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June 13, 2016

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,

Friday, Milwaukee County District Attorney John Chisholm and four of his senior deputies presented information about ways in which Chisholm's office tries to fulfill its functions in Milwaukee's criminal justice system. Members of the Public Safety Committee responded with questions and demands of their own. This was the second in a series of meetings you have called to hear from stakeholders in the system with the intention of arriving at recommendations to improve public safety throughout the city. I attended the meeting from start to finish.

On behalf of the American Civil Liberties Union of Wisconsin and its members (of which there are nearly 2,000 in the city), I'd like to make a few observations and suggestions. Please post this letter to File # 160155 at milwaukee.legistar.com.

The District Attorney's office appears to be confronting distressing and challenging circumstances in innovative ways, e.g. the alignment of its limited resources to include community prosecutors and collaboration with community partners. The DA's office also appears to be directing its limited resources strategically, e.g. seeking to prevent certain non-violent offenders from re-offending by means of early intervention. Has District Attorney Chisholm's approach worked? Milwaukee still has a serious problem with crime, so a better question might be, is Chisholm's approach on the right path?

From the ACLU's perspective which means protecting civil liberties and civil rights while promoting safe neighborhoods throughout the city, Milwaukee is better off using policies such as those mentioned above than using the traditional "get tough" approach of the failed "War on Drugs" or increasing mass incarceration with the racial disparities it entails.

At Friday's meeting it was obvious that while members of the council may get the big picture, members first live in the world of their districts and their constituents. Several council members mentioned the numerous calls they receive from constituents raising concerns about nuisance or criminal activity in their immediate neighborhoods. The District Attorney's office by deploying community prosecutors has taken on some of the responsibility for in place solutions at the neighborhood level. The ACLU does not receive the calls that council members and their staff receive. However, we do know from our presence in many communities that residents are frustrated with the response that they receive when they express their concerns to police. Often residents say that they are wasting their time or even are treated rudely when they contact police district stations. Similarly, we've heard complaints about 911. Response times for calls for service are a constant source of misunderstanding and frustration. The number of complaints about police officers to the Milwaukee Fire and Police Commission is most likely suppressed by the feeling that nothing will happen. Is there similar frustration with the District Attorney's office?

At today's special meeting more than one council member raised their constituent's legitimate concerns about the impact of the prostitution. Residents and businesses see prostitution depress the quality of life along sections of major streets. The District Attorney recognized that serious concern and also raised the truly heinous crime of human trafficking, which entraps young girls and boys, and unfortunately is particularly severe in Milwaukee. From the ACLU's perspective prosecuting the prostitutes has rarely been effective as they move to other streets when there is a crackdown. I suspect residents might agree that while not ignoring the prostitutes, focusing on human trafficking is a better use of limited resources.

The Milwaukee Police Department can't have an officer on every corner. The Department of Neighborhood Services can't write a citation for every broken window. And the District Attorney's office can't prosecute (and shouldn't) prosecute every illegal act. The Wisconsin Department of Corrections apparently can't even run their secure juvenile facilities (Lincoln Hills and Copper Lake) in a safe and humane manner. All the stakeholders you will be hearing from have to look for efficiencies and make choices. The ACLU urges that these decisions be informed by recognized best practices, data, and consideration of the human consequences of the system's conscious or unconscious bias.

As I have previously stated, we applaud your decision to hold these special meetings of the Public Safety Committee. I'd like to remind you that others are currently examining Milwaukee's criminal justice system or at least the Milwaukee Police Department. Hopefully, the recommendations you develop at the Public Safety Committee will complement other efforts.

I am sure that you are aware of the Milwaukee Community Justice Council, which is chaired by Chief Judge Maxine White and involves most of the stakeholders you will be hearing from and others. See: <http://milwaukee.gov/cjc> The John D. and Catherine T. MacArthur Foundation recently announced a \$2 million grant to Milwaukee County "to implement reforms to safety reduce Milwaukee's jail population and address racial and ethnic disparities in the justice system."

I'd also like to remind you that the Milwaukee Police Department has entered into a voluntary agreement with the United States Department of Justice Community Oriented Policing Services Office to undertake a Collaborative Reform Initiative for Technical Assistance. The Collaborative Reform

Initiative addresses the following areas: “recruitment, hiring, and personnel practices; community-oriented policing and problem solving; use of force and deadly force practices; citizen stop and search practices; and systems for supervision, accountability, learning, remediation, and discipline.”

Carrying out your responsibilities as council members when residents, other stakeholders, and the US DOJ are concerned and involved will test your skills and judgment to develop recommendations that advance meaningful solutions. It must be especially challenging when some members of our Legislature are unhelpful. The ACLU of Wisconsin appreciates your efforts and looks forward to further special meetings.

Thank you for your attention.

Sincerely yours,

Chris Ahmuty
Executive Director