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Robert G. Donovan, Chairman
Public Safety Committee
Milwaukee Common Council
City Hall
200 East Wells Street
Milwaukee, WI 53202

Via Fax to (414) 286 3456

RE: File # 160155

Dear Chairman Donovan,

I attended your Public Safety Committee's special meeting on crime, fear, and disorder in Milwaukee on Monday, June 6, 2016. I was interested in the questions that committee members and other members of the Common Council asked Milwaukee Police Chief Edward Flynn following his presentation. Please consider my observations of the meeting and post them to File # 160155 on Milwaukee.legistar.com.

All Milwaukee area residents should thank you for your stated objective to better understand crime in Milwaukee and how stakeholders in the criminal justice system may improve their service to the community including identification of areas for improvement and collaboration.

Chief Flynn's presentation included a lot of figures that out of necessity were selected and presented to address certain topics of interest. The Chief repeatedly says that MPD engages in data-driven policing. The collection, quality and analysis of MPD's data deserve to be evaluated.

The Common Council has asked for greater reporting on certain data. For instance, last October it unanimously adopted Section 312-16 of the code relating to the collection of racial information at police traffic stops.

Unfortunately, at Monday's meeting Chief Flynn's presentation and questions from council members did not give or ask for an explanation of how the department's data systems work together.

The Milwaukee Police Department proactively collects huge amounts of data by means of various surveillance technologies, including but not limited to, automated license plate readers (ALPRs), cell site simulators (e.g. Stingrays), closed circuit television surveillance cameras (CCTV), records of officer initiated stops (in BadgerTracs and elsewhere), Shotspotter, and social media monitoring. Apparently, this data is available without restrictions to the department's data fusion center for purposes including predictive analysis.

At Monday's meeting there was a focus on homicides and non-fatal shootings and auto-related thefts, including carjacking. The ACLU is not opposed to the appropriate use of technology for crime

prevention and forensic uses. However, we do believe that council members should understand the cost and benefits of MPD's investment in surveillance technologies, including the cost it has by jeopardizing the rights of innocent people and diminishing their privacy.

The Chief in his presentation (slide 22) states that there is "a significant correlation between traffic stops and car thefts." There may be a correlation, but does that justify bad stops. The number of traffic stops has varied over the years since 2010. It is important to recognize two things about MPD's traffic stops. First the very large number of officer initiated stops; nearly 200,000 a year most years. Second, large numbers of these stops, the Chief has stated are "pretextual stops." That means officers are encouraged to stop motorists for the purpose of establishing a presence and perhaps conducting a search.

The Chief also focused on juvenile offenders (Slides 15-21). As he has done previously he drew council members' attention to the recent increase in carjacking by repeat juvenile offenders. This upsurge certainly is dramatic and scary -- reminiscent of media coverage of youthful "super-predators." President Hamilton cautioned the Chief from giving the impression that some youthful offenders may be beyond hope and will inevitably be going to prison. By focusing on juvenile offenders the Chief also directed our attention to the scarcity of resources at Milwaukee County Children's Court Center. As we know secure detention beds, supervision, monitoring and family counseling services, much less educational and rehabilitation and treatment, are difficult to manage.

I know that your committee will be hearing from other stakeholders in the criminal justice system, including the courts and county. It was disappointing that the Chief did not give more attention to crime problems for which he has responsibility and resources (an operating budget of nearly \$250,000,000). There were more carjacking crimes by adults than juveniles. There were 7,374 auto thefts in Milwaukee in 2015. What do we know about the nature and disposition of these thefts? What's happening to these vehicles? Where are they now? Are criminals taking cars out of state? Are criminals chopping up vehicles for parts? Are criminals trying to sell cars for scrap? Is MPD allocating its resources in ways that can answer these questions, retrieve vehicles and prosecute all criminals regardless of their age?

Other activities of the MPD, in addition to its response to auto related thefts, concern Milwaukee residents. For instance, response time to calls for service, police misconduct, in custody deaths, speeding and reckless driving, drug violations, and human trafficking all concern us. However, from the ACLU's perspective we believe that your committee should not miss the forest for the trees. The Common Council has an important oversight function that goes beyond adopting the MPD budget or confirming nominees to the Board of Fire and Police Commissioners.

As you continue your series of special meetings the ACLU urges you to do the following:

- 1). look at how government units involved in our criminal justice system interact on a high level,
- 2). remember that involvement in the criminal justice system has life changing consequences for everyone: including crime victims, police officers, court personnel, suspects, and offenders – all of whom have families and real lives,
- 3). look for ways to maximize and efficiently distribute resources across the whole criminal justice system, even though the Wisconsin State Legislature has ignored efforts to promote smart justice and reduce prison costs, thereby freeing up resources for community justice, and

4). finally, remember that civil liberties are not contrary to safety. Every neighborhood deserves professional, impartial and just treatment for its residents whenever they come into contact with our criminal justice system. Civil liberties protect all of us.

Thank you for your attention.

I look forward to upcoming special meetings of the Public Safety Committee.

Sincerely yours,

Chris Ahmuty
Executive Director