

Settlement Agreement Update



Background

- ▶ The City of Milwaukee, FPC, and MPD are named Defendants subject to the Settlement Agreement reached with the Plaintiffs in *Collins, et al. v. City of Milwaukee, et al.* (17-CV-234-JPS)
- ▶ This Settlement Agreement became effective on July 23rd, 2018
- ▶ The Settlement Agreement mandates reforms in relation to transparency, accountability, training, and oversight, while placing an increased emphasis on conforming public safety activities to Constitutional standards that are easily monitored, tracked, and, in the case of deficiencies, corrected
- ▶ Progress towards compliance with the Settlement Agreement is monitored and reported on by the Crime and Justice Institute (CJI)

Year One Report

- ▶ CJI issued their First Annual Report on the Settlement Agreement in September of 2019
- ▶ The Report noted that while the first year was largely an update on policy, communication, and training, the subsequent reports will be focused on the substantive progress made towards the clauses of the agreement in light of the reforms structures put into place during the first year
- ▶ During the first year-
 - ▶ The policies itemized in the Settlement Agreement were revised and approved by FPC
 - ▶ Approximately 1,800 MPD personnel were trained on the Settlement Agreement requirements
 - ▶ Officers able to articulate the Constitutional standards and other considerations for each type of stop
 - ▶ Continued training on fair and impartial policing begun January-June 2019
 - ▶ Training on the required stop data entry to comply with Settlement Agreement
 - ▶ Notable progress was made towards establishing workable mechanisms for improved oversight, supervision, audits, reporting, and training

Year One Challenges

- ▶ CJI noted ongoing challenges to compliance in the following areas:
 - ▶ Data collection, extraction, and reporting from MPD
 - ▶ Auditing capacity and structure of the audit itself by FPC
 - ▶ Leadership and staffing changes within FPC and MPD
 - ▶ Workload management on the part of FPC and MPD given the extent of already existing duties for both
 - ▶ Testing within FPC has increased due to the retirement cycle
 - ▶ Complaint intake and investigation

FPC Compliance to Date: 2018-2019

Progress

- ▶ Complaint forms are now available in English, Spanish, and Hmong on the FPC website and are being distributed to public libraries in the City of Milwaukee currently (IV.D.1.a and b)
- ▶ Complaints are accepted in person, by phone, by mail, via email, and through an online submission process on the FPC website (IV.D.1.c)
- ▶ FPC investigators are trained not to, and in practice do not, discourage the filing of any complaint from a member of the public (IV.D.1.e)
- ▶ Complaints do not require notarization to be submitted to FPC (IV.D.1.e)
- ▶ FPC investigators conduct complaint interviews at City Hall, over the phone, and at community hours held around the city (IV.D.1.g)
- ▶ FPC continues to investigate all plausible complaints submitted by the public (IV.D.5.a)
- ▶ FPC provides notification to the Chief when any officer receives 3 or more complaints in 90 days and when any officer receives three or more complaints over a rolling 1 year period (IV.D.5.e)

FPC Compliance to Date: In Progress Currently

- ▶ Update promotional testing procedures to include community policing (IV.14)
 - ▶ 3rd party testing safeguards
 - ▶ Questions to be added to upcoming exams that assess community policing knowledge
 - ▶ Expecting to be able to review those materials at the end of February
- ▶ Publish data on website of all traffic stops, field interviews, no-action encounters, frisks, and searches (IV.A.13)
 - ▶ MPD is working on system to remove Personally Identifiable Information (PII) from data to be published
 - ▶ FPC made a portion of this data, without PII, available on the Open Data Portal on Monday, January 6
 - ▶ Q4 data is expected to be improved further as far as proper data entry that minimizes the presence of PII
- ▶ FPC reviews every internally generated complaint about MPD conduct (IV.D.5.b)
 - ▶ In the process of determining how to balance personnel privacy concerns with the review mandate of this clause
 - ▶ Personally discussed this at a meeting with MPD on 1/30 and members of the Administrative Bureau are developing a workable system for this requirement
- ▶ FPC maintains a running list of the number of complaints against each officer (IV.D.5.d)
 - ▶ In discussions with CJI about whether the AIM system, which already does this, is an acceptable method of recording

FPC Compliance to Date: Ongoing Issues

- ▶ Publishing of Stop data and Complaint data broken down by category of interaction (IV.A.13 and IV.E.5)
 - ▶ MPD uses multiple data entry systems to track police activities and each has its own individual format
 - ▶ PII removal remains an impediment to publishing complete, quarterly datasets and CJJ, FPC, and MPD are in regular communication about the possible solutions to these privacy concerns
 - ▶ MPD reinforcing training and tracking accountability for proper data entry that complies with the Settlement in an effort to bring the amount of data with PII down further
 - ▶ A smaller dataset, comprised of the available, PII-free data from Q3 of 2019 was published 1/6
 - ▶ FPC currently publishes a Citizen Complaint Report, but the data publication is a separate requirement

FPC Compliance to Date: Audits

- ▶ FPC is required to audit:
 - ▶ Data and camera footage from traffic stops, field interviews, no-action encounters, frisks, and searches to ensure Constitutionality, proper documentation, and proper supervisor oversight (IV.E.1)
 - ▶ Public complaints against MPD and FPC (IV.E.2)
- ▶ Important for ensuring that the policy-level reforms of the Settlement Agreement are a reality
 - ▶ Public is understandably concerned about this aspect of the Settlement Agreement because it tests whether practices and policies have actually changed
- ▶ FPC was visited by Brian Maxey, an expert on law enforcement oversight and staff planning, last week
 - ▶ FPC currently has one fulltime auditor on staff

FPC Compliance to Date: Overall

- ▶ FPC has successfully improved the complaint process and expanded access to it by placing investigators in the community
- ▶ FPC and MPD are working together to provide PII-free data to the public for examination and are starting to see the results of those efforts
- ▶ Audits are being approached with concern for efficiency and appropriate structure
 - ▶ Audits present a huge amount of material to review and the idea is to develop and implement a workable, sustainable solution that can be used repeatedly

FPC Compliance to Date: Looking Forward

- ▶ CJJ is set to publish an update on progress in March
 - ▶ FPC is currently working to provide CJJ with any and all “proofs” to demonstrate compliance
- ▶ Data publishing is evolving everyday and Q3’s publication was a promising first step
 - ▶ Settlement requires this data to be posted annually, but quarterly publication is becoming much more likely as FPC and MPD develop a data sharing process designed to meet the needs of the Settlement Agreement
- ▶ Audits are being structure and planned currently
 - ▶ Schedule for audits, per Settlement Agreement, is every six months