Process. This is both an issue for compliance and also about appreciating and using the data for managerial purposes. An inability to assemble and deliver these reports in a timely manner impedes management's ability to use the reports for accountability and improve performance and compliance.

The MPD is required to complete a community policing status report twice per year. In our Second Annual Report, and in direct communication with the Parties, we have noted that the language of the Settlement Agreement is insufficient in detail for CJI to assess compliance with this requirement (SA IV.C.6). In 2020, we requested that the Parties confer on this requirement and provide greater clarity and assessment criteria. As of the writing of this report, we are not aware of any progress between the Parties to clarify the scope or content of such reports. Given this lack of guidance, we are unable to assess compliance for this particular requirement and again encourage the Parties to confer and achieve agreement on the expected contents of this semi-annual report.

YEAR THREE ASSESSMENT

Settlement Agreement Paragraph	Compliance Status
<p>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.</p>	<p>Non-Compliant</p>
<p>IV.C.1.b - Within twelve (12) months of the date of this Agreement, MPD will achieve a practice of supervisory review, correction, and approval of 50% of all documentation of field interviews in RMS consistent with the timeframes set forth in SOP 085.20. Supervisors shall review for completeness, and shall review the stated basis for the field interview and any frisk and/or search conducted in the course of the field interview. Prior to approving reports for submission to RMS, supervisors shall ensure that officers provide any missing information to ensure all information required by paragraph IV.A.3 is documented.</p>	<p>In process</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>IV.C.1.d - Within twelve (12) months of the date of this Agreement, MPD shall achieve supervisory review,</p>	<p>In process</p>

<p>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.</p>	
<p>IV.C.1 - Defendants shall require MPD supervisors to use the aforementioned data to identify and document any non-compliance by subordinate officers with constitutional standards and policy guidelines concerning the conduct and documentation of traffic stops, field interviews, no-action encounters, frisks, and searches, including SOP 085, SOP 070, SOP 001, SOP 300, and this Agreement.</p>	<p>In process</p>
<p>IV.C.2 - Defendants shall require MPD supervisors to counsel, train, or to refer for re-training, any officer who is found through supervisory review to have engaged in an unreasonable, race-or ethnicity-based, unreported, or insufficiently documented traffic stop, field interview, no-action encounter, frisk, or search. Retraining, when appropriate, will be performed in accordance with SOP 082—Training and Career Development.</p>	<p>In process</p>
<p>IV.C.3 - Defendants shall require MPD command staff to counsel, train, or to refer for re-training, any supervisor who is found through supervisory review to have failed to properly review and correct patrol officers who conduct an unreasonable, race-or ethnicity-based, unreported, or insufficiently documented traffic stop, field interview, no-action encounter, frisk, or search, or to properly refer such officers to counseling, training, or re-training.</p>	<p>In process</p>
<p>IV.C.3 - Appropriately qualified trainers from the Police Academy shall provide such re-training to the officer within thirty (30) days of such a finding.</p>	<p>In process</p>
<p>IV.C.3 - Every six (6) months, Internal Affairs will prepare a report for command staff of allegations of policy</p>	<p>Non-Compliant</p>

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

REMAINING WORK

Supervisors continue to be a key element to ensure that behavioral changes with police officers occur. The work in year four should continue to build on the progress made to date, ensure the new systems are operating as intended, and further utilize newly compiled information to better equip supervisors to identify and address problems.

We expect the Parties to confer on SA IV.C.6 such that MPD can begin to regularly produce a community policing status report. We also expect that IAD's reports on policy violations be completed within the stipulated timeframe.

We continue to believe that compliance with the Settlement Agreement is dependent on adequate officer-to-supervisor ratios and leadership holding officers and supervisors accountable. The FPC offered promotional exams in the last reporting period creating active promotion lists from which the MPD could make supervisory promotions. Elsewhere in this report we note the lack of permanent positions at the highest level of the organization, though it seems that the officer-to-supervisor ratio is no longer a major concern. However, the future permanent chief must use the supervisory rank more effectively to ensure officers and supervisors act in accordance with expectations of the community, to the conceit of the Settlement Agreement which is supported by the SOPs, training, and the Constitution.

We encourage the FPC to plan for regular exams to ensure quality supervision on the street - among the most critical components to achieve the intent of the Settlement Agreement.

PROCEDURES FOR COMPLAINTS (SA IV.D)

SUMMARY OF REQUIREMENTS IN SETTLEMENT AGREEMENT

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

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

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

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

In addition to requirements about the way MPD handles complaints, the Settlement Agreement outlines requirements for FPC. They must investigate all reasonable complaints submitted, review all internal complaints relating to MPD conduct, and

keep a database of such complaints. The database should include the same information as the MPD database. The FPC must keep a list of complaints against each officer and provide the Chief with information about officers who receive three or more complaints within 90 days or within a rolling one-year period, as previously stated.

PROGRESS

Both MPD and FPC have complaint forms in English, Spanish, and Hmong available on their websites as well as instructions describing the separate processes for filing complaints in those three languages. The Defendants have continued to comply with the requirement that they make complaint forms available for members of the public on their websites and at public libraries and police district stations. The Defendants have also provided evidence that they are able to accept complaints through the various means outlined in the Agreement. MPD prepared a report from the AIM system that demonstrates that complaints were received by all methods articulated in the Agreement, namely email or online, in person, by phone, and by mail.

MPD continued to provide supervisor training that incorporates the requirements related to accepting all complaints from the public including the requirement that staff accepting complaints do not discourage complainants from submitting complaints. The FPC developed training materials for investigators that reflects the requirements of the Settlement Agreement.

MPD has tabulated complaint data by various groupings as required by SA IV.D.4.e. However, MPD must use these data to improve understanding of staff performance and issues citywide and within each district or unit. We expect that MPD will develop a process to communicate the findings to supervisors for more active and attentive supervision.

In terms of the database of complaints about MPD conduct received from the public as well as internally-generated complaints, MPD has made revisions to the AIM system so that all the required individual elements of SA IV.D.4.b are able to be collected separately in AIM. The FPC has been given necessary access to and training on AIM and should be able to produce a similar report in the near future.

With the hiring of the FPC's Audit Manager in the fall of 2020, the FPC began conducting their review of internally-generated complaints, as required by SA IV.D.5.b. As of the writing of this report, the FPC has reviewed all internally-generated complaints from January through June of 2020 and prepared a report summarizing their findings. This is notable and welcome progress. The FPC intends to conduct this review every six months. CJI deems the FPC compliant for SA IV.D.5.b and the FPC is expected to review a full 12 months of data during the upcoming year to ensure that "every internally generated complaint" is reviewed and to maintain compliance with this requirement.

Regarding SA IV.D.5.e, the FPC has started to develop the process for providing information about any officer who receives the required number of complaints in a

certain timeframe to the Chief for further action. They have incorporated language into their rules and procedures and have created a referral form that new investigators are trained to use. Additional work to define the process and notification procedure is needed to implement the practice of identifying officers and providing required information to the Chief.

Both the MPD and the FPC made progress this year on SA IV.D.1.g and produced AIM reports that document the location of complainant interviews. MPD went beyond an AIM report and conducted an audit of 152 citizen complaints received between July 2020 and March 2021. While some challenges remain to determining the “voluntary” nature of complainant interview locations, the audit by IAD, which was not required by the Agreement, is a laudable effort.

Part of SA IV.D.1.h notes that MPD shall develop a checklist that includes requirements for case file contents and the components of the investigative process. MPD has made notable progress in this area and is now compliant with this component. Revisions to SOP 450 provide guidelines for the investigation procedures and the Personnel Investigation Checklist (Form PI-46), which includes the checklist.

Over the past year the FPC was able to produce a report from the complaint data showing the number of complaints against each officer regardless of the outcome of the complaint. As of this writing there are some lingering questions about the FPC report, but this represents progress from last year when they only had a template.

CHALLENGES

During this year the COVID-19 pandemic hindered the Defendants’ ability to comply with SA IV.D.1.b, which stipulates that complaint forms are available at public libraries and police district stations. The closure of libraries and restrictions on public handouts necessitated that the Defendants could not ensure forms were publicly available at these sites. The Defendants developed and posted a series of scannable signs with a QR code that would connect the user to complaint forms, a creative response in an unprecedented situation. Once libraries were reopened, the established system of restocking locations with complaint forms was reestablished. The Defendants are found to be compliant for this requirement and CJI will verify in person once travel resumes.

SA IV.D.1.f requires Defendants shall maintain MPD’s practice of requiring a supervisor to contact complainants within three days of receiving the investigation, which is MPD’s timeframe per policy, not per the requirements of the Settlement Agreement. MPD has not made expected progress in this area and we see little improvement during this year. IAD conducted a review of 92 complaints and identified several errors with documentation including duplicate entries related to assignment of the investigation and issues with dates of investigation assignment and dates contact was made. MPD, and captains in particular, need to focus on improvements in this area in the upcoming

year, including ensuring the AIM system data is clean, easy to understand, and is an accurate portrayal of adherence to policy and protocol or a lack thereof.

YEAR THREE ASSESSMENT

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

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

<p>IV.D.1.i – Defendants shall ensure that MPD Internal Affairs investigators undergo training that addresses, and attempts to eliminate, biases in favor of police officers and against civilian complainants that arise in the course of complaint investigations.</p>	<p>In process</p>	<p>N/A</p>
<p>IV.D.1.j – Defendants shall prohibit investigators from conducting investigations in a manner that may reflect biases against complainants, including asking hostile questions to complainants; applying moral judgements related to the dress, grooming, income, life-style, or known or perceived criminal history of complainants; giving testimony by officers greater weight than testimony by complainants; providing summary reports that disadvantage complainants and are unrelated to facts developed in the investigation; issuing complaint dispositions that are not justified by the facts developed in the investigation; recommending inconsistent discipline for officer misconduct.</p>	<p>Compliant</p>	<p>Compliant</p>
<p>IV.D.2 – MPD Internal Affairs investigators shall receive special training conducted within one (1) year from the execution of this Agreement in the investigation of complaints by members of the public, including training on the amendments to SOP 450 required by this Agreement. The training shall be conducted by a supervisor of Internal Affairs with expertise in complaint investigation and shall be consistent with those provisions of this Agreement that relate to this subject.</p>	<p>In process</p>	<p>N/A</p>
<p>IV.D.3.a – Defendants shall ensure that the MPD Internal Affairs Division receives all complaints from members of the public for review and determination for appropriate assignment.</p>	<p>In process</p>	<p>N/A</p>
<p>IV.D.3.b – Defendants shall ensure that the MPD Internal Affairs Division reviews every internally generated complaint about MPD conduct.</p>	<p>In process</p>	<p>N/A</p>

<p>IV.D.4.a - Defendants shall ensure that the MPD maintains and enforces its policies requiring that an MPD supervisor or a member of the MPD Internal Affairs Division reviews and investigates every plausible complaint.</p>	<p>In process</p>	<p>N/A</p>
<p>IV.D.4.b - Defendants shall ensure that the MPD continues to maintain a database that includes all civilian and internally-generated complaints concerning MPD conduct received by the MPD, which includes for each complaint: the complainant's name, address, and other contact information; the complainant's race and ethnicity; the date, time, and location of the incident; the name of the officer who is subject of the complaint; and the nature of the complaint, including whether it concerns a traffic stop, field interview, no-action encounter, frisk, and/or search, and/or an allegation of racial or ethnic profiling.</p>	<p>In process</p>	<p>N/A</p>
<p>IV.D.4.c - Defendants shall ensure that the MPD maintains a list of the number and outcome of complaints received against each officer, regardless of the outcome of the complaint (which should be readily accessible through the AIM system).</p>	<p>Compliant</p>	<p>N/A</p>
<p>IV.D.4.d - Defendants shall ensure that the MPD maintains the practice of the Early Intervention Program providing notice to captains of an individual officer receiving three or more complaints within a ninety (90)-day period, and also provides notice to captains of any individual officer receiving three (3) or more complaints over a rolling one (1) year period.</p>	<p>In process</p>	<p>N/A</p>
<p>IV.D.4.e - Defendants shall ensure that the MPD ensures that complaint data are tabulated by citywide, district, unit, and peer groupings to help supervisors understand overall employee performance and the specific factors at issue within</p>	<p>In process</p>	<p>N/A</p>

their district to allow for active and engaged supervision.		
IV.D.5.a - Defendants shall ensure that the FPC maintains the FPC practice of investigating all plausible complaints from members of the public submitted to it.	N/A	In process
IV.D.5.b - Defendants shall ensure that the FPC reviews every internally generated complaint about MPD conduct.	N/A	Compliant
IV.D.5.c - Defendants shall ensure that the FPC creates and maintains a database of complaints from members of the public and internally-generated complaints about MPD conduct received by the FPC, which includes for each complaint: the complainant's name, address and other contact information; the complainant's race and ethnicity; the date, time, and location of the incident; the name of the officer who is the subject of the complaint; and the nature of the complaint, including whether it concerns a traffic stop, field interview, no-action encounter, frisk, and/or search, and/or allegation of racial or ethnic profiling.	N/A	In process
IV.D.5.d - Defendants shall ensure that the FPC maintains a list of the number of complaints received against each officer, regardless of the outcome of the complaint.	N/A	In process
IV.D.5.e - Defendants shall ensure that the FPC provides to the Chief for further action, as discussed in this Agreement, the name of any officer receiving more than the same number of complaints within the same timeframe as set out in the Early Intervention Program, as discussed in paragraph IV.D.4.d.	N/A	In process

REMAINING WORK

We have received what we believe to be the available documentation to demonstrate MPD's and FPC's acceptance and processing of complaints. The remaining work involves verifying the completeness of such documentation such that the full scope of the Settlement Agreement language is achieved. For example, we will work with the Defendants to verify "all plausible complaints" are investigated; that any interviews conducted at police headquarters were done so by the person voluntarily agreeing; that IAD receives "all complaints" from members of the public; and that personnel who accept complaints "in practice" do not discourage members of the public from filing them. In addition, MPD needs to develop a system for communicating the tabulated complaint data to supervisors so that they can understand employee performance and be engaged in active supervision.

AUDITS (SA IV.E)

SUMMARY OF REQUIREMENTS IN SETTLEMENT AGREEMENT

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

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

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

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

PROGRESS

MPD

During this third year, the MPD Inspections Section stayed on the expected schedule of completing audits every six months and completed two sets of audits of traffic stops, field interviews, and no-action encounters per SA IV.E.6. (This is in addition to the initial set of audits completed during year two.) The first set completed in year three covered field interviews and traffic stops from July through December, 2019 and no-action encounters from January through June, 2020. The second set covered field interview and traffic stops from January through June, 2020 and no-action encounters from July to December, 2020. Several audit objectives, but not all, are tied directly to

Settlement Agreement requirements. MPD has now completed three sets of audits which are increasingly being utilized as feedback mechanisms within the Department. The use of audit findings are referenced several times throughout this report as evidence of progress with the Settlement Agreement or as a source of information to identify problematic behavior. The use of MPD's audit findings is notable progress and we hope the Defendants continue to use audit findings to help strengthen and improve police practices.

FPC

The FPC has made progress in building an audit unit. As mentioned previously, an audit manager was hired in October 2020 and a new auditor began in June 2021 and the final position is expected to be filled with a new hire in August 2021. The audit manager has made notable progress such that the new auditor hires can begin working on FPC's audit requirements soon after starting at the FPC. The audit manager has drafted objectives for the audits, drafted audit work plans, and mapped out a multi-year schedule to meet the requirements of the Settlement Agreement once the new hires are in place. The audit manager's efforts to work with the MPD to gain access to and understand the files and data necessary to complete FPC's audits are commendable. The FPC has completed a draft of their first audit report which includes a sample of no-action encounters covering the second half of 2020. With the additional auditing staff we expect the FPC will have the internal capacity needed in order to produce audits every six month per SA IV.E.1 and SA IV.E.2.

In addition, the FPC has begun the process of ensuring that once audit findings exist, they can be utilized per SA IV.E.4 to identify officers who need additional training and the findings can be incorporated into the AIM system. FPC prepared a plan for data entry into AIM in collaboration with MPD personnel. This is still a work in process and checks and balances will be important with sufficient quality assurance checks to verify the accuracy of the data entry.

CHALLENGES

MPD

As noted in our Second Annual Report, with the first set of audits MPD was unable to audit one of the four areas specified in the Agreement: supervisors who fail to require re-training and/or discipline for subordinate officers who conduct unreasonable, unreported, or insufficiently documented encounters. This was because the Department lacked a system to document and track corrective action for non-disciplinary action. The Department made commendable progress in developing a new system to document and track of non-disciplinary corrective action (NDCA) into operations. However, there is still work to be done to show how this new system is being utilized consistently to satisfy the requirement that MPD audit for supervisors who fail to require re-training and/or discipline for officers who conduct unreasonable, unreported, or insufficiently documented encounters. Because the two sets of audits

completed during year three do not audit for all four of the specified items, and there are outstanding questions about the NDCA system, we deem the Defendants in process rather than compliant for SA IV.E.6.

FPC

While the increased capacity in audit staff at the FPC is welcome progress after three years, the agency still has much work to complete in order to achieve compliance with SA IV.E.1 and IV.E.2. Completing high-quality audits of traffic stops, field interviews, no-action encounters, frisks, searches, and complaints every six months is a significant task for the FPC. The FPC auditing staff come to the work with sufficient and demonstrated experience in the field of auditing; though none, to our knowledge, bring experience in policing.

YEAR THREE ASSESSMENT

Settlement Agreement Paragraph	Compliance Status	
	<i>MPD</i>	<i>FPC</i>
<p>IV.E.1 - Defendant FPC shall audit data, dashboard camera footage, and body camera footage on traffic stops, field interviews, no-action encounters, frisks, and searches, every six (6) months to identify:</p> <ul style="list-style-type: none"> a) Officers who fail to conduct these encounters in compliance with constitutional standards and principles set forth in this Agreement; b) Officers who fail to properly document these encounters in accordance with the terms of this Agreement; c) Supervisors who fail to properly review subordinate officers' reports to identify officers who fail to conduct traffic stops, field interviews, no-action encounters, frisks, and/or searches in compliance with constitutional standards and this Agreement, or to ensure that the encounters are properly documented in compliance with the terms of this Agreement; and d) Supervisors who fail to require re-training and/or discipline for subordinate officers who conduct unreasonable, unreported, or insufficiently documented encounters. 	N/A	In process
<p>IV.E.2 - In order to ensure that complaints from members of the public are appropriately investigated, the FPC, including through the work of any retained</p>	N/A	In process

consultants, shall conduct an audit every six (6) months of: (a) complaints submitted by members of the public to the MPD, and (b) complaints from members of the public to the FPC.		
IV.E.3 - Defendant FPC shall be permitted to spend funds appropriated by Defendant Milwaukee to hire additional staff and/or employ experts or consultants to conduct the audits described in paragraphs IV.E.1 and 2. The Consultant also shall review such audits for accuracy and, if the Consultant concludes that the audits are incomplete or inaccurate, conduct its own audits of these matters. In addition, the Consultant shall provide training and technical assistance to Defendant FPC to develop the FPC's capacity to conduct such reviews and audits itself, in order to be able to fully and appropriately exercise its oversight obligations.	N/A	In process
IV.E.4 - Defendant FPC shall use audits to, <i>inter alia</i> , identify officers who need additional training on traffic stop, field interview, no-action encounter, frisk, and search policies and/or discipline for the conduct of unreasonable, unreported, or insufficiently documented encounters.	N/A	In process
IV.E.4 - Defendants shall ensure that data and findings from the FPC audits described in paragraphs IV.E.1. and IV.E.2 shall be incorporated into the MPD's AIM System...	In process	In process
IV.E.5 - Defendant FPC shall publish on its website, on a quarterly basis, data on civilian complaints received, under investigation, or resolved during the previous quarter, including the number of complaints from members of the public broken down by number relating to traffic stops, field interviews, no-action encounters, frisks, and searches without legal justification and traffic stops, field interviews, no-action encounters, frisks, and searches based on race or ethnicity and whether the complaints remain open or have been closed.	N/A	Compliant

<p>IV.E.6 - Defendants shall ensure that the appropriate division within MPD audits data, dashboard camera footage, and body camera footage on traffic stops, field interviews, no-action encounters, frisks, and searches every six (6) months to identify:</p> <ul style="list-style-type: none"> a) Officers who fail to conduct these activities in compliance with constitutional standards and principles set forth in this Agreement; b) Officers who fail to properly document these encounters in accordance with the terms of this Agreement; c) Supervisors who fail to properly review subordinate officers' reports to identify officers who fail to conduct traffic stops, field interviews, no-action encounters, frisks, and searches in compliance with constitutional standards and this Agreement, or to ensure that the encounters are properly documented in compliance with the terms of this Agreement; and d) Supervisors who fail to require re-training and/or discipline for subordinate officers who conduct unreasonable, unreported, or insufficiently documented encounters. 	<p>In process</p>	<p>N/A</p>
<p>IV.E.7 - Defendants shall ensure that the MPD Internal Affairs Division uses audits to, <i>inter alia</i>, identify officers who need additional training on traffic stop, field interview, no-action encounter, frisk, and search policies and/or discipline for the conduct of unreasonable, unreported, or insufficiently documented encounters.</p>	<p>In process</p>	<p>N/A</p>
<p>IV.E.7 - Defendants shall ensure that data and findings from the audits described in paragraphs IV.E.6 and IV.E.7 shall be incorporated into the MPD's Early Intervention Program.</p>	<p>In process</p>	<p>N/A</p>

REMAINING WORK

As MPD produces audit findings every six months, the Department should continue to use these findings to inform training and use the findings at leadership meetings to ensure supervisors, district commanders and Command Staff are aware of how officers and supervisors are performing on the street. The findings generated from these semi-

annual audits are producing valuable information and the Department should continue to explore the ways in which these reviews can result in continued improvements in operations and engagement with the community.

We look forward to FPC having a full complement of auditors and beginning the work of conducting audits of police encounters and complaints every six months as required. During the upcoming year the MPD and the FPC will need to work collaboratively to ensure that the FPC's audit findings are adequately incorporated into MPD processes to help improve police operations.

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

SUMMARY OF REQUIREMENTS IN SETTLEMENT AGREEMENT

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

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

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

PROGRESS

MPD has made notable progress in developing and implementing a new system to document and monitor non-disciplinary corrective actions (NDCA) and use the information as part of an alert notification system for employees involved in three incidents that are insufficiently documented, legally unsupported, or based on racial or ethnic profiling over a rolling one-year period (SA IV.F.1). After some hiccups with the initial launch in the fall of 2020, the system appears to be fully operational. The nature of this requirement is such that time is required to sufficiently demonstrate that the alert system is working. As of the writing of this report, MPD was able to demonstrate the system was working with one example of a Non-Disciplinary Action (NA1) Alert. The system has not been operational for long enough to reach compliance and Defendants are deemed in-process for year three.

CHALLENGES

In our Second Annual Report, CJI commented on the importance of ensuring appropriate action following a violation and documenting action taken. Holding

officers and supervisors accountable is a basic requirement for behavior change as well as demonstration that the policies and training matter and govern behavior. One year later, we continue to lack sufficient information and detail about any discipline related to traffic stops, field interviews, no-action encounters, frisks, and searches notwithstanding data that demonstrates that officers and supervisors are not meeting expectations. The documentation provided by MPD related to SA IV.F.3 does not conclusively demonstrate the required elements and lacks sufficient detail about the nature of the violation and the steps that occurred after a violation was identified.

MPD provided some evidence that they are tracking violations of SOP 001 and 085. MPD provided documents indicating that during year three IAD investigated 12 allegations of racial or ethnic profiling per SOP 001. Notably, none of those allegations were sustained by IAD requiring CJI to conduct further analysis and review during year four. MPD provided documents indicating that during year three IAD investigated 53 allegations that officers failed to report or insufficiently documented traffic stops, field interviews, and no-action encounters, or frisks. The majority of those 53 cases were internally generated complaints reported between January 2020 and November 2020. There are no data entries for similar types of policy violations from December 2020 through April 2021. For the cases with a finding other than not sustained or no violation, district-level reprimand and policy review were the only actions taken, with the exception of a single case sent for remedial training. The intent of SA IV.F.3 is to ensure that discipline happens in response to the articulated violations and a lack of sustained violations for this reporting period means that accountability is lax, raising questions about the quality of the investigations and reporting as well as the commitment of the highest levels of leadership in patrol and the organization. CJI will do a deeper review into this requirement in year four.

YEAR THREE ASSESSMENT

Settlement Agreement Paragraph	Compliance Status
<p>IV.F.1 - MPD will develop and maintain a system of benchmarks and alert notification triggers for any employee involved in three (3) incidents of traffic stops, field interviews, no-action encounters, frisks, and searches that are insufficiently documented, legally unsupported, or based on racial or ethnic profiling over a rolling one (1)-year period.</p>	<p>In process</p>
<p>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</p>	<p>Non-Compliant</p>

<p>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.</p>	
<p>IV.F.7 - Defendants shall require MPD supervisors to refer for investigation any officer identified through supervisory review to have engaged in four (4) or more traffic stops, field interviews, no-action encounters, frisks, or searches that are unsupported by the requisite reasonable suspicion or probable cause, are not properly reported, or are insufficiently documented in a three (3)-year period. Such investigation shall be conducted by the MPD Internal Affairs Division, or by the commanding officer of the district, under the supervision of the MPD Internal Affairs Division.</p>	<p>In process</p>

REMAINING WORK

As noted in our Second Annual Report, the work under this section is vitally important to the overall goals of the Settlement Agreement. With the policies revised and the annual training in place, accountability happens by complying with the requirements of this section. The operational and technological efforts have set the foundation for identifying problem behavior. It is critical that follow through occurs up the chain of command and discipline occurs when appropriate. The lack of sustained allegations and discipline from the IAD investigations during year three is striking and in the upcoming year we will conduct a deeper review to better understand how these processes are working.

COMMUNITY ENGAGEMENT (SA IV.G)

SUMMARY OF REQUIREMENTS IN SETTLEMENT AGREEMENT

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

ASSESSMENT OF WORK

In January 2020 a memo was issued to the District Captains instructing them to include on the agendas for their monthly crime and safety meetings an item about the MPD's actions and any concerns about traffic stops, field interviews, no-action encounters and frisks, among other issues. During this year, we have received documentation that all seven districts include the required topic on their monthly crime and safety meeting agendas (see SA IV.G.1). OMAP created a template which all districts use to ensure consistency in language across districts. It is worth noting that simply adding an item to a monthly meeting agenda does not necessarily mean that robust conversations about community members' concerns are happening. We hope that these important conversations are happening on a regular basis and we plan to observe some meetings when on-site in Milwaukee. Despite the open question about the quality and frequency of conversations happening at monthly crime and safety meetings, we deem the Defendants compliant with the Agreement which states MPD will include this on their agendas.

Notable progress was made during year three in terms of engaging with the Collaborative Community Committee (CCC). Specifically, MPD worked with members of the CCC in drafting a new SOP on Community Oriented Policing (SOP 003). MPD and the CCC held four joint meetings to make progress on a community policing SOP. During the past year the CCC convened more than a dozen times covering topics in addition to the community policing SOP such as constitutional policing, MPD's use of force policy, and SB66. We deem the Defendants compliant with SA IV.G.2 during this period and will be monitoring this level of engagement and expect it to continue even after the community policing SOP work has been completed to maintain compliance. The CCC increasingly is seen as an active, agenda-driven group committed to supporting the goals of the Settlement Agreement, as well as police and community engagement.

YEAR THREE ASSESSMENT

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

COMPLIANCE (SA V)

SUMMARY OF REQUIREMENTS IN SETTLEMENT AGREEMENT

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

YEAR THREE ASSESSMENT

Section V of the Settlement Agreement primarily requires data analysis on the part of the Consultant. While conducting various analyses for the purpose of assessing compliance over the past year, we have requested information on particular police encounters, including documentation-related information, as well as video footage. MPD has consistently complied with our requests in a timely and comprehensive manner, a welcome area of progress.

For sections SA V.1.d.i-x, which constitute most of the rows in the following table, MPD must demonstrate that it has shown sustained and continuing improvement in constitutional policing based on our analysis of their data.

Settlement Agreement Paragraph	Compliance Status
V.1.d.i - Analysis of TraCS data demonstrating that fewer than 14% of records of traffic stops, frisks, and searches documented in TraCS during the previous six (6) months are missing any of the information required by paragraph IV.A.3 for inclusion in records.	Non-Compliant
V.1.d.ii - Analysis of RMS data demonstrating that fewer than 14% of records of field interviews, frisks, and searches documented in RMS during the previous six	Compliant

<p>(6) months are missing any of the information required by paragraph IV.A.3 for inclusion in records.</p>	
<p>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.</p>	<p>Non-Compliant</p>
<p>V.1.d.iv – Analysis of TraCS data on traffic stops demonstrates that fewer than 15% of traffic stop records documented during the previous six (6) months fail to show that the stops were supported by individualized, objective, and articulable reasonable suspicion of criminal activity or a traffic or vehicle equipment violation.</p>	<p>Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>

<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>V.A.8.a - Defendants will provide Plaintiffs and the Consultant with the relevant police district population data.</p>	<p>Compliant</p>
<p>V.A.8.b.i - Defendants shall ensure that the Consultant and Plaintiffs' counsel are provided with crime data agreed upon by the Parties. At a minimum, Defendants shall make available crime data for the preceding year, including reported crimes, committed crimes, type of crime, police district of crime, and suspect race if known.</p>	<p>Compliant</p>
<p>V.A.8.c - The Parties shall endeavor to reach agreement about the economic and social factors used as controls. To the extent that there are differences in the economic and social regression factors used by each side, and to the degree there appear to be different conclusions based on different factors, the Parties' experts will determine which are the most relevant and reliable.</p>	<p>Compliant</p>

V.A.10 - Defendants shall provide the Consultant with data, documents, analysis, and information requested by the Consultant in the preparation of Reports, including, but not limited to, electronic data on crime rates, police deployment, and MPD traffic stops, field interviews, no-action encounters, and frisks, including all of the data identified in paragraph IV.A.3.

Compliant

ANALYSIS

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

Missing Data Elements

Tables 1, 2, and 3 outline the extent to which TraCS and RMS are missing required data elements from records regarding traffic stops, field interviews, and no-action encounters. The tables show the percent of observations where the listed data element is missing. We consider an element missing from a record if that field is blank or has a value of “NULL”. We did not assess the extent to which data are correct or valid, with three exceptions: 1) Police district fields where values should be between one and seven, 2) CAD numbers where we can assess whether a given CAD number from the dispatch database matches the CAD number in TraCS and RMS records, and 3) the outcome field for no-action encounters which should be a specific “no action” code per the Agreement (IV.A.3.j.iii).

The assessment in this report, as mentioned above, measures the extent to which data elements are missing from each of the encounter records. To do this missing data assessment we create one file for each type of encounter: traffic stops, field interviews, and no-action encounters. Each file contains multiple rows or observations for a single encounter if there are multiple subjects or officers involved in that encounter. The values that do not meet the 14 percent threshold requirement per the Settlement Agreement are identified with an asterisk in the tables. A detailed explanation and assessment of each file and the extent to which data elements are missing follow.

While the Settlement Agreement directs us to investigate the previous six months of data, we also provide the percent of missing data from all prior analyses (beginning with quarter one of 2019) to allow for comparison over time.

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

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020
a	Age	26.80%*	4.36%	3.71%	5.17%
a	Gender	26.80%*	4.36%	3.71%	5.17%
a	Race and ethnicity	26.80%*	4.36%	3.71%	5.17%
b	Address	1.60%	1.06%	2.62%	4.50%
b	Police district	4.00%	4.99%	5.88%	8.78%
c	Date of encounter	0.00%	0.00%	1.73%	4.24%
d	Start time of encounter	0.00%	0.01%	1.73%	4.24%
e	Narrative of legal basis	60.50%*	0.01%	1.75%	4.26%
e	CAD transcript	not received	not received	4.32%	3.76%
f	Frisk Y/N	not clear	not clear	not clear	not clear
f	Frisk legal basis	not clear	0.91%	1.53%	0.76%
g	Search Y/N	26.70%*	4.31%	3.66%	5.16%
g	Search legal basis	0.10%	4.32%	3.67%	5.16%
h	Contraband found Y/N	0.00%	4.31%	3.66%	5.16%
h	Contraband type	0.20%	4.31%	3.66%	5.16%
i	Use of force Y/N	not received	not received	not received	not received
i	Use of force type	not received	not clear	not clear	not clear

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020
i	Use of force justification	not received	not received	5.26%	0.00%
j	Encounter outcome	0.10%	0.01%	1.76%	4.26%
j	Violations, offenses, or crimes	57.11%*	49.91%*	47.90%*	59.17%*
l	Officer names	3.80%	0.07%	1.73%	4.28%
l	Officer IDs	0.00%	0.00%	1.74%	4.28%
	Unique stop ID number (match to CAD)	3.00%	1.06%	2.62%	4.50%

Table notes:

¹ The contact summary form—the primary form officers fill out after conducting a traffic stop—has one field called “search conducted”, where officers can indicate whether they performed a search or a frisk. If an officer selects “yes” for search conducted, only then is there an option in another field, called “search basis,” where they can select “pat down.” 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, 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, there is no way of knowing how many indications of the type of force used are missing.

³ MPD added a use of force justification field to the AIM system in May 2020. The percentage missing for the first half of 2020 is only measured using encounters from that time on.

Table 1 shows that most of the required data elements for traffic stops and associated frisks and searches meet the required 14 percent threshold. The data element that does not meet the threshold requirement is the violations, offenses, or crimes alleged. This is because the files containing this information do not fully connect to the primary traffic stop file (contact summary). The field we look at for this data element is “violation local ordinance description” and it comes from the electronic citation (ELCI), non-traffic citation (NTC), and warning files which we merge into the contact summary file. As not all traffic stops result in a citation or warning, we assessed this field as missing only if the outcome of the stop was not marked as “no law enforcement

outcome.” In other words, we only looked at the violation field for missing data when we expected it to have data. This element has been missing for between 47 and 59 percent of traffic stops where we would expect to see it since the beginning of 2019. In addition, there are two elements—whether or not officers conducted a frisk and whether or not use of force was used—that we are unable to assess given that there are not fields in the TraCS database for these elements on their own. As detailed in the table notes above, whether a frisk occurred is captured under a drop down menu and use of force is captured through the AIM system.

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

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020
a	Age	0.10%	1.14%	0.03%	0.00%
a	Gender	0.10%	0.14%	0.03%	0.00%
a	Race	0.40%	0.14%	0.03%	0.00%
a	Ethnicity	5.80%	0.18%	0.03%	0.00%
b	Address	0.00%	0.04%	0.02%	0.00%
b	Police district	2.80%	2.73%	1.65%	0.58%
c	Date of encounter	0.00%	0.00%	0.00%	0.00%
d	Start time of encounter	0.00%	0.00%	0.00%	0.00%
e	Narrative of legal basis	0.30%	0.20%	0.06%	0.00%
f	Frisk Y/N	0.10%	0.20%	0.03%	0.00%
f	Frisk legal basis	12.30%	2.03%	2.24%	1.05%
g	Search Y/N	0.10%	0.16%	0.03%	0.00%
g	Search legal basis	7.70%	2.31%	1.32%	0.76%
h	Contraband found Y/N	0.10%	0.22%	0.03%	0.00%

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020
h	Contraband type	0.10%	0.22%	0.03%	0.00%
i	Use of force Y/N	0.20%	0.20%	0.03%	0.00%
i	Use of force type	not received	1.55%	0.45%	0.92%
i	Use of force justification	13.00%	0.92%	1.38%	0.38%
j	Encounter outcome	0.20%	0.16%	0.03%	0.00%
j	Violations, offenses, or crimes	6.10%	0.18%	0.06%	0.00%
k	Relevant suspect description	not received	11.04%	1.56%	1.82%
l	Officer names	0.40%	1.49%	0.03%	0.00%
l	Officer IDs	0.40%	0.00%	0.03%	0.00%
	Unique stop ID number (match to CAD)	3.10%	0.06%	6.39%	0.41%

Table 2 shows that all of the required elements meet the threshold that fewer than 14 percent of field interview records are missing data. This has been consistent for all four six-month periods that we have assessed.

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

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020
a	Gender	0.00%	0.00%	0.00%	0.00%
a	Race	0.00%	0.00%	0.00%	0.00%
a	Ethnicity	0.00%	0.00%	0.00%	0.00%

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020
b	Address	1.90%	0.00%	0.00%	0.00%
b	Police district	2.80%	3.85%	2.55%	3.95%
c	Date of encounter	0.00%	0.00%	0.00%	0.00%
d	Start time of encounter	0.00%	0.00%	0.00%	0.00%
e	Narrative of legal basis	0.00%	0.00%	0.00%	0.00%
j	Encounter outcome	not received	88.46%*	65.33%*	62.15%*
l	Officer names	0.00%	0.00%	0.00%	0.00%
l	Officer IDs	0.00%	0.00%	0.00%	0.00%
	Unique stop ID number (match to CAD)	9.30%	1.28%	1.09%	0.56%

Table 3 shows that all but one of the required elements meet the threshold that fewer than 14 percent of no-action encounter records are missing data. We note that the overall number of recorded no-action encounters is very low, so fluctuations in missing data percentages are inflated by a low sample size. However, one element is consistently significantly above the 14 percent threshold. The Settlement Agreement requires that all no-action encounters receive a CAD disposition code of “no action.” Table 3 shows that over 60 percent of records in the first half and second half of 2020 are not coded as such. For this data element, officers must inform dispatchers and give them the correct code. MPD’s in-service training includes this instruction and additional guidance that supervisors approving no-action encounter reports should confirm the correct code has been used. The Inspections Section also utilizes this code when conducting their audits of no-action encounters.

Individualized, Objective, and Articulate Reasonable Suspicion

Table 4 shows the percentage of traffic stop, field interview, no-action encounter, and frisk records that fail to show they were supported by IOARS. We made these

determinations based on MPD training materials, SOPs, previous research, and input from subject matter experts. We drew two random samples for each six-month period, one for all encounters, and another for only encounters that involve frisks. The documentation for the sampled encounters and frisks is reviewed to determine whether the justification for the stop or frisk meets the IOARS standard. When the standard is not met, it can be either because the documentation lacks sufficient detail to establish IOARS or because the justification provided does not meet the criteria for making a traffic stop, field interview, no-action encounter or frisk. The sampling and IOARS determinations were part of our semiannual analyses required by the Settlement Agreement (SA V.A.3). We have produced four such analyses to date, filed in February, June, and October 2020, and April 2021.²²

Table 4: Percent of Encounters without Sufficient IOARS

SA Language	Jan-June (2019)	July-Dec. (2019)	Jan-June (2020)	July-Dec. (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%	7.8%
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%	37.9%
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%	63.2%
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%	86.8%

Table 4 shows that insufficient IOARS documentation for traffic stops has stayed consistently under the required 15 percent since the second half of 2019. In other

²² For more information on how we conducted these analyses as well as the population and sample characteristics, see our reports published on the [FPC website](https://city.milwaukee.gov/fpc/Reports/Crime-and-Justice-Institute-Reports.htm).
<https://city.milwaukee.gov/fpc/Reports/Crime-and-Justice-Institute-Reports.htm>

words, MPD is appropriately documenting the reasonable suspicion necessary to conduct the majority of their traffic stops. However, insufficient IOARS documentation for field interviews and no-action encounters has been significantly above the 15 percent threshold in all but one reporting period. In addition, MPD continues to struggle with their documentation of IOARS for frisks, where the percentage of encounters failing to show that they are supported by IOARS has stayed between 79.4 percent and 91.4 percent since the beginning of 2019. Further, as evidenced by the Body-Worn Camera Review chapter of this report, not all frisks are documented and our assessment of IOARS is limited to the frisks that have documentation or occur during stops where the call type suggests a frisk is likely to occur (e.g., calls likely to involve weapons). These data are very concerning and the chief must prioritize improving the quality, documentation, and supervisory review of IOARS for frisks.

Racial and Ethnic Disparities

The Settlement Agreement (SA V.A.5-8) stipulates specific data sources, regression protocols, and hit rate analyses required to measure MPD’s compliance with the Fourteenth Amendment of the U.S. Constitution and Title VI of the Civil Rights Act of 1964 in conducting traffic stops, field interviews, no-action encounters and frisks. The intent of the analysis is to determine the impact of a person’s race or ethnicity on the likelihood of a police encounter while controlling for crime and population characteristics of each of the police districts. Four analyses were conducted to measure compliance: stop rate analysis, IOARS rate analysis, hit rate analysis of frisks and contraband, and hit rate analysis of districts by crime rates. A full description of how the encounter data files were developed for analysis, and the associated data tables are presented in a companion to this report entitled, “Analysis of 2020 Traffic Stops, Field Interviews, No-action Encounters, and Frisks.” This is the second annual analysis of police encounters in order to assess progress or compliance with the terms of the Settlement Agreement.

The descriptive stop rate analysis provides information about traffic stop rates (as compared to licensed drivers) and field interview rates, no-action encounter rates, and frisk rates (as compared to residential population) for each race or ethnic group in each police district. This analysis shows that Black drivers and residents are stopped at higher rates than other racial or ethnic groups for all types of stops and especially for frisks. While comparatively lower than stop rates for Black drivers and residents, Hispanic/Latino drivers and residents also have elevated stop rates as compared to white drivers and residents. Traffic stop rates for Black drivers and Hispanic/Latino drivers are higher in Districts 1 and 6 than in most other districts. Additionally, Black drivers have the highest traffic stop rate in District 2.

Field interview rates are highest in District 1 for Black and Hispanic/Latino residents. Black residents also experience higher field interview rates in Districts 2 and 6, while white residents are most likely to experience field interviews in District 2, based on their residential population. While there are fewer no-action encounters than other

types of stops, the highest no-action encounter rate is for Black residents in District 1. While these rates are descriptive, and do not account for other factors that may influence the reason for a traffic or subject stop, they offer information about variability among districts as important context for the experiences of drivers and residents in Milwaukee.

The stop rate analysis indicates, after controlling for known predictors,²³ that Black drivers and residents are subjected to traffic stops, field interviews, no-action encounters, and frisks at significantly higher rates than white drivers and residents. Black drivers are 9.5 times more likely to get stopped than white drivers. Black residents are 5.7 times more likely to be subjected to a field interview and 8.3 times more likely to be a subject of a no-action encounter than white residents of Milwaukee. All of these results are statistically significant.

In addition to being more likely to be stopped by police, Black individuals are also significantly more likely to experience a police stop that involves a frisk. Black individuals were involved in 83 percent of the frisks documented in 2020, with the remaining frisks involving higher rates of Hispanic/Latino residents than white residents of Milwaukee. For both Black and Hispanic/Latino populations, frisk rates are highest in Districts 1, 2, and 5. These rates offer a preliminary view of frisks by race and ethnicity but do not account for other factors that may influence variations in frisk rates.

We analyze the racial and ethnic disparity in two ways. First we estimate the likelihood that a person in Milwaukee will be subjected to a stop that involves a frisk, by race and ethnicity. This provides information about whether there is a racial or ethnic disparity in more invasive police encounters, controlling for other known factors, among members of the public in Milwaukee. We find that Black residents are 10 times more likely than white residents to be subjected to a frisk-based police encounter. Second, we estimate whether there is a racial or ethnic disparity in the likelihood of a frisk among the individuals stopped by police. This provides information about whether there is a racial or ethnic disparity in the likelihood of a frisk after the officer has already decided to make a stop. This more focused analysis of frisks indicates that during a police encounter, Black subjects are 2.3 times more likely to be frisked than white subjects, with the disparity largest in District 5. These results are also statistically significant.

Controlling for demographic and district-level population characteristics, Hispanic/Latino drivers were 2.9 times more likely than white drivers to be subjected to a traffic stop and Hispanic/Latino residents were 2.1 times more likely than white

²³ The Settlement Agreement requires, and the Parties agreed to, the following factors to control for in the regression specification: age, gender, district-level demographics, district-level crime rates, and district-level socioeconomic factors such as the unemployment rate.

residents to be subjected to a no-action encounter. During a police encounter, Hispanic/Latino subjects were 1.6 times more likely to be frisked than white subjects. These results are statistically significant. The stop rates of Hispanic/Latino residents for field interviews and frisks compared to residential population were not significantly different than for white residents.

The probability of proper IOARS documentation of encounters does not statistically differ by race or ethnicity. However, in assessing IOARS documentation for frisks, frisk documentation of Hispanic/Latino subjects is more likely to meet the IOARS standard than for white subjects by 20.8 percentage points, a statistically significant finding.

Hit rates for contraband discovery were 17 percent overall, and while discovery rates for Black and Hispanic/Latino subjects were lower than for white subjects, the differences are not statistically significant. Exploration of contraband hit rates by race or ethnicity and type of contraband (drug or weapon) indicates that frisks of Hispanic/Latino subjects are significantly less likely to produce drug contraband than frisks of white subjects.

An analysis of the ratio of frisk rates to crime rates by district shows that when accounting for relative crime rates, officers conduct frisks more often in Black and Hispanic/Latino neighborhoods than in white neighborhoods.

Overall, we find racial and ethnic disparities in traffic stops, field interviews, no-action encounters, and frisks conducted by MPD. IOARS documentation standards have improved throughout 2020, with documentation of IOARS for frisks continuing to be deficient regardless of race or ethnicity of the frisk subject.

These results represent a second year of analysis of police encounters in Milwaukee. The results for 2019 indicated race and ethnic disparities in traffic stops, field interviews, and frisks that are on par with the results found for 2020 encounters.²⁴ While no disparities in no-action encounters were indicated for 2019, analysis of 2020 encounters identified significant racial and ethnic disparities for this encounter type. These results indicate that the changes to policy, training, and procedures being implemented by the Milwaukee Police Department in response to the Settlement Agreement have not yet resulted in any improvements in racial and ethnic disparities in police encounters with members of the public.

REMAINING WORK

We know that over the past year MPD has utilized a few strategies to improve the practice that reports are filled out consistently and correctly and ultimately increase adherence to constitutional policing and departmental policy. Overall, MPD is

²⁴ "Analysis of 2019 Traffic Stops, Field Interviews, No-action Encounters, and Frisks."
<https://city.milwaukee.gov/fpc/Reports/Crime-and-Justice-Institute-Reports.htm>

performing well in meeting thresholds related to missing data, though a few outstanding issues remain that should be a focus in year four.

Documentation of IOARS for field interviews, no-action encounters, and frisks should be a major focus for MPD in the upcoming year. District Compliance Officers and first-line supervisors must focus on identifying improper documentation and use that information to hold individual officers accountable. The feedback loops instituted this year to ensure a connection between data analyses and training content can be effective and we hope MPD continues to use aggregate data findings to identify problem areas and adapt training and other communication with personnel to rectify those issues.

Finally, we again find convincing evidence of significant racial and ethnic disparities in police encounters in Milwaukee. Unfortunately the disparities are even more prevalent since our previous analysis. The results of our analyses make the case clearly that the Defendants must continue to make progress with the reforms outlined in the Agreement so that all members of the public are being served and treated equitably. We call upon the permanent chief to embrace the findings presented above, demonstrate a commitment to change, communicate expectations clearly and frequently, hold officers and supervisors accountable, and position addressing these disparities as a centerpiece of their administration.

MISCELLANEOUS (SA VIII)

ASSESSMENT OF WORK

Per SA VIII.2, no amendments to the Agreement will be valid unless made in writing and signed by all of the signatories. As of our Six-Month Report on Non-Compliant Items from March 2021, the Defendants achieved compliance with this requirement by obtaining agreement from the Plaintiffs on three amendments which were described in our First and Second Annual Reports. No additional amendments have been made to the Agreement during year three.

YEAR THREE ASSESSMENT

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

CONCLUSION

This Third Annual Report presents a comprehensive assessment of all of the requirements of the Settlement Agreement. Our data analysis again indicates that significant work remains to effect behavior on the street as efforts to date do not reveal a positive change in the data. There appears to be a disconnect between the articulated objectives – as documented by the signature on the Settlement Agreement, the training as reviewed, and the SOPs as revised – and the behavior that continues in the Patrol Bureau without remedial action nor any expressed concern by the current leadership. The permanent chief must message to the officers and supervisors that change must happen. Supervisors and the chain of command must be held into account. Supervisors, and supervisors’ supervisors are well trained and now must do their jobs. The training has been adjusted and yet still the Patrol Bureau seems not to adjust their actions on the street nor in the approval of inadequate reports.

After a lengthy process to get approval for, post, interview, and hire an auditing team, the FPC is now ready to conduct their own audits of police encounters and complaints. This will be yet another valuable source of information that MPD leadership should welcome and utilize to help identify and act on areas in need of attention.

We are encouraged that the personnel at MPD, FPC, and the City Attorney’s Office with whom we regularly interact continue to be open to our feedback, responsive to our requests, and genuinely interested in “getting this right.” It is our hope that in the upcoming year this interest extends beyond the few personnel who have been tasked with the responsibility of overseeing the Defendants’ compliance efforts, particularly at the MPD. These efforts must be shared up and down the chain of command. We also find that the Defendants’ efforts to comply with the requirements are notably more organized and coordinated across divisions and agencies. We expect to see the fruit of such coordination even more in the upcoming year. We have sincere hope that the addition of the three new FPC commissioners brings a sense of stability to the important oversight function and better allows the Defendants to continue to make progress toward compliance.

APPENDIX

THE CRIME AND JUSTICE INSTITUTE TEAM

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

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

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

early intervention. She holds degrees in Journalism and Asian Studies from Baylor University and a Juris Doctor from Texas Tech University School of Law.

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

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

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

Theron Bowman is a policing professional contracted by CJI for his subject matter expertise in policing and compliance with court-ordered reforms. He is a police and city management professional and consultant with more than 30 years of experience leading and managing some of the most complex and sophisticated police and public

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