

City of Milwaukee Settlement Agreement Fifth Annual Report



Prepared by the Crime and Justice Institute

September 2023

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

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

This report represents the Crime and Justice Institute's (CJI) Fifth 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here reflects the Defendants' compliance status as of July 2023 and, therefore, some information may appear to be out of date at the time of release.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 this review period.

In this Fifth Annual Report, we again assess efforts toward compliance with all the requirements of the Settlement Agreement. MPD shows commitment to the value of data in making management decisions and commits resources to ensuring the Department is achieving and delivering constitutional policing. MPD and the FPC have demonstrated data is being reviewed and interrogated more routinely to understand practices and improve performance. We have seen increased participation among leadership within MPD, particularly within the Patrol Bureau. Monthly meetings among key command staff to review constitutional policing compliance have become more robust and incorporated into MPD's operational planning. MPD must continue its work to create integrated systems that demonstrate wide-spread adherence to policy and practice across Divisions and Bureaus within the Department.

In our year five assessment, we continue to see shortcomings with the Department's adherence to the principles of the Fourth and Fourteenth Amendments of the Constitution with respect to establishing policing practices that are justified and equitably applied. It is essential, we believe, for leadership of the Department to continue to correct and instruct officers who do not meet the standards set forth in policy, training, the Settlement Agreement, and the Constitution and hold supervisors accountable when they do not address lapses. We believe the Department must continue to explore options to better understand where and why racial disparities exist in police encounters. This effort could have long-lasting benefits for building internal capacity to self-assess in ways that provide important information about disparities and how to reduce and eliminate them.

As the Defendants enter a sixth year of the Agreement, CJI notes there are several areas of the Settlement Agreement in which Defendants have been consistently compliant over multiple years. There are other areas where there is substantial compliance, but the language of the Agreement provides no margin for less than full compliance, no matter how near to the goal. We recommend the Parties discuss ways that permit the Defendants to focus with more precision on outstanding requirements and adopt different strategies to assess sustained compliance for other requirements. Moving into this sixth year, CJI believes the focus should be on those areas which remain in process or non-compliant and instituting a culture of systemic review.

As required, this report includes a dedicated summary of our analysis of police encounters. Our "Analysis of 2022 Traffic Stops, Field Interviews, No-action Encounters, and Frisks" report, submitted as a companion to this Fifth Annual Report, provides additional detail.

CJI is pleased, as we enter year six of the signing of the Agreement, to continue to assess efforts toward full compliance under a contract extension with the City.

Sincerely,

Jessie Halladay and Katie Zafft
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 racially disparate and unjustified stops, frisks, and other unconstitutional police actions were routinely occurring. The Defendants denied those allegations and maintained 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 City of Milwaukee contracted with the Crime and Justice Institute (CJI) 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 primarily 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 initial years of the Settlement Agreement, starting in July 2018, were foundational with a focus on revising policies, conducting training, and implementing accountability systems. In subsequent years the work evolved with a greater focus on adherence to policy and training, improving data systems, and incorporating feedback loops into operations. For the last year or so leadership in MPD and FPC has stabilized, which has been helpful in making progress toward compliance. Much of the recent work has been focused on leveraging administrative reforms and using data for managerial purposes to increase accountability. While progress has been made, it is the area of continued and strengthened accountability that continues to need attention.

This Fifth Annual Report represents CJI’s assessment of the Defendants’ progress and challenges in implementing and sustaining the reforms required by the Settlement Agreement as of July 2023.²

Notable Areas of Progress

For the first time since the Settlement Agreement was signed, the FPC maintained a full commission, with each of the nine seats filled and minimal staff vacancies, for the majority of the reporting period. With support from the Common Council, the FPC budget was expanded to include a position of senior auditor increasing its capacity for the rigorous oversight envisioned by its authorizing language and the Settlement Agreement.

With its full complement of staff and a renewed sense of stability, the FPC was able to focus on new and improved strategies for recruitment and promotions of police personnel. The increase in outreach to the community, with a specific focus on members of the Black, Hispanic, and Asian communities, as well as women

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.

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.

from all backgrounds is particularly important for achieving compliance with Settlement Agreement section IV. The demographics of the recruit classes show the results of these efforts.

To improve on the promotional test and understand limits to advancement for members of the MPD, the FPC conducted a survey, *Diversity in Promotions*, of those who are eligible for promotion at each of the testing positions. With an acceptable 30 percent response rate, the FPC reports learning a great deal about ways to improve the testing procedures to increase equity. The FPC report indicates officers were generous with their commentary and opinions on possible barriers to diversity and changes to be considered. The FPC continues to review and analyze the data collected and will use it to inform strategies to increase promotional diversity.

In the last year, there has been an increased focus across the breadth of the MPD not only to reach compliance, but also to understand more deeply why compliance has not yet been achieved. We observe more members talking about how they do their work, as well as why doing it right and well matters, not only for compliance, but because of their pride in performance.

CJI participates remotely in MPD's monthly constitutional policing meetings, led jointly by Patrol and administrative commanders. These meetings bring district personnel together to review sample data on stops and searches. There is an emphasis on learning, discussion, and understanding the standards for documentation of stops. MPD and FPC leadership are present and often participate. District personnel also bring examples of community-based problem-solving efforts, which run the gamut of issues and offer a range of solutions, often including partnerships with other parts of local government and most often, members of the community. CJI finds MPD leadership is open to feedback and suggestions and finds the meetings increase the focus on community engagement department wide as district leadership learn and build on each other's ideas.

Over the last year, engagement with an expressed interest from leaders in the Patrol Bureau is notable. They are working to understand more about the data and documentation of stops required by the Agreement, the information these data offer, and how their own improved assessment of data can be used as a management tool. These queries demonstrate increased sophistication and fluency with data and more focus on its utility in advancing equity on the streets of Milwaukee.

With the foundations and routines of the Settlement Agreement established in large part, the MPD is moving to more complete adoption of the core of the Agreement. Working with members of the Common Council and the Community Collaborative Commission (CCC), the MPD is organizing public meetings in each alder district. Designed to get ideas, comments, and information from the public, this process will inform a forthcoming community policing strategy. MPD has also hired a community engagement manager that reports to the police chief. The manager shared ideas for strengthening connections between the officers of the MPD and members of the Milwaukee community. Increased staffing in their office will multiply their efforts and further advance the principles of community policing within the Department.

At this time last year, the City Attorney's Office was able to devote only a portion of the time of a single attorney to Settlement Agreement related activities. After making strides in recruitment, the office now has added two additional attorneys and a paralegal to the Settlement Agreement work. CJI has met the additional staff and looks forward to stability in staffing to ensure focused attention on achieving broad compliance. The long-time assigned attorney has been instrumental in advancing work among the Defendants, in particular when there is shared responsibility across city agencies. The energy shown in the work across the city demonstrates a commitment and an understanding of the shared responsibility necessary to achieve compliance.

Notable Challenges

The fifth year of the Settlement Agreement exhibited a period of stability for the FPC until the state legislature's passage of a local government funding bill, Act 12, in June 2023. Policy provisions within the legislation removed the Commission's authority to set policies for both MPD and the Milwaukee Fire Department. The bill also grants law enforcement unions in the state additional influence over the candidates selected to serve on the Commission. In July 2023, three members of the FPC resigned from the Commission, two of whom cited the FPC's reduction in authority due to Act 12. Thus, the stability and capacity of the FPC is once more called into question as we look toward year six.

While the MPD is working consistently with the CCC and has integrated discussions on community policing into recurring command staff meetings, work on the development and publication of the biannual community policing status reports remains ongoing. MPD has several community partnerships – with individual members of the public as well as non-governmental organizations – but a detailed community policing strategy that sets the stage for the co-production of public safety is the next logical and necessary step. This strategy, informed by ongoing collaboration with community partners like the CCC, should be the baseline of the biannual community policing status reports, outlining mutually agreed upon goals and metrics of engagement. Engagement of this sort is evidenced by a mutually beneficial partnership, where officers and members of the public work together to build bridges and problem-solve to advance public safety. This is the next evolution of MPD's work in community policing.

The Defendants remain challenged to create *systems* of accountability that demonstrate compliance with the expectations of the policies required by the Settlement Agreement. Establishing such systems requires an organizational shift that is expected to take time to accomplish, as evidenced by nearly all jurisdictions under negotiated agreements. The MPD routinely shares examples of policy compliance but needs to strengthen its ability, in partnership with the FPC and the City when appropriate, to test its own policies and demonstrate evidence of adherence to policy.

Adherence to the Fourth Amendment constitutional standards for conducting frisks remains a concern. Robust systems of accountability focused on supervisors ensuring proper documentation of police actions will help MPD continue to make progress in this area. While documentation alone is an imperfect gauge of constitutionality, it does ensure a focus on using constitutionally sound practices.

The data show racial disparities in police stops continue to exist. The City and MPD have committed to conducting additional analyses to better understand what is driving those disparities, and where and why they are occurring. The MPD is actively exploring options that will allow them to delve more deeply into their data and has secured funding from the city in their budget to do additional analysis.

The Year Ahead

The upcoming year is an important year for the Defendants to 1) continue to focus resources on understanding the source of racial and ethnic disparities in police stops; 2) create robust *systems* that demonstrate a commitment to accountability; and 3) advance work to develop a cohesive and comprehensive community engagement strategy that informs the public of MPD's efforts and incorporates feedback from community members into the operational goals of the Department. CJI is prepared to support both the FPC and MPD in these efforts. Deepening the focus on data-driven decisions and robust systems of accountability facilitates the achievement of compliance with the Agreement and increases the likelihood of sustainability of the requirements.

With both Administrative and Patrol Bureaus now actively engaging in review of data, it will be important for the work being done at the monthly constitutional policing meetings to continue to evolve and include the engagement of MPD leadership at multiple levels. As we continue to see evidence of individual accountability, MPD should keep working to advance the system of accountability that shows widespread adherence to policies. Interrogation of information garnered from the documentation of stops will aid the MPD in their efforts to create operational adherence to the requirements of the Fourteenth Amendment.

In the coming year, MPD has a great opportunity to develop a comprehensive community engagement plan, including practices that create a culture of trust, mutual partnership, and respect between the MPD and the public. It is essential to include in that community engagement plan what they have heard from community meetings and partnership with the CCC. Repeating this effort regularly to update and refine the plan will further the public trust that is essential to public safety and requires a strong community engagement process.

CJI expects to continue examining the work being done in Milwaukee under the Settlement Agreement through an extended contract with the City. Regular reporting will occur as it has over the past five years. We will also continue to offer technical assistance as the Defendants work toward compliance. CJI will continue to review data and test systems and documentation to ensure that practice is aligned with training and policy and that the Defendants continue to make progress toward compliance.

Introduction

Background

On February 22, 2017, the American Civil Liberties Union (ACLU), along with counsel from Covington & Burling LLP, filed a class action lawsuit against the City of Milwaukee, the Milwaukee Fire and Police Commission (FPC), and the Chief of the Milwaukee Police Department (MPD). Six individuals brought the case *Charles Collins, et al v. City of Milwaukee* (2017) on behalf of a class of people who allege that MPD’s policies and practices related to stops and frisks violate the protected rights of the Fourth and Fourteenth Amendments of the U.S. Constitution. In particular, the Plaintiffs alleged 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)³. The Plaintiffs also claim MPD sustains “stops and frisks of Black and Latino⁴ 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.*⁵ 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 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. the City of Milwaukee entered into a contract with CJI on October 4, 2018.

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 toward 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 with 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

³ 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.

⁴ 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.

⁵ 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.

role, according to this Settlement Agreement, is to focus on compliance, adherence, and data quality and analysis.

How This Report Is Organized

As with our previous Annual Reports, this Fifth Annual Report mirrors the categorization of requirements as outlined in the Settlement Agreement. Below we discuss our activities and work conducted as the Consultant during year five. In subsequent chapters we assess Defendants' efforts toward compliance in the following sections:

- 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, some discussion about the status of the requirements, and an assessment of compliance. In the Compliance section, we present a summary of our analysis of encounter data as prescribed by the Settlement Agreement in SA V.A.5 through V.A.8. A separate technical report covering data from 2022 presents the full details of that analysis.

Summary of CJI Activities

During the fifth year of our role as Consultant, the CJI team continued to engage almost daily with the Defendants by email, phone and video conferencing. CJI conducted three site visits during the spring of 2023. The CJI team presented our Semi-Annual Analysis to MPD Command Staff and other MPD personnel in October 2022; observed a full day of in-service training on May 24, 2023; and conducted a two-day site visit on May 8 and 9, 2023.

During year five, 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:

- MPD Chief Norman
- FPC Executive Director Todd
- MPD staff tasked with overseeing compliance efforts
- FPC staff tasked with overseeing compliance efforts
- City Attorney's Office
- Mayor Johnson and his office staff

Throughout the year the CJI team worked with the Defendants on efforts toward compliance. During our engagement in year five, both MPD and FPC staff continued to be receptive and responsive to our feedback and direction. At times the work is collaborative, focusing on the problem-solving needed to address an issue or suggesting improvements to a process. At other times, CJI's input is more directive, providing specific and detailed information on the steps or documentation required to continue moving toward compliance.

During this year 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 all elements of the agreed-upon language in the Agreement are being met. CJI again provided the Defendants with a deadline to submit any documentation to be considered in this year five report. The Defendants, collectively the FPC and the MPD, provided an update and relevant documentation on nearly every paragraph in the Agreement by the agreed upon deadline. The CJI team measured the documentation received against the exact language included in the Agreement. CJI believes both the MPD and FPC would benefit from a methodical approach to addressing discrete topics that remain in progress. Sending demonstrative evidence at the conclusion of the review period, that is ultimately deemed inadequate, in an effort to meet the deadline hinders progress in areas that require coordination across the department and city to plan and implement necessary changes.

In March 2023, our six-month report providing an updated status on items that were deemed non-compliant in our Fourth Annual Report was submitted to the Parties and the Court. Twelve items were deemed still non-compliant as of this Six-Month Report on Non-Compliant Items, which is required per SA V.A.1 and is publicly available on the FPC website.⁶

Per SA V.A.3., CJI completed two semiannual reports on 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

⁶ <https://city.milwaukee.gov/fpc>

and ethnicity, showing how often officers find contraband during a frisk. Published in October 2022 and April 2023, both are available on the FPC website.⁷

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 five we conducted our fourth set of regression analyses to assess the racially and ethnically disparate impact of policing in Milwaukee. The results of that analysis are summarized in the Compliance chapter and the full technical details on that analysis are published concurrently with this Fifth Annual Report in a separate report entitled, “Analysis of 2022 Traffic Stops, Field Interviews, No-action Encounters, and Frisks.”

⁷ Ibid.

Assessing Compliance

This Fifth Annual Report assesses the compliance status for all the requirements in the Agreement. 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 2023 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 2023.⁸

For the topic-specific chapters below, we describe the progress made and challenges in each area and the year five 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:

- **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 has 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.
- **Deferred:** CJI cannot issue an assessment because all relevant information is not available to determine compliance.

⁸ While the compliance assessments generally are as of July 2023, the annual data analysis in the companion report rely on encounter data from calendar year 2022.

Policies (SA IV)

Summary of Requirements in Settlement Agreement

The Settlement Agreement requires changes to the MPD's Standard Operating Procedures (SOP) to ensure 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, training, 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.

Status Summary

The Defendants revised MPD's Standard Operating Procedures as required by the Settlement Agreement during year one and additional revisions were made to some of them during years two, three, and four. During year five, MPD submitted suggested changes to SOP 450 – Personnel Investigations to the Plaintiffs, but no changes have been adopted as of this report writing. CJI has observed MPD is attentive to needed policy updates and does so without prompt.

The Agreement states that MPD *require* all patrol officers to activate body worn cameras and mobile digital video recording devices. MPD policy reflects this and CJI continues to find the Defendants compliant with this requirement. With respect to compliance with putting this policy into practice, MPD continues to review adherence of activation of video equipment to policy as part of the semi-annual audits of traffic stops, field interviews, and no-action encounters. While audits of traffic stops and no-action encounters find consistent adherence to these policy requirements, audits of field interviews continue to find camera use that does not comply with policy. For example, the audit of field interviews that occurred during the first half of 2022 found fewer than half of the interactions showed officers activating cameras at the initiation of the encounter, only 26 percent recorded until the end of the encounter, and only three percent verbally noted the reason for concluding the recording prior to the end of the contact. MPD should continue to audit for this practice and use the findings to help improve adherence to policy.

The FPC has taken several steps in year five to come into compliance with SA IV, requiring the Defendants to recruit, hire, and promote a diverse corps of officers at all levels of the chain of command and incorporate community policing into promotional testing procedures. MPD has signed on to the 30 x 30 Initiative, pledging to work toward increasing the number of women in recruit classes to 30 percent by 2030. The FPC has increased community engagement efforts in recruiting, particularly among Black, Indigenous, and people of color in the community. Additionally, the FPC has developed a 5-year plan articulating goals for hiring and increasing representation in the Department. They have worked with the testing provider to incorporate concepts of community policing into testing procedures for promotional exams. Recent recruit classes have shown larger

percentages of diversity in their makeup. While much of the focus has been on recruitment, the FPC has acknowledged and begun efforts to gain diversity in promotional practices. FPC should build on recruitment momentum in year six, while prioritizing efforts to improve the promotional process.

Most of the requirements in this section have remained consistently compliant since policies were rewritten in year one. While all changes to policy must continue to meet Settlement Agreement compliance, it is important for MPD to focus on accountability to those policies, and the Defendants collectively must focus efforts on building diversity among the Department at all levels. The efforts of the FPC to learn more from officers about increasing diversity in higher ranks is laudable. Using that information to improve the promotional process will help with compliance as well as give officers a sense of inclusion and voice.

Year Five 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.	Compliant
IV.10.a – Defendants agree to amend MPD SOP 001-Fair and Impartial Policing.	Compliant
IV.10.b.i – Defendants agree to work with Plaintiffs to amend SOP 085-Citizen Contacts, Field Interviews, Search and Seizure.	Compliant
IV.10.b.ii – Defendants agree to work with Plaintiffs to amend SOP 300-Directed Patrol Missions/Saturation Patrols.	Compliant
IV.10.b.iii – Defendants agree to work with Plaintiffs to amend SOP 440-Early Intervention Program.	Compliant
IV.10.b.iv – Defendants agree to work with Plaintiffs to amend SOP 450-Personnel Investigations.	Compliant
IV.10.b.v – Defendants agree to work with Plaintiffs to amend SOP 730-Mobile Digital Video/Audio Recording Equipment.	Compliant
IV.10.b.vi – Defendants agree to work with Plaintiffs to amend SOP 747-Body Worn Camera.	Compliant
IV.10.b.vii – Defendants agree to work with Plaintiffs to amend SOP 990-Inspections.	Compliant
IV.11 – Defendants agree to formally withdraw Memorandum No. 2009-28 “Traffic Enforcement Policy”.	Compliant
IV.12 – All MPD non-supervisory officers assigned to the Patrol Bureau and engaged in patrol operations who conduct traffic stops, field interviews, no-action encounters, frisks, and searches shall wear body worn cameras.	Compliant
IV.13 – MPD shall require that all patrol officers activate both body worn cameras and mobile digital video recording devices at the initiation of any traffic stop, field interview, no-action encounter, frisk, or search, and shall not deactivate the cameras until the encounter has concluded, with specific exceptions to protect privacy rights as set forth in amended SOP 730–Mobile Digital Video Audio Recording Equipment, and amended SOP 747–Body Worn Camera.	Compliant

<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>

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).⁹ 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 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-economic data so 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.

⁹ 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.

Status Summary

As of the writing of this report, we have received 17 quarters of data from MPD, beginning with the first quarter of 2019 through the first quarter of 2023. They have established a consistent process of extracting, vetting, and delivering the data to the Parties each quarter within the agreed-upon timeframe. MPD's Information Technology Department (IT) and Office of Management, Analysis, and Planning (OMAP) have established a robust independent quality review process for the data extractions and work together to make corrections they identify. MPD continues 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 and supervisors who review and approve documentation. They have developed checklists of the required data elements to help ensure everyone entering, reviewing, and approving data into RMS or TraCS does so properly and have established regular reviews of documentation standards to identify units or districts that are falling behind.

MPD has maintained compliance with the requirement that video requests by CJI be met within the required timeframe of seven calendar days (SA IV.A.7), as they have continued to demonstrate their ability to provide CJI timely access to requested videos during year five.

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). Proving documentation exists for 100 percent of police encounters in order to achieve compliance is an exceptionally high bar that does not provide margin for human or technological error. A few sources, including MPD's audits, our semiannual IOARS analyses, and our review of MPD's quarterly data reveal there are traffic stops, field interviews, no-action encounters, frisks, and searches that do not have an electronic, digitized record in TraCS or RMS. Our analysis of the quarterly data for 2022 includes 633 CAD entries we are unable to match to information in TraCS or RMS, representing 1.9 percent of all CAD numbers provided for the year.¹⁰ In some cases, such as a traffic stop in which an officer attempts a stop but the vehicle flees (non-pursuit), full documentation of the stop in TraCS is not possible. If we exclude the 116 CAD numbers that indicate "non-pursuit" as the final call type in the data, we estimate that 1.6 percent of encounters are missing documentation.

Another ongoing challenge for MPD is complying with the requirement each encounter have a unique stop identification number (SA IV.A.3). MPD designates the CAD number as the unique stop identifier, but the quarterly data continue to include blank CAD numbers (e.g., quarter 1 includes 123 TraCS forms that have blank CAD numbers, all of which appear to be citations or warnings), the word "NULL" in place of a CAD number, or CAD numbers that have too few or too many digits is treated as missing data. The Settlement Agreement requires every encounter to have a unique identifier and thus if any common codes are found in the encounter data or if any encounters lack the ability to match to a valid CAD number, the Defendants are non-compliant. Table 1 below references the number and type of forms in TraCS and RMS that lack valid CAD numbers, representing an estimated 4.7 percent of encounters for the year. Most of the unmatched TraCS forms are blank CAD numbers for citations and warnings or CAD numbers represented in citation and warning forms that did not match to CAD numbers present in the CAD file provided in the quarterly data extractions. While we have seen progress through a decrease in the number of unmatched forms in 2022 as compared to data from 2021, the presence of these unmatched forms must continue to be addressed. To make progress toward compliance, the

¹⁰ Over half of these CAD entries have final call types of "traffic stop" or "subject stop" (41.6 and 18.6 percent, respectively). Other prominent call types include "subject wanted" (6.3 percent), "investigation" (2.8 percent), "vehicle pursuit" (3.0 percent), and 86 CAD entries indicating a non-pursuit because of a traffic stop (18.3 percent).

Defendants must develop a more robust process for reviewing and approving citations and warnings independently to determine whether each citation and warning has a contact summary or field interview form associated with them. Additionally, officers and supervisors must ensure every citation, warning, contact summary, field interview, and no-action encounter form has a valid CAD number.

Table 1: Unmatched Forms by Type of Form and Quarter¹¹

	TraCS Forms	RMS – Field Interviews	RMS – No-Action Encounters	Total Unmatched to CAD
Quarter 1	382	6	0	388
Quarter 2	435	9	0	444
Quarter 3	378	4	0	382
Quarter 4	338	1	0	339

Many other data collection requirements in the Settlement Agreement have been consistently compliant since achieving initial compliance. MPD provides data and codebooks within the agreed-upon timeframes, has provided manuals reflecting the data elements collected in each database system, and the FPC has published the 2022 data for public use.

Year Five 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] ¹² .	Non-Compliant
IV.A.2.d – Defendants shall ensure that all frisks and searches are documented in either TraCS or RMS as appropriate, based on whether the circumstances of the frisk or search are appropriately characterized as a traffic stop or field interview.	Non-Compliant
IV.A.3.a-I – Whether stored in TraCS, RMS, or CAD the electronic, digitized record for each traffic stop, field interview, and no-action encounter shall include all of the following information: <i>(see SA for full list of requirements)</i> .	Compliant
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.	Non-Compliant

¹¹ While we are unable to match the forms counted in this table from TraCS and RMS to CAD, the encounters that they represent are included in both our semiannual analysis of individualized, objective, and articulable reasonable suspicion as well as our annual analysis of racial and ethnic disparities.

¹² 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.

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.	Compliant
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.	Compliant
IV.A.6 – There shall be an identifier that permits direct correlation between every traffic stop, field interview, no-action encounter, frisk, and search recorded in TraCS, RMS, and CAD and any video associated with the encounter, whether captured through police-vehicle video camera footage and/or officer body-worn camera footage.	Compliant
IV.A.7 – The MPD database(s) of video footage from police-vehicle cameras and body-worn cameras shall be searchable by CAD number with video to be produced one incident at a time, with such searches available for both types of video within one year from the date of this Agreement. Video footage concerning traffic stops, field interviews, no-action encounters, frisks, and searches shall be easily and quickly made available to the Consultant upon request, and no later than seven (7) calendar days from the date of the request.	Compliant
IV.A.8 – Defendants shall require that any MPD officer who conducts a traffic stop, field interview, no-action encounter, frisk, or search complete and file a report or the information, including at least all of the information identified in paragraph IV.A.3, prior to the end of his or her tour of duty.	Compliant
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 TraCS, RMS, and CAD datasets or tables link together and what types of duplicates can be expected.	Compliant
IV.A.11 – Defendants shall ensure that MPD provides to the FPC, Plaintiffs’ counsel, and the Consultant the manuals for police officer and supervisor use of TraCS, RMS, and CAD including examples aimed at clarifying the procedure for inputting into each system all of the information identified in paragraph IV.A.3 about traffic stops, field interviews, no-action encounters, frisks, and searches recorded in the system.	Compliant
IV.A.12 – Defendants shall ensure that MPD provides to the FPC, Plaintiffs’ counsel, and the Consultant the codebooks and data dictionaries for users of TraCS, RMS, and CAD that clearly define every variable captured in records of traffic stops, field interviews, no-action encounters, frisks, and searches, as well as all values that each variable can be assigned.	Compliant
IV.A.13 – Defendants shall ensure that the FPC will publish on its website, on an annual basis, the electronic, digitized data on all traffic stops, field interviews, no-action encounters, frisks, and searches described in paragraphs IV.A.1-3, with the exception of any personally identifiable information. The FPC will also post on its website any and all reports published by the Consultant pursuant to the Agreement.	Compliant

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 officers and supervisors can or cannot use race, ethnicity, national origin, and other characteristics in 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, that supervisors share during roll call. Trainers test officers to ensure 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 on 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.

Status Summary

The in-service training covering the topics required by the Settlement Agreement was administered across three training sessions in this review period. The first phase began on September 6, 2022, and concluded on October 18, 2022, the second phase began on January 23, 2023, and concluded on March 24, 2023, and the third phase began on April 18, 2023, and concluded on June 6, 2023. CJI received copies of all training materials, training rosters of officers who completed training, lists of officers who missed trainings and their rescheduled dates, 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.

Plaintiffs' counsel observed in-service training on January 24, 2023, February 14, 2023, and April 17 and 18, 2023 and provided feedback and recommendations to the Defendants, some of which was incorporated into the training. While the Settlement Agreement spells out time periods for review and feedback, the Plaintiffs and Defendants would benefit from establishing a schedule for receiving and incorporating feedback, to facilitate successful, sustained collaboration and consistency of the presentation across all training sessions.

CJI was made aware by the Defendants and their counsel that the Plaintiffs' counsel requested a pause of the delivery of the Fair and Impartial Policing training as prescribed by the Settlement Agreement. In lieu of that training, the MPD brought Judge Derek Mosley to their in-service training to co-present with MPD leadership on the topics of unconscious bias and the history of policing in Milwaukee.

The Training Division has continued to employ a testing system as part of in-service training. MPD administers a written test, "Constitutional Policing Assessment," and provided documentation of who attended the training,

who completed the test, whether individuals passed the test, and whether remedial training was done for those who did not pass.

As stated in our Fourth Annual Report, CJI remains concerned about the Defendants’ ability to achieve full compliance with SA IV.B.1.d. MPD has made progress in training supervisors to identify “trends and patterns that give rise to potentially biased practices,” similar to efforts made in previous years. Training practices made this year need time to be evaluated and determine whether trends are being identified as a result of that training. Despite the directives of the Settlement Agreement, it may be that this role is better shared across entities within the Department rather than resting exclusively with supervisors who must consistently and critically review reports to ensure they are well documented. MPD has continued to provide supervisors with tabulated complaint data to review and analyze for patterns within districts, shifts, units, and peer groupings to identify trends and potential bias-based behaviors.

As recommended by CJI in year four, an analysis of Non-Disciplinary Corrective Action (NDCA) could be another source to detect patterns of the absence of IOARS, undocumented frisks, unsupported frisks. NDCAs may also be used to further MPD’s more critical analysis of pedestrian stops. Where, when, and which officers are conducting these stops? Who are their supervisors? Who is being stopped and why? MPD has included questions similar to these in their most recent supervisor in-service training. Yet there is no data to verify supervisors are answering these questions in practice. A better understanding of potential patterns in these pedestrian stops is critical.

It bears repeating that patterns and trends of biased or potentially biased behaviors can often be insidious and hard to detect. At times, bias can be present under the guise of good police work, such as stopping or arresting people engaged in criminal activity. Other times, seemingly obvious patterns, such as most stops coming from a certain racial or ethnic group, do not inherently demonstrate individual-level officer bias; additional elements must be considered to assess whether police actions are indeed biased. This is a nuanced skill set police departments across the nation are working to adopt and disseminate. While MPD has made progress in this area, we encourage a stronger alliance between Patrol and OMAP, which is a capable internal resource adept at pattern recognition, to offer guidance or to itself identify patterns and trends among officers and supervisors. We believe this requirement, along with others in the Agreement related to race and ethnicity, are ripe opportunities for MPD’s Risk Manager to take a lead in exploring efficient and effective approaches to detecting and addressing this behavior, including potential collaboration and consultation with supervisors, lieutenants, and OMAP staff.

Year Five Assessment

Settlement Agreement Paragraph	Compliance Status
<p>IV.B.1 – Defendants shall review and revise if necessary training materials for officers and supervisors on the policies, procedures, and constitutional requirements for conducting a traffic stop, field interview, no-action encounter, frisk, and search, and the ways that race, ethnicity, national origin, and other characteristics identified in revised SOP 001 can and cannot properly be used.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>

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.	Compliant
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.	Deferred
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.	Deferred
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 encounter, frisk, and search records documented pursuant to this Agreement...	Compliant
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.	Deferred
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.	In Process
IV.B.2.a-d – Within twelve (12) months of the execution of this Agreement, and on an annual basis thereafter, MPD shall provide training for all MPD staff who conduct, supervise, document in TraCS, RMS, or CAD, and/or audit traffic stops, field interviews, no-action encounters, frisks, and searches.	Compliant
IV.B.3 – All training materials developed and/or approved by Defendants to comply with paragraphs IV.B.1 and IV.B.2 of this Agreement shall be provided to Plaintiffs within six (6) months of the execution of this Agreement for review.	Compliant
IV.B.4.b – Defendants shall provide the training calendar to Plaintiffs as soon as it is available.	Compliant
IV.B.4.b – In the event that a [training] observer witnesses and documents training that is not consistent with the requirements of this Agreement, Plaintiffs are to bring any such deficiency to the prompt attention of Defendants. Defendants shall then be allowed to correct the erroneous training within three (3) months.	Compliant
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

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

Status Summary

As we review this area in year five, we find evidence the MPD is working to increase supervisory accountability, though CJI remains concerned this occurs on a more case-by-case basis rather than a system-wide process. While the individual examples provided to us indicate efforts to hold officers and supervisors accountable, it is difficult to discern if this is happening across the entire department or only in the bureaus or divisions where examples are provided. The information provided does not show fully functional systems, with effective implementation with consistency across the organization. A systemic process to track accountability would enable the MPD to identify gaps in accountability, learn from them, and then establish a process to fix those gaps.

As we assess SA IV.C.1.a, in general, we see supervisor adherence to SOP 263 – Records Management indicating supervisors are reviewing reports of arrests in a timely manner. However, audits find less than 100 percent compliance in supervisor's review, meaning flaws in some reports are still not caught by some supervisors. As the Settlement Agreement requires every supervisory review must be fully compliant with policy, we find MPD non-compliant with this requirement. As CJI has stated in previous years, the Settlement Agreement sets a high bar for compliance with this requirement, and even though 95 percent of reports audited indicate requisite supervisory review, MPD still falls short of compliance.

Given the most recent Field Interview audit 22-06 found that supervisors approved appropriately 54 percent of the time, we have deemed MPD compliant for SA IV.C.1.b. Most of the inappropriate approvals were due to supervisors approving reports that lacked IOARS to justify the stop (43 percent). We are using the findings from the most recent audit to assess compliance with this requirement.

MPD remains non-compliant for supervisory review of citations and warnings and for reviews of no-action encounters (SA IV.C.1.c and SA IV.C.1.d). MPD's most recent audit of traffic stops shows fourteen percent of the sampled stops did not meet the standards for the supervisory review process. Data for the third and fourth

quarters of 2022 show 3.4 percent of citations and warnings do not have valid CAD numbers. If every citation and warning was up to standard, they all would have valid CAD numbers that match to CAD data. For both of MPD’s audits of no-action encounters in 2022, supervisors approved no-action encounter reports that are lacking information required by the Settlement Agreement.

CJI is unable to assess compliance with SA IV.C.6 without substituting its opinion for the definition of a “community policing status report” as called for by the Settlement Agreement. The criteria and expectations of the community policing status reports remain in question. A community engagement plan that may serve as a foundation for these reports must be determined by MPD in collaboration with the community. The need for that clarity has been raised annually by CJI in our reports. Notwithstanding repeated requests from CJI, this has not been resolved nor agreed upon by the Parties.

In the absence of an agreed definition, CJI takes note of the efforts by MPD to collect and provide a summary of activities and efforts around community policing in the neighborhoods. Through the monthly Constitutional Policing Meetings, CJI observes efforts to create expectations for and celebrate examples of community engagement and problem-solving activities within the department. Yet evidence of MPD’s evaluation criteria for these community engagement examples is lacking. In the last year, the MPD has worked with the CCC to host meetings in each of the alder districts to speak directly with community-based stakeholders about community policing to inform the future plan. Meanwhile, the MPD has shared reports of the Department’s ongoing and new initiatives to provide opportunities for the community to engage.

We encourage the development of a comprehensive community engagement plan, which should include goals and metrics for measuring success and engagement, thus enabling the consistent publication of community policing status reports.

Many requirements in this section have remained non-compliant or in process throughout these first five years, some due to language that requires 100 percent compliance. Others remain in process due to a lack of clarity of what compliance would look like, which CJI encourages the Parties to address in year six.

Year Five 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>Compliant</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</p>	<p>Non-Compliant</p>

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

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 – 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 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 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.

Status Summary

In year five, MPD and FPC both continue to provide complaint forms and instructions in English, Spanish and Hmong on their websites, as well as making forms available at public libraries and police district stations. The Defendants continue to connect members of the public to complaint forms via QR codes, developed during the COVID-19 pandemic that are posted on scannable signs. Both the FPC and MPD provided documentation of collecting complaints through the various means outlined in the Settlement Agreement, including online, via email, in person, by phone and by mail.

To achieve compliance with SA IV.D.3.a, MPD needs to demonstrate “Internal Affairs Division receives all complaints from members of the public...”. “All” sets a high bar of compliance and a difficult requirement to assess. MPD partnered with a county agency to design a plan to test their system and ensure all complaints presented are accepted and are received by IAD. As of the filing of this report, the results of that integrity test have not been finalized or provided to CJI for assessment. We expect to see those results in the coming year. Verbal representations of the plan and the test as presented appear to be efficacious.

In year four, the FPC achieved compliance with SA 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.” They maintained compliance in year five, producing and sharing documentation, including policy and procedures and reference materials for staff, that demonstrates a clear and valid process to assess and review every complaint received from members of the public. This assessment process results in either the dismissal of a complaint in accordance with a set of articulated criteria and review by the Executive Director or in an investigation. In all cases of dismissal, complainants continue to receive a letter from the Executive Director including the reasons for dismissal.

The FPC has maintained compliance with SA IV.D.5.b, “Defendants shall ensure that the FPC reviews every internally generated complaint about MPD conduct.” During this year, the FPC reviewed all internally generated complaints over two, six-month periods: the second half of 2021 and the first half of 2022 and prepared reports summarizing the findings. We received documentation showing the review process with MPD and any follow-up on review findings.

This year the FPC produced a report of complaint data showing the number of complaints against each officer regardless of the outcome of the complaint. The FPC maintains compliance with SA IV.D.5.d.

Defendants have continued to work toward achieving full compliance with SA IV.D.1.d which states, “...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.” Both FPC and MPD met the training component of this requirement and worked this year to resolve the challenging question of whether Defendants “In practice do not” discourage the filing of complaints. FPC gained compliance this year with sworn affidavits documenting lack of discouragement. Additionally, the FPC placed language on their website and complaint forms with a process for reporting discouragement. MPD remains in process with this requirement, having partnered with a county agency to conduct an integrity check of their process. The results of the integrity check have not been provided to CJI yet. We look forward to reviewing that process in the coming year.

We find MPD compliant with SA IV.D.1.h, SA IV.D.4.a, and SA IV.D.4.b this year due to the Department having shown evidence of a system by which they ensure all plausible complaints are investigated and the Department can 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. It is important to note that while the system and process is important, it is only as successful as the input it receives. MPD must rigorously adhere to this process and perform integrity checks to ensure fidelity to the definition of plausible complaints and fair, timely investigations. Regarding a database of complaints about MPD conduct received from the public as well as internally generated complaints, MPD revised the Administrative Investigation Management (AIM) system in year four such that all the required individual elements of SA IV.D.4.b can be collected separately in AIM. MPD has shown all required data elements are being collected separately and are reflected in the complaint data. Per SA IV.D.5.c, the FPC, which also uses AIM to track complaints, similarly demonstrated the data are being recorded in accordance with the Agreement.

Year Five Assessment

Settlement Agreement Paragraph	Compliance Status	
	MPD	FPC
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	Compliant
IV.D.1.e – Defendants shall not require that complaints from members of the public be notarized, but may require verification of identity at some appropriate time in the complaint proceedings, subsequent to an initial review of the complaint, to ensure that a complaint is not being filed simply for harassment or other similarly inappropriate reasons.	Compliant	Compliant
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.	Compliant	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.	Compliant	N/A
IV.D.1.i – Defendants shall ensure that MPD Internal Affairs investigators undergo training that addresses, and attempts to eliminate, biases in favor of police officers and against civilian complainants that arise in the course of complaint investigations.	Compliant	N/A
IV.D.1.j – Defendants shall prohibit investigators from conducting investigations in a manner that may reflect biases against complainants, including asking hostile questions to complainants; applying moral judgements 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.	Compliant	Compliant
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.	Compliant	N/A
IV.D.3.a – Defendants shall ensure that the MPD Internal Affairs Division receives all complaints from members of the public for review and determination for appropriate assignment.	In Process	N/A
IV.D.3.b – Defendants shall ensure that the MPD Internal Affairs Division reviews every internally generated complaint about MPD conduct.	In Process	N/A
IV.D.4.a – Defendants shall ensure that the MPD maintains and enforces its policies requiring that an MPD supervisor or a member of the MPD Internal Affairs Division reviews and investigates every plausible complaint.	Compliant	N/A

<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>Compliant</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>Compliant</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 their district to allow for active and engaged supervision.</p>	<p>Compliant</p>	<p>N/A</p>
<p>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.</p>	<p>N/A</p>	<p>Compliant</p>
<p>IV.D.5.b – Defendants shall ensure that the FPC reviews every internally generated complaint about MPD conduct.</p>	<p>N/A</p>	<p>Compliant</p>
<p>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.</p>	<p>N/A</p>	<p>Compliant</p>
<p>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.</p>	<p>N/A</p>	<p>Compliant</p>
<p>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.</p>	<p>N/A</p>	<p>In Process</p>

Audits (SA IV.E)

Summary of Requirements in Settlement Agreement

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

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

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

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

Status Summary

MPD

During this fifth year, the MPD Inspections Section maintained the required schedule of completing audits every six months and completed audits of traffic stops, field interviews, and no-action encounters per SA IV.E.6. These audits assessed field interviews and traffic stops from July to December 2021, field interviews, traffic stops, and no-action encounters from January to June 2022, and no-action encounters from July to December 2022. These audit findings are referenced several times throughout this report as a source of information to assess compliance with the requirements of the Settlement Agreement. We believe MPD's audit efforts continue to help strengthen and improve police practices.

As we noted in previous reports, MPD's audits do not cover one of the four areas specified in the Settlement Agreement: supervisors who fail to require re-training and/or discipline for subordinate officers who conduct unreasonable, unreported, or insufficiently documented encounters. This year, MPD added an additional audit through the Inspections Section's Audit Unit to address this deficiency. The new audit, called the Supervisory (AIM) Audit, looks at counseling, training, and/or re-training of members and supervisors who violated the Settlement Agreement. That audit is under internal review and has not been given to CJI as of the writing of this report, so MPD remains in process on this item for year five. Because compliance with SA IV.E.7 is contingent upon complete sets of audits, MPD remains in process for this requirement.

FPC

After significant turnover and long-term vacancies in the audit section of the FPC, as of November 2022, all three existing positions were full and the unit operational. To add to the capacity and full functioning of the unit, to achieve not only the expectations of the Settlement Agreement but also to fully exercise its obligations for oversight, FPC leadership created and requested authorization and budget for a Senior Auditor. The FPC successfully created a position which the budgetary authority approved in the FY23 budget which demonstrates continued compliance. Since full staffing occurred in November of 2022, the FPC has been able to eliminate the backlog of outstanding or delayed audits. The FPC is sharing detailed information about their audits with MPD specifically as this paragraph requires. The FPC staff reports they are working with MPD on the best process and method to exchange information moving forward.

Year Five Assessment

Settlement Agreement Paragraph	Compliance Status	
	MPD	FPC
<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	Compliant
<p>IV.E.2 – In order to ensure that complaints from members of the public are appropriately investigated, the FPC, including through the work of any retained consultants, shall conduct an audit every six (6) months of: (a) complaints submitted by members of the public to the MPD, and (b) complaints from members of the public to the FPC.</p>	N/A	Compliant
<p>IV.E.3 – Defendant FPC shall be permitted to spend funds appropriated by Defendant Milwaukee to hire additional staff and/or employ experts or consultants to conduct the audits described in paragraphs IV.E.1 and 2. The Consultant also shall review such audits for accuracy and, if the Consultant concludes that the audits are incomplete or inaccurate, conduct its own audits of these matters. In addition, the Consultant shall provide training and technical assistance to Defendant FPC to develop the FPC’s capacity to conduct such</p>	N/A	Compliant

reviews and audits itself, in order to be able to fully and appropriately exercise its oversight obligations.		
IV.E.4 – Defendant FPC shall use audits to, <i>inter alia</i> , identify officers who need additional training on traffic stop, field interview, no-action encounter, frisk, and search policies and/or discipline for the conduct of unreasonable, unreported, or insufficiently documented encounters.	N/A	Compliant
IV.E.4 – Defendants shall ensure that data and findings from the FPC audits described in paragraphs IV.E.1. and IV.E.2 shall be incorporated into the MPD’s AIM System...	Compliant	Compliant
IV.E.5 – Defendant FPC shall publish on its website, on a quarterly basis, data on civilian complaints received, under investigation, or resolved during the previous quarter, including the number of complaints from members of the public broken down by number relating to traffic stops, field interviews, no-action encounters, frisks, and searches without legal justification and traffic stops, field interviews, no-action encounters, frisks, and searches based on race or ethnicity and whether the complaints remain open or have been closed.	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. 	In Process	N/A
IV.E.7 – Defendants shall ensure that the MPD Internal Affairs Division uses audits to, <i>inter alia</i> , identify officers who need additional training on traffic stop, field interview, no-action encounter, frisk, and search policies and/or discipline for the conduct of unreasonable, unreported, or insufficiently documented encounters.	In Process	N/A
IV.E.7 – Defendants shall ensure that data and findings from the audits described in paragraphs IV.E.6 and IV.E.7 shall be incorporated into the MPD’s Early Intervention Program.	In Process	N/A

Counseling, Re-training, and Discipline (SA IV.F)

Summary of Requirements in Settlement Agreement

The Settlement Agreement requires 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 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 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.

Status Summary

In year five, the MPD moves into compliance with SA IV.F.1, having demonstrated a system that automatically alerts when an employee is involved in three incidents that have insufficient documentation, are legally unsupported or are based on racial or ethnic profiling within a rolling one-year period. This tracking of non-disciplinary corrective actions has been operational this entire year and is being used to monitor and track these actions.

What is less clear from the submitted proofs is whether the system successfully captures all potential allegations or tracks any progressive discipline issued. Because of this, MPD is left in process for SA IV.F.3. It will be necessary for CJI to do a deeper dive into this process in year six to ensure allegations do not get filtered out of the system and they receive the proper follow up.

SA IV.F.7 requires 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. In December 2022, the FPC approved Standard Operating Procedure (SOP) 870 – Suspensions/Official Discipline which mandates the referral in lieu of Non-Disciplinary Corrective Action (NDCA). No such referrals have been made since the policy was put into place. Given the short amount of time this has been operational, CJI leaves MPD in process to determine if this is working as intended.

Year Five 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>Compliant</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 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>In Process</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>

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.

Status Summary

MPD has continued the practice of including on the agendas for 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. Over the past year, we have again received documentation that all seven districts include the required topic on their monthly crime and safety meeting agendas and therefore the Defendants are compliant with SA IV.G.1. While the MPD is compliant for this item, CJI suggests that these data could be affirmatively provided with an invitation for discussion rather than simply on the agenda as a notification to members of the public that it can be a topic of discussion if they raise it. Sharing these data creates the sense of an interest on the part of the MPD for a deeper relationship.

In year five, the Community Collaborative Commission (CCC) continued to meet, engaging regularly with the MPD. Throughout the year, MPD and CCC have worked together to host community listening sessions in each of the city’s alder districts. These meetings, which occur monthly on a Saturday, have rotated throughout the city. Members of the public and Common Council turnout and participation varies significantly by district, providing limited feedback in some areas. MPD documents the feedback from these sessions, with a goal of collaboratively producing a comprehensive community engagement plan. CJI believes this should be an area of priority focus in year six.

Year Five Assessment

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

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 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, fewer than 14 percent of traffic stop, field interview, no-action encounter, and frisk records are missing any of the required information outlined in SA IV.A.3. Second, 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, there is no significant racial or ethnicity disparity in traffic stops, field interviews, or no-action encounters. Finally, Section V requires Defendants provide the Consultant with various data, documents, and information that we may request while preparing our reports.

Year Five Assessment

Section V of the Settlement Agreement primarily requires CJI to conduct data analysis to assess outcomes of the various processes and policies put in place throughout the Settlement Agreement. 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.

For sections SA V.1.d.i-x, which constitute most of the rows in the following table, MPD must demonstrate it has shown sustained and continuing improvement in constitutional policing based on our analysis of their data, as well as complete documentation of police actions as specified by the Agreement. The Defendants remain in compliance with the requirements related to providing supplemental data necessary to conduct various analyses (V.A.8.a-c and V.A.10). CJI has found MPD, through the Office of Management, Analysis, and Planning (OMAP), to be cooperative in providing this information in a timely fashion over the years.

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).

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.	Compliant
V.1.d.ii – Analysis of RMS data demonstrating that fewer than 14% of records of field interviews, frisks, and searches documented in RMS during the previous six (6) months are missing any of the information required by paragraph IV.A.3 for inclusion in records.	Compliant

V.1.d.iii – Analysis of CAD data demonstrating that fewer than 14% [of] records of no-action encounters documented in CAD during the previous six (6) months are missing any of the information required by paragraph IV.A.3 for inclusion in records.	Compliant
V.1.d.iv – Analysis of TraCS data on traffic stops demonstrates that fewer than 15% of traffic stop records documented during the previous six (6) months fail to show that the stops were supported by individualized, objective, and articulable reasonable suspicion of criminal activity or a traffic or vehicle equipment violation.	Compliant
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.	Non-Compliant
V.1.d.vi – Analysis of CAD data on no-action encounters demonstrates that fewer than 15% of records documented during the previous six (6) months fail to show that the traffic stops and encounters were supported by individualized, objective, and articulable reasonable suspicion of criminal activity or a traffic or vehicle equipment violation.	Non-Compliant
V.1.d.vii – Analysis of TraCS and RMS data on frisks demonstrates that fewer than 15% of frisks records documented during the previous six (6) months fail to show that the frisks were supported by individualized, objective, and articulable reasonable suspicion that the stop subject was armed and dangerous.	Non-Compliant
V.1.d.viii – Analysis of TraCS data on traffic stops demonstrates that there is no significant racial or ethnic disparity in the rate at which Black and white people, and Latino and white people, are subjected to traffic stops after controlling for agreed upon benchmarks.	Non-Compliant
V.1.d.ix – Analysis of RMS data on [field interviews] demonstrates that there is no significant racial or ethnic disparity in the rate at which Black and white people, and Latino and white people, are subjected to field interviews after controlling for agreed upon benchmarks.	Non-Compliant
V.1.d.x – Analysis of CAD data on no-action encounters demonstrates that there is no significant racial or ethnic disparity in the rate at which Black and white people, and Latino and white people, are subjected to no-action encounters after controlling for agreed upon benchmarks.	Non-Compliant
V.A.8.a – Defendants will provide Plaintiffs and the Consultant with the relevant police district population data.	Compliant
V.A.8.b.i – Defendants shall ensure that the Consultant and Plaintiffs’ counsel are provided with crime data agreed upon by the Parties. At a minimum, Defendants shall make available crime data for the preceding year, including reported crimes, committed crimes, type of crime, police district of crime, and suspect race if known.	Compliant

<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>
<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.</p>	<p>Compliant</p>

Missing Data Elements

Tables 2, 3, and 4 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 two files for each type of encounter: traffic stops, field interviews, and no-action encounters. The first file represents unique persons involved in the encounter type, and the second file represents unique encounters. We create the files this way to assess certain elements by person (e.g., whether officers have documented the race of each individual involved in an encounter) and other elements by encounter (e.g., whether officers document the location address where the encounter took place). This file structure represents a revised methodology to this missing data assessment which we describe in more detail in the March 2023 Six-Month Report on Non-Compliant Items.¹³ The values that do not meet the 14 percent threshold requirement per the Settlement Agreement are identified with an asterisk. A detailed explanation and assessment of each file and the extent to which data elements are missing follow each table.

While the Settlement Agreement directs us to investigate the previous six months of data, we also provide the percentage of missing data from all prior analyses (beginning with quarter one of 2019) to allow for comparison over time. Table 2 shows all the required data elements for traffic stops and associated frisks and searches that meet the required 14 percent threshold. The new methodology, detailed in the aforementioned March 2023 report allows for a more complete picture of all data related to traffic stops and revises a coding error which erroneously inflated the missing data for IV.A.3.j in previous assessments. The previous merge code did not adequately account for unit of analysis when developing the percent missing and thus the new methodology uses a “person-level” or “encounter-level” denominator as necessary for each data element. For example, age, gender, and race and ethnicity are data elements assessed for each person involved in a police encounter while

¹³ <https://city.milwaukee.gov/ImageLibrary/Public/ImageLibrary/Photos/CJISix-MonthReportonNon-CompliantItemsMarch20223-22-2022.pdf>

address, police district, and date of encounter are all data elements assessed at the encounter level. For a second year in a row, MPD is compliant with documentation completeness for data elements related to traffic stops, with values well within the 14 percent threshold.

Table 2: Percent of Traffic Stop Records Missing Data in TraCS

IV.A.3 Subsection	Data Element	2019	2020	2021	2022
		Q1Q2 Q3Q4	Q1Q2 Q3Q4	Q1Q2 Q3Q4	Q1Q2 Q3Q4
A	Age	26.80%* 4.36%	3.71% 5.17%	0.81% 1.21%	0.44% 0.40%
A	Gender	26.80%* 4.36%	3.71% 5.17%	0.81% 1.21%	0.44% 0.40%
A	Race and ethnicity	26.80%* 4.36%	3.71% 5.17%	0.88% 1.29%	0.52% 0.45%
B	Address	1.60% 1.06%	2.62% 4.50%	3.71% 4.32%	2.70% 2.88%
B	Police district	4.00% 4.99%	5.88% 8.78%	4.72% 8.91%	5.49% 7.43%
C	Date of encounter	0.00% 0.00%	1.73% 4.24%	0.02% 0.01%	0.01% 0.00%
D	Start time of encounter	0.00% 0.01%	1.73% 4.24%	0.02% 0.01%	0.01% 0.00%
E	Narrative of legal basis	60.50%* 0.01%	1.75% 4.26%	3.69% 4.31%	2.59% 2.80%
E	CAD transcript	not received not received	4.32% 3.76%	4.65% 7.85%	3.28% 4.15%
F	Frisk Y/N ¹	not clear not clear	not clear not clear	not clear not clear	not clear not clear
F	Frisk legal basis	not clear 0.91%	1.53% 0.76%	0.00% 0.00%	0.00% 0.00%
G	Search Y/N	26.70%* 4.31%	3.66% 5.16%	4.67% 8.92%	4.27% 4.29%
G	Search legal basis	0.10% 4.32%	3.67% 5.16%	0.00% 0.00%	0.00% 0.00%
H	Contraband found Y/N	0.00% 4.31%	3.66% 5.16%	0.10% 0.21%	0.09% 0.00%
H	Contraband type	0.20% 4.31%	3.66% 5.16%	0.10% 0.21%	0.09% 0.00%
I	Use of force Y/N ²	not received not received	not received not received	not received not received	not received not received
I	Use of force type	not received not clear	not clear not clear	not clear not clear	0.00% 0.00%
I	Use of force justification ³	not received not received	5.26% 0.00%	0.00% 0.00%	0.00% 0.00%
J	Encounter outcome	0.10% 0.01%	1.76% 4.26%	11.15% 10.31%	2.66% 3.08%

IV.A.3 Subsection	Data Element	2019 Q1Q2 Q3Q4	2020 Q1Q2 Q3Q4	2021 Q1Q2 Q3Q4	2022 Q1Q2 Q3Q4
J	Violations, offenses, or crimes	57.11%* 49.91%*	47.90%* 59.17%*	2.71% 3.61%	2.50% 2.80%
L	Officer names	3.80% 0.07%	1.73% 4.28%	2.63% 6.17%	3.26% 3.31%
L	Officer IDs	0.00% 0.00%	1.74% 4.28%	2.30% 5.20%	3.39% 2.21%
	Unique stop ID number (match to CAD)	3.00% 1.06%	2.62% 4.50%	1.78% 5.29%	2.10% 2.43%

Table notes:

¹The contact summary form, the primary form officers fill out after conducting a traffic stop, has one field called “search conducted”, where officers can indicate whether they performed a search or a frisk. If an officer selects “yes” for search conducted, only then is there an option in another field, called “search basis,” where they can select “pat down.” Because the documentation of a frisk (pat down) is part of a drop-down menu, it is not possible to assess the percent of records that are missing for this particular data element.

²TraCS, 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.

³MPD 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.

⁴The values that do not meet the 14 percent threshold requirement per the Settlement Agreement are identified with an asterisk.

⁵ Values for each year and each item reflect the Q1Q2 missing percent first and Q3Q4 missing percent underneath.

⁶ The following data elements are assessed at the person level: age, gender, race and ethnicity, frisk (y/n), frisk legal basis, search (y/n), search legal basis, contraband (y/n), contraband type. Data elements assessed at the encounter level include: address, police district, date, start time, narrative of legal basis, CAD transcript, use of force (y/n), use of force type, use of force justification, outcome, violations/offenses/crimes, officer names, officer IDs, and unique stop ID number.

Table 3 shows all the required data elements for field interviews and associated frisks and searches conducted during the latter half of 2022 meet the threshold – fewer than 14 percent of field interview records are missing data. All values are well within the required threshold with particular improvement over time in data completeness for unique stop ID numbers and written narratives.

Beginning in 2021 through the first half of 2022, the revised approach to evaluating missing data provided a more precise assessment at the encounter level, causing a clearer picture for the extent of missing data for the type of force used during incidents where use of force occurred during stops with field interview documentation. The information for use of force present in the quarterly data provided to CJJ included information from RMS (whether use of force occurred and the justification for using force) and information from AIM (the type of force used). As shown in Table 3, the need to combine files from two different databases to assess whether the type of force was documented revealed a limitation in the data related to matching CAD numbers from RMS to AIM to retrieve the use of force information. To remedy this issue, MPD added the field “force_type_description” to the quarterly data and provided amended files for the second half of 2022. This field is inherent to the RMS database and thus eliminates the need to retrieve information from AIM about the

type of force used during stops documented with field interview forms. The inclusion of this field eliminated missing data for the type of force used and thus puts MPD into compliance with completeness of documentation of field interviews. MPD should continue to assess and diagnose issues with matching information between databases and ensure necessary information is being documented in AIM as it relates to actions taken during field interviews.

Table 3: Percent of Field Interview Records Missing Data in RMS

IV.A.3 Subsection	Data Element	2019	2020	2021	2022
		Q1Q2 Q3Q4	Q1Q2 Q3Q4	Q1Q2 Q3Q4	Q1Q2 Q3Q4
A	Age	0.10% 1.14%	0.03% 0.00%	0.05% 0.00%	0.00% 0.00%
A	Gender	0.10% 0.14%	0.03% 0.00%	0.05% 0.00%	0.00% 0.00%
A	Race	0.40% 0.14%	0.03% 0.00%	0.05% 0.00%	0.00% 0.00%
A	Ethnicity	5.80% 0.18%	0.03% 0.00%	0.05% 0.00%	0.00% 0.00%
B	Address	0.00% 0.04%	0.02% 0.00%	0.08% 0.00%	0.00% 0.00%
B	Police district	2.80% 2.73%	1.65% 0.58%	0.08% 0.00%	0.00% 0.00%
C	Date of encounter	0.00% 0.00%	0.00% 0.00%	0.08% 0.00%	0.00% 0.00%
D	Start time of encounter	0.00% 0.00%	0.00% 0.00%	0.08% 0.00%	0.00% 0.00%
E	Narrative of legal basis	0.30% 0.20%	0.06% 0.00%	0.08% 0.00%	0.00% 0.00%
F	Frisk Y/N	0.10% 0.20%	0.03% 0.00%	0.00% 0.00%	0.00% 0.00%
F	Frisk legal basis	12.30% 2.03%	2.24% 1.05%	0.41% 0.49%	0.40% 1.17%
G	Search Y/N	0.10% 0.16%	0.03% 0.00%	0.05% 0.00%	0.00% 0.00%
G	Search legal basis	7.70% 2.31%	1.32% 0.76%	0.00% 0.08%	0.18% 0.10%
H	Contraband found Y/N	0.10% 0.22%	0.03% 0.00%	0.00% 0.00%	0.00% 0.00%
H	Contraband type	0.10% 0.22%	0.03% 0.00%	0.00% 0.00%	0.00% 0.00%
I	Use of force Y/N	0.20% 0.20%	0.03% 0.00%	0.15% 0.00%	0.00% 0.00%
I	Use of force type	not received 1.55%	0.45% 0.92%	30.60%* 53.05%*	59.45%* 0.00%
I	Use of force justification	13.00% 0.92%	1.38% 0.38%	2.77% 0.00%	5.40% 0.00%

IV.A.3 Subsection	Data Element	2019 Q1Q2 Q3Q4	2020 Q1Q2 Q3Q4	2021 Q1Q2 Q3Q4	2022 Q1Q2 Q3Q4
J	Encounter outcome	0.20% 0.16%	0.03% 0.00%	0.15% 0.00%	0.00% 0.00%
J	Violations, offenses, or crimes	6.10% 0.18%	0.06% 0.00%	0.15% 0.00%	0.00% 0.00%
K	Relevant suspect description	not received 11.04%	1.56% 1.82%	0.08% 0.00%	0.00% 0.00%
L	Officer names	0.40% 1.49%	0.03% 0.00%	0.08% 0.00%	0.00% 0.00%
L	Officer IDs	0.40% 0.00%	0.03% 0.00%	0.60% 0.08%	0.00% 0.00%
	Unique stop ID number (match to CAD)	3.10% 0.06%	6.39% 0.41%	0.00% 3.45%	0.60% 0.45%

Table notes:

¹ The values that do not meet the 14 percent threshold requirement per the Settlement Agreement are identified with an asterisk.

² Percent missing values for Officer IDs are 0.00% for Q1-Q4 of 2022. While processing 2022 Q3Q4 data, we identified a merge error in the data files for 2022 Q1Q2 that did not appropriately match all officer IDs to encounters. After correcting and rerunning analyses, we found the 2022 Q1Q2 value published in the March 2023 Six-Month Report on Non-Compliant Items should have been 0.00% and have updated the table to reflect that correction.

³ Values for each year and each item reflect the Q1Q2 missing percent first and Q3Q4 missing percent underneath.

⁴ The following data elements are assessed at the person level: age, gender, race and ethnicity, frisk (y/n), frisk legal basis, search (y/n), search legal basis, contraband (y/n), contraband type. Data elements assessed at the encounter level include: address, police district, date, start time, narrative of legal basis, use of force (y/n), use of force type, use of force justification, outcome, violations/offenses/crimes, relevant suspect description, officer names, officer IDs, and unique stop ID number.

Table 4 shows every required element meets the threshold that fewer than 14 percent of no-action encounter records are missing data for the second half of 2022. We note the overall number of recorded no-action encounters is very low, so fluctuations in missing data percentages are inflated by a low sample size. The Settlement Agreement requires all no-action encounters receive a CAD disposition code of “no action,” and Table 4 shows a significant improvement from 2021 that now meets the threshold set forth in the Settlement Agreement.

Table 4: Percent of No-Action Encounter Records Missing Data in RMS

IV.A.3 Subsection	Data Element	2019 Q1Q2 Q3Q4	2020 Q1Q2 Q3Q4	2021 Q1Q2 Q3Q4	2022 Q1Q2 Q3Q4
A	Gender	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%
A	Race	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%

IV.A.3 Subsection	Data Element	2019	2020	2021	2022
		Q1Q2 Q3Q4	Q1Q2 Q3Q4	Q1Q2 Q3Q4	Q1Q2 Q3Q4
A	Ethnicity	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%
B	Address	1.90% 0.00%	0.00% 0.00%	0.00% 3.45%	0.00% 0.00%
B	Police district	2.80% 3.85%	2.55% 3.95%	0.00% 3.45%	0.00% 6.25%
C	Date of encounter	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%
D	Start time of encounter	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%
E	Narrative of legal basis	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%
J	Encounter outcome	not received 88.46%*	65.33%* 62.15%*	39.74%* 42.86%*	0.00% 6.25%
L	Officer names	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%
L	Officer IDs	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%	0.00% 0.00%
	Unique stop ID number (match to CAD)	9.30% 1.28%	1.09% 0.56%	0.00% 3.45%	0.00% 0.00%

Table notes:

¹ The values that do not meet the 14 percent threshold requirement per the Settlement Agreement are identified with an asterisk.

² Values for each year and each item reflect the Q1Q2 missing percent first and Q3Q4 missing percent underneath.

³ The following data elements are assessed at the person level: gender, race and ethnicity. Data elements assessed at the encounter level include: address, police district, date, start time, narrative of legal basis, outcome, officer names, officer IDs, and unique stop ID number.

Individualized, Objective, and Articulate Reasonable Suspicion

Table 5 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 sampling and IOARS determinations are part of our semiannual analyses required by the Settlement Agreement (SA V.A.3). We have produced eight such analyses to date, filed in February, June, and October 2020, April and October 2021, April and October 2022, and April 2023. 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.¹⁴

Table 5 shows IOARS for traffic stops has stayed consistently under the required 15 percent since the second half of 2019. IOARS for no-action encounters has been significantly above the 15 percent threshold in all but one

¹⁴ <https://city.milwaukee.gov/fpc/Reports/Crime-and-Justice-Institute-Reports.htm>

reporting period. The number of no-action encounters in each reporting period is low and as a result there may be more significant fluctuations in the percentage of these encounters failing to meet the threshold than there are for other encounter types. For field interviews, there was steady improvement from the first half of 2020 through the first half of 2022, with unsatisfactory articulation of IOARS in field interviews above the 15 percent threshold for the most recent reporting period (July through December 2022). IOARS for frisks have consistently remained significantly above the 15 percent threshold, despite some improvement in 2022. The Department must continue to prioritize improving the quality of IOARS for frisks within the written documentation of police encounters.

Table 5: Percent of Encounters without Sufficient IOARS

SA Language	Jan- June (2019)	July- Dec. (2019)	Jan- June (2020)	July- Dec. (2020)	Jan- June (2021)	July- Dec. (2021)	Jan- June (2022)	July- Dec. (2022)
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%	4.1%	2.9%	2.7%	0.7%
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%	20.9%	17.3%	10.0%	17.3%
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%	52.6%	73.7%	27.8%	55.6%
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%	48.8%	53.6%	30.0%	35.0%

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 2022 Traffic Stops, Field Interviews, No-action Encounters, and Frisks.” This is the fifth annual analysis of police encounters to assess progress or compliance with the terms of the Settlement Agreement.

The stop rate analysis indicates, after controlling for known predictors, that Black residents are subjected to traffic stops, field interviews, no-action encounters, and frisks at significantly higher rates than white residents. Black residents of typical driving age are 4.5 times more likely to get stopped than white residents of typical driving age. Black residents are 10.1 times more likely to be subjected to a field interview and 4.1 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. 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 eight 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 2.6 times more likely to be frisked than white subjects. These results are also statistically significant.

Controlling for demographic and district-level population characteristics, Hispanic/Latino residents were not significantly more likely to be stopped by police in a traffic stop, field interview, no-action encounter, or more likely to experience a police stop that involves a frisk.

The traffic stop rate for Black residents of typical driving age is 4.5 times higher than for white drivers, a statistically significant difference. The traffic stop rate for Hispanic/Latino residents of typical driving age is not statistically different from the traffic stop rate for white residents of typical driving age. The traffic stop rate for residents of other races was 47 percent lower than for white residents, a statistically significant difference.

The probability of proper IOARS documentation for stops and for frisks involving Black subjects or stops and frisks involving Hispanic/Latino subjects is higher relative to white subjects. The difference is statistically significant.

Hit rates for contraband discovery were 20 percent overall, with the probability of discovering contraband during a frisk significantly higher for Black and Hispanic/Latino frisk subjects than for white frisk subjects. Exploration of contraband hit rates by race or ethnicity specifically for weapons does not show a statistically significant difference by race or ethnicity.

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, with robust disparities in police encounters with Black residents compared to white residents of Milwaukee. IOARS documentation standards have continued to improve in 2022, with

documentation of IOARS for frisks notably higher than for previous years but continuing to be deficient specifically with white stop subjects as compared to Black or Hispanic/Latino stop subjects.

These results represent a fourth year of analysis of police encounters in Milwaukee. Stop rate disparities and disparity in the likelihood of a frisk, controlling for known predictors, have been found for all four years when comparing the experiences of Black and white individuals encountered by police. Current findings from police encounters in 2022 indicate no disparities in whether and how police interact with Hispanic/Latino residents and white residents of Milwaukee. These results indicate 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 significant improvements in racial and ethnic disparities in police encounters with members of the public.

Miscellaneous (SA VIII)

Status Summary

Per SA VIII.2, no amendments to the Agreement will be valid unless made in writing and signed by all of the signatories. One amendment was made and agreed on by all parties during year five, which involved the collection of certain race and ethnicity data outlined in SA IV.A.3.a-l.

Year Five 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 Fifth Annual Report presents a comprehensive assessment of all the requirements of the Settlement Agreement. Once again, our data analysis indicates racial and ethnic disparities persist and work must continue to identify and diagnose the source of racial disparities and develop remedies to enhance more equitable policing practices. Officers must improve their articulations for why they conduct frisks and supervisors must be attentive to the work being done by officers, offer necessary coaching, and demand proper documentation. The entire chain of command must be committed to Constitutional policing, the accuracy of reports, the quality of reports, and the community policing principles that govern interactions with the public. Leadership at all levels, modeled first by the chief of police, and infused throughout all bureaus and divisions, must continue to reinforce the importance of achieving constitutional policing through repeated and regular messaging. Regular Constitutional Policing meetings have been a significant step toward regular review and scrutiny, demonstrating to all members the importance leadership places on compliance and constitutional policing. MPD should continue to strengthen accountability practices in a way that allows for system-wide testing of policies and demonstrates to MPD management *and* the public that MPD knows and can demonstrate there is evidence of adherence to the policies.

As we reach the end of year five of this Settlement Agreement, it is important to note the work that has been accomplished to set the foundation for the remaining work. Policies have been changed and updated, quality training has been produced and delivered, and systems have been created to manage and review efforts in new and different ways. The work that remains is in many ways the most challenging. Creating a new way of thinking, strengthening systems that review and ensure adherence to practice, not relying on personalities alone to achieve the desired results but rather developing a culture of accountability and growth that functions as the fabric of the Department. These kinds of changes within departments with long histories and established practices do not come easily. As we worked with MPD, FPC and the City Attorney's Office personnel this past year, there has been genuine interest in and commitment to reaching compliance, improving practices, holding individuals accountable and bettering the system for the people who live, work in, and visit the City of Milwaukee. Several areas previously in process reached compliance this year. There are some areas that are very close to compliance and there is recognition that some areas remain challenging and could benefit from increased effort. We hope in the coming year, energy can be directed to those areas. MPD has already made a commitment to developing ways to operationally track and understand racial disparities in police encounters and we look forward to tracking progress in that area in the coming year.

As we reflect on the past five years, we note the City, and specifically the MPD with the many paragraphs in the Settlement Agreement directed at them, has demonstrated over time that in many areas they can achieve and sustain compliance. It would be helpful for the Parties to accept those items consistently deemed compliant as accomplished, giving space to the MPD and FPC to focus more intently and give greater attention to the items that remain in process, non-compliant, or items newly compliant that must continue to be closely tracked.

Appendix

The Crime and Justice Institute Team

Katie Zafft coordinates CJJ's data analysis efforts for the Milwaukee Settlement Agreement work. She has over 10 years of experience working on justice system policy evaluation and implementation of reform efforts at the local, state, and federal level. Katie primarily manages CJJ's policing and evaluation efforts to advance positive changes in support of fair and equitable practices that directly impact the safety of all communities. Prior to coming to CJJ, Katie's work for The Pew Charitable Trusts' public safety performance project involved evaluating state criminal justice policy reforms to inform the national conversation about sentencing, corrections, and enhancing public safety. Katie is committed to advancing better justice systems by developing strong foundations for data-driven decision-making because it leads to better policing and more equitable practices. 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 Bachelor of Arts in Psychology from St. Catherine's University in St. Paul, Minnesota.

Jessie Halladay began her career as a journalist primarily covering public safety issues before transitioning to policy work with prosecutors, police, and state government. Her most recent work prior to joining CJJ involved serving on the executive staff of the Louisville Metro Police Department as a special advisor, including overseeing the Public Information and Community Engagement units of sworn and civilian staff. Jessie's work at CJJ focuses on Justice Reinvestment and assessing disparities that exist within corrections systems. Jessie has extensive experience in crisis communications, policy development, legislative lobbying, and meaningful community engagement practices. Jessie is committed to using data and evidence-based practices to engage with communities toward making needed structural changes in our justice system. Jessie has a BA in History from the University of Michigan and a Master's in Journalism from Northwestern University's Medill School of Journalism.

Christine Cole has worked for over 35 years in the safety and justice sector with a particular focus on policing. Prior to CJJ, 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 police monitoring teams in Cleveland (OH) and Baltimore. Ms. Cole has a national reputation of driving police reform through her work with experts in the field. Ms. Cole holds a MPA from Harvard University Kennedy School of Government, MA from University of Massachusetts, and a BA from Boston College.

Ganesha Martin is an attorney contracted by CJJ 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.

Andrea Tyree has spent her career organizing alongside communities impacted by the criminal justice system and working as a research assistant for law enforcement agencies. Prior to CJI, she conducted extensive research on the need for technical assistance and the impact of federal oversight on the field of policing. As a member of CJI's policing team, Andrea contributes to foundational research and the evaluation of agency practices through her work on projects like CJI's assessment of consent decree outcomes in law enforcement agencies and a recent racial bias audit of a Minnesota police department. She is committed to assisting law enforcement stakeholders and the communities they serve through data-driven decision-making that can generate safe and equitable practices for all involved. Andrea holds a BA in Political Science from Howard University and a Master's Degree in Public Policy from Brandeis University.

Erica Bower joined CJI in June 2023, prior to which she worked in academic roles in sociology, criminology, and criminal justice. In the academic setting, Erica conducted research related to school discipline issues and racial disparities in the adult justice system; instructed courses related to youth justice, corrections, and social inequality; and helped undergraduates find opportunities to learn from professionals in the field. Erica is part of CJI's youth justice and policing teams and works on several projects analyzing data to improve these systems. Erica most recently led a collaborative effort to implement and evaluate community-based trainings in mental health and adverse childhood experiences (ACEs) in rural Tennessee; previously, she worked on bail reform evaluation in Norfolk, Virginia. Her work has been published in peer-reviewed journals including *American Journal of Criminal Justice* and *The Social Science Journal*. Erica is committed to advancing the field by using data-driven solutions to address critical issues in adult and youth justice systems. Erica holds a Ph.D. in Criminology and Criminal Justice from Old Dominion University.

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.

CJI would also like to acknowledge the contributions of former staff members **Sarah Lawrence** and **Joanna Abaroa-Ellison**. Sarah's leadership of the CJI team since the inception of our contract with the City of Milwaukee has been instrumental in establishing an organized and consistent structure for assessing compliance and providing the Defendants with appropriate technical assistance. Joanna's contributions to the CJI team included data analysis for several compliance assessments, supporting the technical assistance provided to the FPC, and maintaining organization of the information gathered to assess compliance and generate reports.