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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

File # 160155

Dear Chairman Donovan,

On Monday, the Public Safety Committee held the third in a series of special meetings to hear from stakeholders in Milwaukee's criminal justice system. Dr. Constance Kostelac, Director of the Bureau of Justice Information and Analysis, addressed the committee on behalf of Attorney General Brad Schimel and the Wisconsin Department of Justice. Her presentation included a description of crime trends in Milwaukee and a summary of various Wisconsin Department of Justice initiatives that affect Milwaukee. I attended the meeting in person. On behalf of the ACLU of Wisconsin, I'd like to share with you and your colleagues a few comments and questions. Please post this letter to File # 160155.

Police services in the United States are provided by nearly 18,000 local law enforcement agencies with assistance regarding some types of offenses from state and federal agencies. The state has larger role to play after arrests have been made and cases move through the courts and sometimes the corrections system. The state can have great influence on crime in our city by appropriately and adequately supporting local government and community efforts. After Dr. Kostelac's description of various DOJ initiatives in Milwaukee, both Alderman Witkowski and Alderman Borkowski expressed their belief that state financial support for initiatives in Milwaukee was small. Alderman Borkowski said it amounted to "peanuts." I'd agree that Milwaukee has gone hat in hand to the State Legislature and other state agencies for assistance in funding various parts of our criminal justice system and we have had little to show for it given our size. To be fair, scarcity affects both state and local government.

Regardless of the level of support Wisconsin provides Milwaukee, Council members missed an opportunity to probe the Department of Justice's role regarding Milwaukee's criminal justice system.

Dr. Kostelac's presentation was accompanied by many slides on various DOJ initiatives. One slide described the Treatment Alternatives and Diversion (TAD) program. \$333,900 per year goes to Milwaukee County, which funds a contract to work with non-violent offenders. I'm sure everyone is grateful for these funds, but Milwaukee County and other counties that have pioneered TAD were given short shrift when the Legislature expanded funding. The amount we receive is barely adequate to run more than a pilot. What's more, evidence

from drug courts around the state in 2014 suggests that racial disparities persist in drug court programs. TAD programs and drug courts need more state resources to achieve more better outcomes and less racial disparity.

Dr. Kostelac had one slide on the DOJ Sexual Assault Kit Initiative. The number of untested sexual assault kits in Wisconsin was still over 6,000 in September 2015. Around that time the DOJ received \$4 million in federal grants to reduce the backlog. As of February according to media accounts, little progress had been made. One wonders, where does the backlog of untested sexual assault kits stand now? Beginning in April 2015 Legislature significantly expanded the number of violent crime suspects and those convicted of misdemeanors subject to DNA testing. The State devotes significant resources to add a large number of records of individuals to data banks, when these individuals are not likely to have committed a crime where DNA would be left as evidence. All the while, far too many sexual assault kits where DNA evidence exists remained untested.

Obviously, there are many more DOJ activities that impact Milwaukee than Dr. Kostelac could mention. Given the Public Safety Committee's concern over the large numbers of auto-related thefts in Milwaukee, I was surprised that she did not mention the DOJ's Transaction Information for Management of Enforcement or TIME System. The TIME System connects criminal justice computers, including MPD's computers, in order to share critical information such as alerts or hot lists of stolen vehicles. MPD has made a large investment in automated license plate readers (ALPRs). If a vehicle is stolen its license plate number and description may be added to a TIME System hot list. When the ALPRs scan license plates they supposedly check the license plate number against the hot list of stolen vehicles on TIME. Are ALPRs and TIME making a difference in the number of stolen vehicles identified and recovered? Are they making a difference in the number of arrests for auto related thefts? Is ALPRs data being used for other purposes? These are fair questions for MPD and DOJ.

From the ACLU's perspective, I glean a couple of major issues from DOJ's presentation.

First, it is unclear what level of coordination really exists. Is the Legislature's approach to criminal justice consistent and strategic? Are the Department of Justice and local criminal justice stakeholders able to move beyond old models, such as the failed "War on Drugs" or "Truth in Sentencing"? If we moved toward being smart on crime instead of just tough on crime we might be able to have more resources and thereby avoid recriminations.

Second, technology is a huge part of modern law enforcement. Very often elected officials are unable to exercise their oversight function because they find out about all the implications of technology after it is already purchased. Someone also has to show restraint when it comes to purchasing expensive technology because it's "cool". Council members have to insist on a thorough vetting of surveillance technology purchases, including their civil liberties implications. The public deserves no less.

I urge you to keep these issues in mind as your special meetings continue. Thank you.

Sincerely yours,



Chris Ahmuty