

City of Milwaukee Settlement Agreement Fourth Annual Report



Prepared by the Crime and Justice Institute

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The photo on this cover depicts “Growing Gateways to Unity”, 2018 Community Art Leaders mural program with artist Tia Richardson in collaboration with Milwaukee Christian Center. You can learn more about this mural on Tia Richardson’s website, www.cosmic-butterfly.com/p/about-me.html. A picture of the full mural is included below for context.



September 22, 2022

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

This report represents the Crime and Justice Institute's (CJI) Fourth 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here reflects the Defendants' compliance status as of July 2022 and, therefore, some information may appear to be out of date at the time of release.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 the mandated review period.

In this Fourth Annual Report, we again assess efforts towards compliance with all the requirements of the Settlement Agreement. The Defendants are four years into the Agreement and continue to be compliant in some areas, non-compliant in others, and the work remains in process in others. During this year, regular reporting and feedback loops provided evidence of compliance with certain sections of the Agreement. Efforts by the Administrative Bureau to establish a solid foundation and infrastructure that supports a self-managing department are impressive. Additional focused attention from the commanders in the Patrol Bureau on behavior of officers and supervisors could accelerate compliance. As the Defendants enter the fifth year of the Agreement, infusing the Chief's stated goal of compliance with the Settlement Agreement throughout Department leadership, particularly the Patrol Bureau, that is reinforced by all levels of command is critical to the overall success. The FPC is on a similarly strong foundation and filling the current vacant staff positions could accelerate their efforts to achieve the necessary rhythm of audits. In July¹, Mayor Johnson advanced the names of two additional candidates to the Common Council to fill two seats on the Commission. Having the full authorized strength of members on the Commission would be an important step for its strength and functioning, as more members permits not only more broad engagement from the community, but also additional people across whom the important work of the Commission can be spread. This is enthusiastically supported by the community as well as by CJI.

During our year four assessment, we had ample documents and data available to us upon which to base our compliance assessments. In short, our analysis continues to show racial disparities in police encounters, and we believe the leadership of the Department could increase its focus on accountability of officers who fail to live up to the standards set forth in policy, training, the Settlement Agreement, and the Constitution.

As the Defendants enter the fifth year of the Agreement, CJI is hopeful about stability in leadership in key places including the Mayor, FPC Executive Director, FPC Commissioners, the

¹ [Milwaukee Mayor Cavalier Johnson nominates two to FPC \(jsonline.com\)](https://www.jsonline.com/story/news/politics/2022/07/27/milwaukee-mayor-cavalier-johnson-nominates-two-to-fpc/7022112002/)

Chief of Police, and strong personnel in the Administrative Bureau. Continued attention to the activities and documentation efforts of patrol officers and supervisors, accurate reporting, and accountability and discipline systems are critical. The Settlement Agreement requires compliance with *activities* in order to create a series of robust managerial *systems* for the FPC and the MPD to self-manage, self-regulate, and ensure continuous improvement. Regular stress testing of those systems is ongoing work and continues beyond the duration of this Settlement Agreement.

As required, this report includes a summary of our analysis of police encounters. Our “Analysis of 2021 Traffic Stops, Field Interviews, No-action Encounters, and Frisks” report, submitted as a companion to this Fourth Annual Report, provides additional detail.

It is worth noting as we present our Fourth Annual Report that CJI’s contract with the City of Milwaukee in our role as Consultant to the Settlement Agreement ends on July 22, 2023. As of this writing, we are aware that the Parties are engaging in mediation and any potential role for CJI beyond July of 2023 is an area of future conversation and negotiation.

Sincerely,

Sarah Lawrence and *Christine M. Cole*

Sarah Lawrence and Christine M. Cole
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 that there had been racially disparate and unjustified stops, frisks, and other unconstitutional police actions. The Defendants denied those allegations and maintain 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”)² 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 Crime and Justice Institute (CJI) was contracted by the City of Milwaukee 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 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. Recently the emphasis has been on the Defendants leveraging administrative reforms to facilitate changed officer behavior and increase accountability. While turnover in leadership and other key personnel hindered progress in previous years, the stability now anticipated in leadership at MPD and FPC should help accelerate continued progress toward full compliance.

This Fourth 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 2022.

² 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.

Notable Areas of Progress

After nearly a year with Jeffrey Norman serving as Acting Chief, he was appointed Chief on November 15, 2021. The appointment of a permanent chief is important to the stability of the organization and its efforts toward compliance. The appointment of Chief Norman followed months of confusion and uncertainty for the Department and the City, in light of the litigation involving the prior chief and an aborted national search. Upon his appointment as permanent chief, Chief Norman quickly assembled his own Executive Staff and maintained the leadership positions for the Assistant Chief and Inspector in the Administrative Bureau. These two positions and the individuals who currently fill them are instrumental to and responsible for much of the success the Department has achieved during the past year. We have observed a continued focus on the Agreement by Assistant Chief Waldner and Inspector Sarnow in the Administrative Bureau.

MPD posted for a new position, Risk and Compliance Manager, and hired Heather Hough. Ms. Hough, from her previous position at the City Attorney's Office, is familiar with the contents and aspirations of the Settlement Agreement. Though she has only been in this role since late April, she is working well to augment the Administrative Bureau's compliance team and is focused on compliance, identifying problematic behaviors, and raising important questions with policy implications that could improve the rate of racially disparate contacts and, as such, the pace of compliance with the Agreement.

At the FPC, there is now notable increased stability at the Commission level and increased engagement from FPC Commissioners. Mayor Johnson advanced for nomination a candidate who was confirmed by the Common Council, establishing seven members of the Commission all confirmed and without any in holdover status for the first time since the Settlement Agreement was signed. As of the writing of this report, Mayor Johnson has put forth two additional nominations to the Commission that are still pending, and another Commissioner has submitted her resignation.

Additionally, staff from the City Attorney's Office continues to be a critical facilitator across City agencies and with the Plaintiffs' counsel. The three-person team of lawyers is now essentially a one-person team of Julie Wilson who has worked diligently and effectively to advance progress toward compliance.

CJI traveled to Milwaukee for a site visit in May of this year, for the first time since 2019 due to travel restrictions imposed by the COVID-19 pandemic. Our visit was revealing in positive ways. The leadership in the Administrative Bureau is working effectively and fervently, taking the necessary steps to support the Patrol Bureau through training and coaching, audits and cursory reviews, and working with systems to record and process Non-Disciplinary Corrective Actions (NDCAs). The Inspections Section of MPD continues to conduct audits every six months and completed two new sets of audits of traffic stops, field interviews, and no-action encounters this year as required. The Inspections Section is now

also conducting additional reviews and compliance checks. Lieutenant Sean Raclaw with his strong organizational skills, responsiveness to CJI inquiries, and continued attention to documentation, meeting agendas, and proactive updates ensures that the work flows smoothly and keeps the focus of the Administrative Bureau on compliance. Similar to last year, CJI received cover sheets and relevant documentation for nearly all of the Settlement Agreement requirements, the large majority from MPD, to help assess compliance, progress, and challenges.

The Administrative Bureau created a number of systems to strengthen accountability, including the Constitutional Policing meeting further described below, modification of the AIM system to capture NDCAs, and systems to notify leaders of patterns of behavior. Refining not only the software but also the systems for notification and accountability remains a focus. During this year, we note demonstrable progress towards routine referrals to Internal Affairs and district level commanders for discipline related to report completion, timeliness, failures to document, and general supervisory failures. In at least one case, a grievance was filed and the case moved to arbitration.

The Administrative Bureau's establishment of a monthly Constitutional Policing meeting that includes leadership from all districts and special units is an example of notable progress in developing internal review mechanisms that address some of the data and documentation concerns we have raised. The meetings communicate standards for documentation completeness and endeavor to hold officers and supervisors accountable for meeting the standards. Additionally, while focusing on whether officer narratives are properly written is an important supervisory function, leadership must remain steadfastly focused on correcting the actions of officers and supervisors that drive poor documentation or violate policy and, thus, could be contributing to disparities.

This year we have witnessed improved coordination and collaboration between IT and the Office of Management, Analysis, and Planning (OMAP), a welcome development. CJI has had more communication with OMAP this year compared to years past, signaling the Department is becoming more transparent about the processes they have developed to produce the stop data and demonstrates a willingness to improve its useability.

Notable Challenges

The Defendants focused more intently this year on the annual data analysis proscribed by the Settlement Agreement, which continues to conclude that there are racial and ethnic disparities in encounters between MPD and the public. We applaud the Defendants for trying to find a suitable, additional analysis of the encounter data that will help identify the drivers of these disparities. We believe the Department must acknowledge that the encounter data is in part reflective of officer behavior and supervisor approval of that and one way to improve the disparities found in the data is to adequately address the behavior. We acknowledge that there will be times and locations where particular deployments, requests from the public, or

crime trends warrant increased police attention, however, they should be episodic, time and geographically limited, and explainable. The hurdle to reaching compliance falls in part on the Patrol Bureau's expectations for officer behavior and quality supervision and not just the Administrative Bureau's ability to detect flawed reporting.

We continue to track compliance with frisk documentation through the Semiannual Analysis of individualized, objective, articulable reasonable suspicion.³ To date, for every six-month period we have reviewed video footage and found at least one undocumented frisk in sampled stops that are designated likely to involve a frisk based on their call types (e.g., calls for service involving weapons) but in which officers do not indicate in written documentation that a frisk occurred. For 2021, we found two undocumented frisks out of nine sampled documented stops during the first half of the year, and two undocumented frisks out of four sampled documented stops during the second half of the year. Written documentation of frisks and searches is a priority in the Settlement Agreement and MPD must make progress toward compliance with documenting these police actions when interacting with the public. We note that our limited analysis of documented frisks in the Semiannual Analysis is a subset of encounters that otherwise have documentation and that it is likely more undocumented stops and undocumented frisks are occurring beyond what we are able to sample. We are pleased to learn that the new Risk Manager at MPD is reviewing body worn camera images on a regular basis as an additional check on quality.

Our data analysis continues to find racial disparities in stops and searches. People, mostly Black people, continue to be stopped and searched without cause. Racial and ethnic disparities in police stops continue to occur, as illustrated in our companion report "Analysis of 2021 Traffic Stops, Field Interviews, No-Action Encounters, and Frisks," which is summarized below. The analyses required by the Settlement Agreement illuminate these disparities but are not designed to reveal the primary drivers for why such disparities exist. It is incumbent upon the Department and the City to evaluate community-level drivers, internal Department directives, and individual officer behavior as possible avenues for why disparities exist and how to confront them.

In addition to the findings of racial bias in our annual analysis, the data show that about half of frisk reports lack sufficient documentation of IOARS. This means that either the frisks themselves are not conducted or the associated reports are not written in accordance with training, department policy, the Settlement Agreement, and the Constitution. There has been improvement in IOARS documentation for traffic stops, field interviews, and frisks from the beginning of 2020 to the end of 2021, but we remain concerned that so many police activities lack appropriate justification. The administrative structures to identify and correct incomplete reports are in place; what is missing is follow-through, accountability, and a commitment to behavior change from leadership exacted upon the Patrol Bureau.

³ SA V.A.3.e requires analysis of "cases in which an officer marks 'no frisk' and 'no search' in cases in which a frisk or search was highly likely to have occurred (e.g., stop for a robbery investigation)."

There are outstanding issues with the stop data that needed to be addressed. The discovery and removal of crash investigations from the citation/warning data was an important and positive step. However, MPD's continued investigation of citations and warnings without corresponding documentation indicates the stop data still include citations and warnings not associated with traffic stops or field interviews, making it difficult to determine the actual magnitude of mismatched or missing information related to citations and warnings that are outcomes of traffic stops or field interviews.

During the last year, the FPC experienced notable staff turnover in non-leadership roles for positions with responsibilities directly related to the Settlement Agreement. At the outset of year four, the FPC had become fully staffed, including a three-person audit team; a team that is vital to compliance. The FPC compliance manager left in the fall of 2021, and the audit manager and one of two staff auditors left in the spring of 2022. While some degree of turnover should be anticipated, the process of posting, recruiting, reviewing, and hiring in the City of Milwaukee seems to take a minimum of six months. Although the FPC is actively working to fill positions, having key positions open for extended periods at this point in the Settlement Agreement, after experiencing excessive vacancies earlier in the Settlement Agreement process, significantly stalls progress toward compliance.

The Administrative Bureau at MPD appears to be shouldering the greatest share of the responsibility for achieving compliance with the Agreement when in fact, management and leadership within the Patrol Bureau needs to demonstrate as much commitment and attention to the details as the Administrative Bureau. As noted in our previous annual report, we still do not see sufficient attention from the Patrol Bureau in working toward compliance. The Patrol Bureau must assume as much responsibility for the identification of problems with reports, lack of individualized, objective, and articulable reasonable suspicion (IOARS) for stops or frisks, as the audits done by the Inspections Section. The auditing function is an important quality control mechanism but relying on audits to find and address all issues is a failure of the chain of command in Patrol.

The City is working through an arbitration process on discipline for supervisors who accumulate a notable number of NDCAs. Until that is resolved, the City seems unable to hold those supervisors accountable in a way that the Settlement Agreement imagines.

A community policing status report, required per SA IV.C.6, has still not reached compliance and evidence that leadership evaluates community policing measures at Executive and Command Staff meetings (per SA IV.C.5) is lacking. While we are aware various activities related to community policing are underway, they appear to be somewhat disparate in nature. We look forward to these efforts being brought together in a systematic way that allows the entire Department and community alike to work toward and achieve an overall shared vision of community policing and to evaluate community policing measures to know what is and is not working.

The Year Ahead

As indicated in the description of challenges, as the Defendants enter the fifth year of the Settlement Agreement, the Patrol Bureau must become more engaged. Leadership in Patrol must increase its attention to the work of the Agreement and efforts toward compliance.

Staff turnover with the FPC audit team was unfortunate as the team was just hitting their stride. With expectations that the hiring process for the auditing team will be concluded by August, efforts to complete the FPC's first full set of audits (per SA IV.E.1 and IV.E.2) should be the priority.

In the coming year, the MPD will be engaged with vendors and designing and implementing a new CAD system, as well as exploring a new AIM system. Changes in legacy systems, even those that bring improvements, will cause some processes to break down and require rebuilding. CJI recommends convening a work group that brings together a robust understanding of the data collection and reporting requirements of the Settlement Agreement, MPD policies and constitutional policing, technical expertise, and community interest in transparency to manage the design and implementation process. Changes such as these require constant, mindful, and urgent attention. The CAD system will affect the stop data and the Department must work to collaborate across bureaus to ensure the new structure meets the reporting requirements they need and aids their accountability structures they have in place.

MPD has extensive partnerships across the community with whom they liaise on violence prevention activities and to address neighborhood concerns. Continuing to leverage these relationships to build the Community Policing Plan, communicate progress on the goals of the Settlement Agreement, and increase transparency of MPD data will help ensure that the aspirations of the Settlement Agreement are part of the mission and agenda of the MPD and not a time limited project.

During the upcoming year, CJI will continue to review data 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 that 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)⁴. The Plaintiffs also claim that MPD sustains “stops and frisks of Black and Latino⁵ 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.*⁶ 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 was selected to serve as the Consultant per mutual approval of the Parties. CJI entered into a contract with the City of Milwaukee on October 4, 2018.

⁴ 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.

⁵ 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.

⁶ 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.

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

How This Report Is Organized

Like our previous Annual Reports, this Fourth 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 four. 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, an assessment of compliance with the requirements, progress and challenges, and the remaining work. In the Compliance section, we present a summary of our second analysis of encounter data as prescribed by the Settlement Agreement in SA V.A.5 through V.A.8. A separate technical report published concurrently presents the full details of that analysis.

SUMMARY OF CJI ACTIVITIES

During the fourth year of our role as Consultant, the CJI team continued to engage almost daily with the Defendants by email, phone and via video conferencing. After a pause in travel due to the COVID-19 pandemic, CJI conducted two site visits during the spring of 2022. The CJI team observed a full day of in-service training on April 26, 2022 and conducted a three-day site visit from May 10 through May 12, 2022.

During this year, CJI made the following virtual and in-person presentations:

- Overview of Third Annual Report to the Fire and Police Commission on 10/21/21
- Semi-Annual Analysis to MPD Command Staff on 10/27/2021 and 5/11/22
- Overview and update to the Research and Rules Committee of the Fire and Police Commission on 5/10/22
- Meeting with Mayor Johnson and policy staff on 5/10/22
- MPD Quarterly Data Merge Overview 2/28/2022

During year four, 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
- Plaintiffs' counsel

Throughout the year the CJI team worked with the Defendants on efforts toward compliance. From our vantage point, we have continued to experience healthy working relationships with the MPD and FPC staff who oversee efforts toward compliance and find them to be mostly responsive to our feedback. The work is collaborative at times, with a focus on problem solving, and directive at other times, with CJI specifying needed steps or documentation to continue to make progress toward compliance. The administrative systems, largely established during year three, generally continue to work well.

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 that all elements of the agreed-upon language in the Agreement are being met. The tracking system of cover sheets to help track progress and documentation related to individual Settlement Agreement requirements continues to function effectively. CJI again provided the Defendants a deadline to submit any documentation to be considered in this year four report. The Defendants, collectively the FPC and the MPD, provided an

update and relevant documentation on nearly every paragraph in the Agreement. The CJI team measured the documentation received against the exact language included in the Agreement.

In March 2022, our six-month report providing an updated status on items that were deemed non-compliant in our Third Annual Report was submitted to the Parties and the Court. Eleven 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.⁷

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 and ethnicity, showing how often officers find contraband during a frisk. Published in [October 2021](#) and [April 2022](#), both are available on the FPC website.⁸

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 four, we conducted our third set of regression analyses to assess the racially and ethnically disparate impact of policing in Milwaukee. The results of that analysis are summarized below in the Compliance chapter and the full technical details on that analysis are being published concurrently with this Fourth Annual Report in a separate report entitled, "Analysis of 2021 Traffic Stops, Field Interviews, No-action Encounters, and Frisks."

⁷ <https://city.milwaukee.gov/fpc>

⁸ Id.

ASSESSING COMPLIANCE

This Fourth 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 2022 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 2022.⁹

For the topic-specific chapters below, we describe the progress and challenges made in each area and the year four 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 have 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.

⁹ While the compliance assessments generally are as of July 2022, the annual data analysis in the companion report relies on encounter data from calendar year 2021.

POLICIES (SA IV)

Summary of Requirements in Settlement Agreement

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

Summary of Progress and Challenges

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 and three. During year four, revisions and updates were again made to several policies referenced in the Agreement including: SOP 001–Fair and Impartial Policing; SOP 085–Citizen Contacts, Field Interviews, Search and Seizure; SOP 300–Directed Patrol Missions; SOP 440–Early Intervention Program; SOP 450–Personnel Investigations, and SOP 747–Body Worn Camera. These policy updates were implemented to continue to strengthen alignment with the Settlement Agreement, respond to the Sterling Brown Agreement, and incorporate SOP 003–Community Oriented Policing, which became effective April 2, 2021. Proposed revisions are publicized on the City's Legistar system and are open for public comment at a posted FPC meeting.

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. MPD has continued 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. Similar to last year, these audits still find camera

activation is not happening consistently, in particular with field interviews and no-action encounters. It is crucial that MPD enforce this policy and hold officers accountable with corrective action for not activating body worn cameras within policy. MPD should continue to audit for this practice and use the findings to help improve adherence to policy or, as deemed necessary, address any failure of equipment expeditiously.

Last year MPD's Human Resources Division revised Performance Evaluation Reports to prohibit the use of the number of stops as a factor in evaluating performance in alignment with SA IV.6. CJI has received evidence that these revisions are being utilized in practice through a sample of completed Performance Evaluation Reports. During the upcoming year, CJI intends to evaluate how supervisors in the districts are assessing performance and what metrics are being used in officer assessments.

Last year we noted the challenges with progress related to SA IV.14, requiring 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. During this year, the FPC compiled and presented demographic data for the general population and MPD personnel by rank. Data shows the demographics of MPD sworn officers are currently not reflective of Milwaukee residents in terms of race and ethnicity. As presented in an 80-page report detailing FPC officer recruitment efforts in early 2022, Defendants have engaged in numerous, targeted efforts to diversify recruitment and hiring. Initial results from 2022 recruitment efforts are encouraging, as data shows that the racial and ethnic composition of the applicant pool in early 2022 is closely aligned with the composition of the City overall. While more work remains to achieve compliance with the Agreement requirement, this is notable and encouraging progress.

Remaining Work

SA IV.14 states, "...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." In the upcoming months, FPC staff intends to work with the promotional testing company to ensure SOP 003, Community Policing, is reflected in the promotional testing anticipated for the spring of 2023. The FPC and MPD should work collaboratively using demographic data, the 2022 recruitment plan, and other resources to describe a planned effort to diversify the corps of officers throughout the chain of command. The plan should include details on the then current demographic breakdown by race and ethnicity and gender for each rank of personnel and the corresponding target. The target could include incremental gains measured and tracked over three years.

CJI will continue to examine how officer performance is being evaluated at the district level, beyond the annual, required Human Resources performance evaluation forms.

Year Four Assessment

Settlement Agreement Paragraph	Compliance Status
<p>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.</p>	<p>In Process</p>
<p>IV.10.a – Defendants agree to amend MPD SOP 001-Fair and Impartial Policing.</p>	<p>Compliant</p>
<p>IV.10.b.i – Defendants agree to work with Plaintiffs to amend SOP 085-Citizen Contacts, Field Interviews, Search and Seizure.</p>	<p>Compliant</p>
<p>IV.10.b.ii – Defendants agree to work with Plaintiffs to amend SOP 300-Directed Patrol Missions/Saturation Patrols.</p>	<p>Compliant</p>
<p>IV.10.b.iii – Defendants agree to work with Plaintiffs to amend SOP 440-Early Intervention Program.</p>	<p>Compliant</p>
<p>IV.10.b.iv – Defendants agree to work with Plaintiffs to amend SOP 450-Personnel Investigations.</p>	<p>Compliant</p>
<p>IV.10.b.v – Defendants agree to work with Plaintiffs to amend SOP 730-Mobile Digital Video/Audio Recording Equipment.</p>	<p>Compliant</p>
<p>IV.10.b.vi – Defendants agree to work with Plaintiffs to amend SOP 747-Body Worn Camera.</p>	<p>Compliant</p>
<p>IV.10.b.vii – Defendants agree to work with Plaintiffs to amend SOP 990-Inspections.</p>	<p>Compliant</p>
<p>IV.11 – Defendants agree to formally withdraw Memorandum No. 2009-28 “Traffic Enforcement Policy”.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>

<p>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.</p>	<p>Compliant</p>
<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).¹⁰ 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 of 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 that 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

¹⁰ 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.

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.

Summary of Progress and Challenges

As of the writing of this report, we have received 13 quarters of data from MPD, beginning with the first quarter of 2019 through the first quarter of 2022. 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 that they identify. For example, this year MPD investigated encounters from the Semiannual Analysis reports that represented citations or warnings that lacked associated TraCS or RMS information. They discovered that the data extractions were inappropriately including citations and warnings resulting from motor vehicle crash investigations. IT and OMAP are actively working to adjust the extraction protocols to exclude such citations and warnings from future extractions. 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 that 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 four.

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). We believe the Agreement language that stipulates that Defendants must prove documentation exists for 100 percent of stops in order to achieve compliance is a high bar. A few sources, including MPD's audits, our semiannual IOARS analyses, and our review of MPD's quarterly data reveal that there are traffic stops, field interviews, no-action encounters, frisks, and searches that do not have an electronic, digitized record in TraCS or RMS.

Another ongoing challenge for MPD is complying with the requirement that each encounter must have a unique stop identification number (SA IV.A.3). MPD designated the CAD number as the unique stop identifier, but the quarterly data continue to include common codes such as “NULL,” a series of zeros, or blank CAD numbers. 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. 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. We are unable to explain why there is a significant increase in unmatched TraCS forms for the second half of 2021 as compared to the first half of the year. It may be that the process of removing citations and warnings resulting from traffic accidents did not hold through the extractions for quarters 3 and 4. To make progress towards compliance, the 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 that 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	647	7	0	654
Quarter 2	562	2	0	564
Quarter 3	1,806	0	3	1,809
Quarter 4	2,028	1	1	2,030

The Settlement Agreement requires that MPD include race and ethnicity information “from one or more categories in the following list: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, and/or White.” The TraCS database, where traffic stop information is collected, has the following options for officers to document race and ethnicity: “Asian,” “Black,” “Hispanic,” “Indian,” and

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.

“White.” MPD proposed that TraCS (operated by the State) change the field code text to “Native Hawaiian or other Pacific Islander,” “Black/African American,” “Hispanic,” “American Indian or Alaskan Native,” and “White.” In this proposal MPD has included the added definition of “persons identifying with the peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands” to the category of “Asian” (which corresponds to the proposed category of “Native Hawaiian or other Pacific Islander”). In order to achieve compliance with the required categories of the Settlement Agreement, the Defendants and Plaintiffs’ counsel must agree that combining “Asian” with “Native Hawaiian or Other Pacific Islander” as MPD has proposed in the TraCS database is acceptable.

Remaining Work

As previously stated, the data requirements of the Agreement are foundational to assessing numerous other requirements and understanding the extent to which MPD’s encounters with members of the public exhibit racial and ethnic disparities. Based on MPD’s internal audits, and CJI’s analysis of encounter data, we still hold that more work needs to be done to ensure the documentation standards of the Settlement Agreement are being met and encourage MPD to prioritize resources and staff to fully comply with the data-related requirements and embrace the accountability measures developed to help make continued progress toward full compliance. MPD must ensure that every traffic stop, field interview, no-action encounter, frisk, and search is documented in an electronic, digitized record. We continue to stress the importance of officers accurately inputting CAD numbers into TraCS and RMS forms so that it can serve as a reliable unique encounter identifier. MPD must keep working to rectify the inclusion of citations and warnings that do not belong in the quarterly extraction data to develop a more accurate portrayal of the outcomes of traffic and pedestrian encounters with police in Milwaukee.

Year Four 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

<p>IV.A.2.c – Defendants shall ensure that all no-action encounters are documented in [RMS]¹².</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>IV.A.3.a-1 – 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>.</p>	<p>In Process</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>

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.

<p>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.</p>	<p>Compliant</p>
<p>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...datasets or tables link together and what types of duplicates can be expected.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>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 variables 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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>

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

Summary of Progress and Challenges

MPD has maintained compliance in almost all of the training-related requirements. During this year's in-service training, MPD increased the extent to which officers engaged in scenario-based training, as a way to refresh and strengthen the training content related to the Agreement.

The in-service training covering the issues required by the Settlement Agreement for year four began on January 27, 2022 and concluded on June 3, 2022. CJI again received copies of all training materials, training rosters of officers who completed training, a list of those who did not and the qualifying reasons why, 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 in January and February 2022 and provided feedback and recommendations to the Defendants, some of which was incorporated into the training.

MPD provided eight hours of Fair and Impartial Policing training to new recruits in February 2022 using certified trainers.

The MPD training this year was more focused on scenario-based training and adherence to adult learning models. The classes were smaller, focused on small group and facilitated discussion, and engendered problem-solving and peer to peer learning.

The Training Division has continued to employ a testing system as part of in-service training. CJI reviewed training materials including scenarios that demonstrate officers' ability to verbally articulate 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. 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 explained in our Third Annual Report, while supervisors are tasked with recognizing biased behaviors and trends, these patterns can often be insidious and hard to detect. At times, disturbing patterns can also appear to be good police work by stopping or arresting people engaged in criminal activity. Even when a majority of stops come from a certain racial or ethnic group, that by itself does not necessarily demonstrate bias; other elements need to be considered to assess whether police actions are indeed biased. In the spirit of candor, this is not a traditional skill set found or trained in police departments.

Defendants' ability to achieve full compliance with SA IV.B.1.d continues to be a concern to CJI, as "identifying trends and patterns that give rise to potentially biased practices" requires a level of expertise not traditionally present in police supervisors. We described notable progress in this area in our last annual report. Based on a review of the training materials and observing the training in person, it appears that the gains made last year on this issue were not completely retained and some valuable content had been condensed in this year's in-service 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. To detect patterns, consistent and critical review by supervisors to ensure that reports are well documented is an important step. As a notable step, MPD provides supervisors tabulated complaint data to review and analyze for patterns within districts, shifts, units, and peer groupings. Such information can help identify trends and potential bias-based behaviors. Analysis of NDCAs could be another source to detect patterns of the

absence of IOARS, undocumented frisks, unsupported frisks, and more critical analysis of non-traffic stops. Where, when, and which officers, are conducting these stops? Who are their supervisors? Who is being stopped and why? Digging deeply into pedestrian stops could reveal patterns. It may be that time for this activity is not available for immediate supervisors and could fall to lieutenants or OMAP staff. We believe this requirement, along with others in the Agreement related to race and ethnicity, are ripe opportunities for the new Risk Manager to take a lead in exploring efficient and effective approaches to detecting and addressing this behavior. A better understanding of potential patterns in these stops is critical.

Remaining Work

Scheduling training for such a large police department can be a challenging task. It is difficult to take officers off the streets in the context of personnel shortages and violent crime problems. However, ensuring that officers on the streets do their jobs in a constitutional and equitable manner is of the utmost importance in general, but is specifically mandated by the Settlement Agreement. In an effort to be efficient, MPD reduced some of the great training that was implemented last year. In addition, the curriculum was changed in an attempt to keep the content fresh and interesting to officers, so as to not lose officers’ attention by repeating content they had seen for years. In doing so, much of the training CJI praised in our Year Three Annual Report was removed. Plaintiffs’ counsel took notice of these changes as well. MPD is now in the process of revamping training for the fall of 2022 to reintroduce some of those elements and will revise next year’s in-service training with that in mind. Additionally, the Risk Manager and academy staff are working to ensure that community context is given to this training. We provided them some examples of how other departments have done this. We look forward to seeing what they create, tailored to the needs of MPD. Tremendous work has been done to incorporate the IOARS report training. However, MPD’s training uses examples from around the country. We believe that using deidentified (if necessary) scenarios from Milwaukee would be more impactful and meaningful.

Year Four 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>
<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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>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...</p>	<p>Compliant</p>
<p>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.</p>	<p>In Process</p>
<p>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.</p>	<p>In Process</p>

<p>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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>IV.B.4.b – Defendants shall provide the training calendar to Plaintiffs as soon as it is available.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>

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 that a supervisor 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 of 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 that 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.

Summary of Progress and Challenges

Since the start of the Agreement, three in-service trainings have been conducted for all personnel and five sets of audits by the Inspections Section on traffic stops, field interviews, no-action encounters, frisks, and searches have been performed. During year four, there was increased attention on supervisors' regularly reviewing reports, identifying behavior that is inconsistent with the Settlement Agreement, and responding to problems. The Non-Disciplinary Corrective Action (NDCA) system, launched in June 2020, establishes a centralized system for supervisors to document non-disciplinary counseling resulting from incorrect or incomplete reports.

Per SA IV.C.3, every six months the Internal Affairs Division is required to prepare a report for command staff of allegations of policy violations and any corrective actions taken. In our Third Annual Report the Defendants were deemed non-compliant with this requirement but in our Six-Month Report on Non-Compliant Items the Defendants were found in compliance as two policy violations reports were prepared covering the period January through June

2021 and July through December 2021. The compliance determination from the six-month report is maintained in this Fourth Annual Report. CJI has some questions about the content of these reports regarding the composition of the allegations and insufficient detail on corrective actions. CJI has communicated these questions to MPD but given the reports timely submission, the Defendants are in compliance.

Regarding SA IV.C.3, MPD provided current certifications for the remedial trainers and SOP 082– Training and Career Development–requires retraining be completed within 28 days. MPD has provided some documentation that remedial training is occurring and in most, but not all, cases it is occurring within 28 days. Defendants remain in process on this requirement until they show that such retraining is happening consistently within the required timeframe.

MPD’s audits conducted every six months include a review for the timeliness and quality of supervisor review of arrest reports to help assess compliance with SA IV.C.1.a. Defendants were found non-compliant on this requirement in our most recent Six-Month Report on Non-Compliant Items. Based on the most recent MPD audit of field interviews (Audit 21-06), there were 40 encounters involving an arrest included in the audit sample, and in three of them, supervisors did not meet the threshold for reviewing the arrest report for the lawful basis for the stop and/or any applicable frisk or search conducted. Because no additional field interview audits have been completed as of the writing of this report, the non-compliance status from the six-month report is maintained. We again note that the Agreement stipulates “all reports of arrests” must meet this threshold and that the Settlement Agreement language sets a very high bar for the Defendants to achieve compliance with this requirement. MPD has made efforts to communicate the importance of timely and quality reviews of arrests to supervisors and we hope that future audits will show progress in this area.

The Department continues to develop the supervisory review process to ensure officers are meeting the documentation requirements for traffic stops, field interviews, and outcomes of encounters such as frisks and citations or warnings. It is clear that this system needs continued focus in order to ensure the standard of documentation specified by the Settlement Agreement is being met and that supervisory review is occurring in a timely fashion. MPD’s most recent audit of field interviews indicates that only 31 percent of the sampled field interviews were reviewed and approved correctly within the 7-day timeframe (Audit 21-06). Most of the field interviews that were improperly approved were approved despite the lack of IOARS for the stop. Audit 21-08 regarding no-action encounters showed that supervisors approved documentation for no-action encounters that were missing required information regarding the specifics of the stop.

Finally, the traffic stop audit (Audit 22-04) indicated that 10 percent of the sampled traffic stop documentation lacked appropriate review, with the accuracy of review and approval of citations and warnings as one of the audit objectives in focus. The process regarding supervisory review of citations and warnings relies on a CAD compliance report as the

starting point from which the review begins. Relying on a review of the CAD compliance report limits supervisors' review to stops that are first found in the CAD system. This misses citations and warnings that may not appear in the CAD compliance report due to errors or missing information in the CAD field on the citation or warning form that prevents them from being connected to the CAD system. In short, the process does not review citations and warnings in a manner necessary to identify and review every citation or warning that lacks a valid CAD number.

Per SA 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." MPD shared Community Relations and Engagement reports during the year from Patrol Command Staff meetings that demonstrate discussions of community policing activities are regularly occurring. Progress is still needed on the evaluation of community policing measures and evidence of feedback loops from Patrol Command Staff meetings to the Chief. The existence of a Community Policing Plan is foundational to compliance of this requirement.

MPD is required to complete a community policing status report twice per year. For the last two years, in our Second and Third Annual Report, we noted that the language of the Settlement Agreement is insufficient in detail for CJI to assess compliance with this requirement (SA IV.C.6) and requested that the Parties confer to provide greater clarity about the expectations for a community policing status report. In June 2022, MPD published a Community Report and accompanying press release, which demonstrates an attempt to provide information and data to community stakeholders. Without any evidence of agreement between the Parties conveyed to CJI clarifying the criteria and expectations as requested, we must deem the Defendants in process for SA IV.C.6. MPD's Community Report foreshadows a spirit of collaboration in working toward a community policing status report. CJI will be unable to deem the Defendants compliant with this requirement until the Parties agree upon expectations and provide greater clarity for what should be included.

Remaining Work

MPD must develop a more robust and consistent supervisory review process that helps supervisors review the volume of stop documentation for accuracy and completeness within the timeframes set forth in the Settlement Agreement. This requires MPD to find efficiencies in the process that can automate flagging documentation issues where appropriate and allow for supervisors to focus in on officer behaviors that need greater scrutiny. Remaining work also hinges on the development of a process that ensures supervisors are reviewing every citation and warning that is generated, regardless of whether it connects to CAD data. This will help to correct issues that remain with citations and warnings that do not connect to existing TraCS or RMS forms. Since the start of the Agreement, MPD has developed processes using their existing technology systems. To keep making real progress toward

compliance the Defendants need to consider investing in existing technological systems that are designed to create efficiencies in review and audit processes.

We acknowledge MPD’s progress in publishing a Community Report in June 2022. However, for the third year in a row, we encourage the Parties to confer on SA IV.C.6 to achieve a shared set of expectations for a community policing status report.

Year Four 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>Non-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 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.</p>	<p>Non-Compliant</p>
<p>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,</p>	<p>Non-Compliant</p>

supervisors shall ensure that officers provide any missing information to ensure all information required by paragraph IV.A.3 is documented.	
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 on 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 that 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 that 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.

Summary of Progress and Challenges

Both MPD and FPC have maintained the practice of having complaint forms and instructions available in English, Spanish, and Hmong on their websites and making complaint forms available for members of the public on their websites and at public libraries and police district stations. The Defendants continued to utilize a system developed during the COVID-19 pandemic in which a series of scannable signs with a QR code were posted that connected users to complaint forms. Both the FPC and the MPD provided documentation that they accept complaints through the various means outlined in the Agreement, such as email or online, in person, by phone, and by mail.

To achieve compliance with SA IV.D.3.a, MPD needs to demonstrate that “Internal Affairs Division receives all complaints from members of the public...”, which is a high bar. MPD has worked collaboratively with a County agency to design a plan to test that all complaints are received by IAD. This is notable progress and we look forward to seeing the results during the upcoming year.

The FPC has 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.” The FPC has produced and shared 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 a 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, the complainant receives 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 Agreement year, the FPC reviewed all internally generated complaints over two, six-month periods: the second half of 2020 and the first half of 2021 and prepared reports summarizing the findings. We received documentation that shows the review process with MPD and any follow-up on review findings. While this process goes beyond the requirements of the Settlement Agreement, we support it and the increased engagement among the agencies.

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 moves into compliance with SA IV.D.5.d.

Defendants have continued to wrestle with 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.” While both the FPC and MPD have met the training component of this requirement, sufficiently demonstrating that the Defendants “in practice do not” discourage the filing of complaints is a challenge. Documenting the lack of something, such as personnel discouraging complaints, is a difficult task to operationalize.

Regarding a database of complaints about MPD conduct received from the public as well as internally generated complaints, MPD made revisions to the AIM system last year such that all the required individual elements of SA IV.D.4.b are able to be collected separately in AIM. The remaining piece is for MPD to provide evidence that these changes to AIM are being reflected in the complaint data and that all required data elements are being collected separately. Per SA IV.D.5.c, the FPC, which also uses AIM to track complaints, similarly needs to produce a report of complaints to show the data are being recorded in accordance with the Agreement.

Remaining Work

We will continue to work with the Defendants to verify the completeness of documentation such that the full compliance for certain Settlement Agreement requirements is achieved. For example, in the upcoming year MPD will test the extent to which that IAD receives “all complaints” from members of the public and additional work remains to demonstrate that personnel who accept complaints “in practice” do not discourage members of the public from filing them.

Year Four 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

<p>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.</p>	<p>Compliant</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>	<p>N/A</p>
<p>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.</p>	<p>In Process</p>	<p>In Process</p>
<p>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.</p>	<p>Compliant</p>	<p>Compliant</p>
<p>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).</p>	<p>In Process</p>	<p>N/A</p>
<p>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.</p>	<p>In Process</p>	<p>Compliant</p>
<p>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.</p>	<p>In Process</p>	<p>N/A</p>
<p>IV.D.1.h – MPD shall require supervisory review and approval for investigations open beyond ninety (90) days and every thirty (30) days thereafter.</p>	<p>In Process</p>	<p>N/A</p>

<p>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.</p>	<p>Compliant</p>	<p>N/A</p>
<p>IV.D.1.h – MPD shall ensure that all plausible complaints are investigated.</p>	<p>In Process</p>	<p>N/A</p>
<p>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.</p>	<p>Non-Compliant</p>	<p>N/A</p>
<p>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.</p>	<p>Compliant</p>	<p>Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>	<p>N/A</p>
<p>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.</p>	<p>In Process</p>	<p>N/A</p>
<p>IV.D.3.b – Defendants shall ensure that the MPD Internal Affairs Division reviews every internally generated complaint about MPD conduct.</p>	<p>In Process</p>	<p>N/A</p>
<p>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.</p>	<p>In Process</p>	<p>N/A</p>

<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>In Process</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>In Process</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>In Process</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 is required to document FPC's findings in the AIM database. MPD is also required to incorporate the findings from the audits 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.

Summary of Progress and Challenges

MPD

During this fourth year, the MPD Inspections Section maintained the required schedule of completing audits every six months and completed two sets of audits of traffic stops, field interviews, and no-action encounters per SA IV.E.6. The first set completed in year four covered field interviews and traffic stops from July through December 2020 and no-action encounters from January through June 2021. The second set covered field interview and traffic stops from January through June 2021 and no-action encounters from July to December 2021. MPD has now produced five sets of audits which continue to serve as feedback mechanisms within the Department. Similar to our last annual report, the audit findings are referenced several times throughout this report as a source of information to

identify problematic behavior. We believe the use of MPD's audit findings continues to help strengthen and improve police practices.

As noted in our Second and Third Annual Report, MPD's audits do not cover one of the four areas specified: supervisors who fail to require re-training and/or discipline for subordinate officers who conduct unreasonable, unreported, or insufficiently documented encounters. The Department has developed and is utilizing a system to document and track non-disciplinary corrective actions (NDCA). However, we still have not received sufficient documentation to directly show how this system satisfies the requirement that MPD audit for supervisors who fail to require re-training and/or discipline for officers who conduct unreasonable, unreported, or insufficiently documented encounters. Until MPD can demonstrate that all four audit requirements (subsections a through d) are being performed, they will remain in process for SA IV.E.6. Because compliance with SA IV.E.7 is contingent upon complete sets of audits, MPD remains in process for this requirement.

FPC

For most of the past year, the FPC continued to make progress in establishing an audit unit. In addition to an audit manager, two new auditors were working on the FPC audit requirements SA IV.E.1 and SA IV.E.2. In the spring of 2022, however, two of the three-person audit team left the FPC. While the FPC achieved significant progress in conducting the required audits, staff departures and the need to rehire will inevitably slow progress toward compliance. CJI provided feedback on several draft audit reports related to the methodology and set of audit objectives to FPC staff. We found the staff to be open and responsive to our feedback and we look forward to seeing the extent to which future audits incorporate the feedback with the goal of stronger and clearer audit reports. It is critical that the FPC achieve and maintain a full staff complement of auditors to continue its progression toward compliance. As has been repeatedly stated, it is a protracted process to hire staff in the City of Milwaukee. We ask, in the interest of efficiency and the march toward compliance, if there are policies that can be suspended, without creating adverse effects, that it be done to expedite hiring.

Regarding SA IV.E.1, during the last twelve months the FPC finalized the first audit of no-action encounters and produced draft audits for field interviews, traffic stops, and the second no-action encounter audit. Because two full sets of audits were not completed during the last 12 months, despite notable progress, the FPC remains in process.

Regarding SA IV.E.2, during this Agreement year the FPC finalized two FPC citizen complaint audits covering the second half of 2020 and the first half of 2021. The FPC finalized one MPD citizen complaint audit, covering the second half of 2020. The FPC produced an audit of MPD citizen complaints for the first half of 2021. Because two full sets of audits were not completed during the last 12 months, despite notable progress, the FPC remains in process. Compliance with SA IV.E.4 is contingent upon complete sets of audits, and therefore Defendants remain in process.

FPC audits under SA IV.E.1 are also lacking review for subsection d: supervisors who fail to require re-training and/or discipline for subordinate officers who conduct unreasonable, unreported, or insufficiently documented encounters. We encourage MPD and FPC to work collaboratively such that both entities are auditing for the full set of required elements.

Remaining Work

The audit findings produced by the Inspections Section every six months continue to be a valuable source of information that can inform training and help ensure supervisors, district commanders, and Command Staff are aware of how officers and supervisors are performing on the street.

We hope that the FPC is able to expeditiously hire a full complement of auditors and meet the expectation of conducting required audits of police encounters and complaints every six months. We hope the MPD and the FPC will work collaboratively to ensure that the FPC’s audit findings are adequately incorporated into MPD processes to help improve police operations.

Year Four 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 	N/A	In Process

unreasonable, unreported, or insufficiently documented encounters.		
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.	N/A	In Process
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 reviews and audits itself, in order to be able to fully and appropriately exercise its oversight obligations.	N/A	In Process
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	In Process
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...	In Process	In Process
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
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	In Process	N/A

<p>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. 		
<p>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.</p>	<p>In Process</p>	<p>N/A</p>
<p>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.</p>	<p>In Process</p>	<p>N/A</p>

COUNSELING, RE-TRAINING, AND DISCIPLINE (SA IV.F)

Summary of Requirements in Settlement Agreement

The Settlement Agreement requires that 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 that 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 that 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.

Summary of Progress and Challenges

Last year we noted MPD's progress in developing and implementing a system to document and monitor non-disciplinary corrective actions (NDCA) and use the information as part of an alert notification system for employees involved in three incidents that are insufficiently documented, legally unsupported, or based on racial or ethnic profiling over a rolling one-year period (SA IV.F.1). As of CJI's visit in May 2022 and at the time of this report, MPD can show that the system is operational. During our site visit MPD demonstrated the live system with data entered by the administrator using data derived directly from the audit reports. The system has not been functional for long enough to show sustained and systematic implementation to reach compliance and Defendants are still in process for year four.

In all of our previous Annual Reports we have commented on the importance of holding officers and supervisors accountable. We continue to have questions about discipline related to traffic stops, field interviews, no-action encounters, frisks, and searches and will prioritize this area in the upcoming year. MPD provided some documentation as evidence

investigations and discipline are occurring, but we have outstanding questions about the details and the regularity of the process. CJI will do a deeper review of these issues in the upcoming year.

Remaining Work

The establishment of systems to collect, track, alert, and then follow up on discipline from the NDCAs involved a significant modification of systems as well as sound problem solving. The use of AIM is inventive and sensible. It is a system that is not designed perfectly for this and yet it is a system with which supervisory personnel are familiar. In the last year, the process for collecting the NDCAs, in accordance with this section of the Settlement Agreement, took some time. In the process of roll out, practical issues and concerns were identified that still require sorting out. Also in practice, MPD learned that even with corrective action, an officer and supervisor can accumulate more than three NDCAs. The system was initially set up to respond to three violations. Once underway, some staff accrued more than three – and the policy and AIM system was not prepared to respond. The Administrative Bureau Assistant Chief and Risk Manager are working to streamline and create policy steps that outline actions for Command Staff, AIM staff, and IAD staff for such occurrences. In fact, their current procedures are under review as a result of a grievance filed in response to disciplinary action; evidence of pushback from the union on efforts to hold members accountable. We believe the Department is doing its level best to create workable, sound policies that enable their compliance as well as effective operations.

Year Four 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>In Process</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>

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.

In Process

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.

Assessment

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.

The Collaborative Community Committee (CCC) met regularly throughout the year and engaged MPD in numerous meetings, including discussions on use of force policy and progress with the Settlement Agreement. The CCC has made efforts toward a community survey, expected to launch in the summer of 2022, as a way to obtain community input on MPD operations. No changes to CCC membership were made during the year. The Defendants are compliant with SA IV.G.2 during this reporting period.

Year Four Assessment

Settlement Agreement Paragraph	Compliance Status
<p>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.</p>	<p>Compliant</p>

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

Year Four Assessment

Section V of the Settlement Agreement primarily requires data analysis on the part of the Consultant. 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 that it has shown sustained and continuing improvement in constitutional policing based on our analysis of their data.

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.	Non-Compliant

<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>
<p>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.</p>	<p>Non-Compliant</p>

<p>V.A.8.a – Defendants will provide Plaintiffs and the Consultant with the relevant police district population data.</p>	<p>Compliant</p>
<p>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.</p>	<p>Compliant</p>
<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>

Analysis

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).

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 in order to assess certain elements by person (for instance, we want to know whether officers have documented the race of each individual involved in an encounter) and other elements by encounter (for instance, we want to know whether officers document the address where the encounter took place). This file structure represents a revised methodology to this missing data assessment that we describe in more detail in the [Six-Month Report on Non-Compliant Items¹³](#) from March 2022. 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 percent of missing data from all prior analyses (beginning with quarter one of 2019) to allow for comparison over time.

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

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020	Q1Q2 2021	Q3Q4 2021
a	Age	26.80%*	4.36%	3.71%	5.17%	0.81%	1.21%
a	Gender	26.80%*	4.36%	3.71%	5.17%	0.81%	1.21%
a	Race and ethnicity	26.80%*	4.36%	3.71%	5.17%	0.88%	1.29%
b	Address	1.60%	1.06%	2.62%	4.50%	3.71%	4.32%
b	Police district	4.00%	4.99%	5.88%	8.78%	4.72%	8.91%
c	Date of encounter	0.00%	0.00%	1.73%	4.24%	0.02%	0.01%
d	Start time of encounter	0.00%	0.01%	1.73%	4.24%	0.02%	0.01%

¹³ [CJISix-MonthReportonNon-CompliantItemsMarch20223-22-2022.pdf \(milwaukee.gov\)](#)

IV.A.3 Subsec tion	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020	Q1Q2 2021	Q3Q4 2021
e	Narrative of legal basis	60.50%*	0.01%	1.75%	4.26%	3.69%	4.31%
e	CAD transcript	not received	not received	4.32%	3.76%	4.65%	7.85%
f	Frisk Y/N	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%
g	Search Y/N	26.70%*	4.31%	3.66%	5.16%	4.67%	8.92%
g	Search legal basis	0.10%	4.32%	3.67%	5.16%	0.00%	0.00%
h	Contraband found Y/N	0.00%	4.31%	3.66%	5.16%	0.10%	0.21%
h	Contraband type	0.20%	4.31%	3.66%	5.16%	0.10%	0.21%
i	Use of force Y/N	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
i	Use of force justification	not received	not received	5.26%	0.00%	0.00%	0.00%
j	Encounter outcome	0.10%	0.01%	1.76%	4.26%	11.15%	10.31%

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

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.

Table 2 shows that all the required data elements for traffic stops and associated frisks and searches meet the required 14 percent threshold. The new methodology mentioned above 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.

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

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020	Q1Q2 2021	Q3Q4 2021
a	Age	0.10%	1.14%	0.03%	0.00%	0.05%	0.00%
a	Gender	0.10%	0.14%	0.03%	0.00%	0.05%	0.00%
a	Race	0.40%	0.14%	0.03%	0.00%	0.05%	0.00%
a	Ethnicity	5.80%	0.18%	0.03%	0.00%	0.05%	0.00%
b	Address	0.00%	0.04%	0.02%	0.00%	0.08%	0.00%
b	Police district	2.80%	2.73%	1.65%	0.58%	0.08%	0.00%
c	Date of encounter	0.00%	0.00%	0.00%	0.00%	0.08%	0.00%
d	Start time of encounter	0.00%	0.00%	0.00%	0.00%	0.08%	0.00%
e	Narrative of legal basis	0.30%	0.20%	0.06%	0.00%	0.08%	0.00%
f	Frisk Y/N	0.10%	0.20%	0.03%	0.00%	0.00%	0.00%
f	Frisk legal basis	12.30%	2.03%	2.24%	1.05%	0.41%	0.49%
g	Search Y/N	0.10%	0.16%	0.03%	0.00%	0.05%	0.00%
g	Search legal basis	7.70%	2.31%	1.32%	0.76%	0.00%	0.08%
h	Contraband found Y/N	0.10%	0.22%	0.03%	0.00%	0.00%	0.00%
h	Contraband type	0.10%	0.22%	0.03%	0.00%	0.00%	0.00%
i	Use of force Y/N	0.20%	0.20%	0.03%	0.00%	0.15%	0.00%
i	Use of force type	not received	1.55%	0.45%	0.92%	30.60%*	53.05%*

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020	Q1Q2 2021	Q3Q4 2021
i	Use of force justification	13.00%	0.92%	1.38%	0.38%	2.77%	0.00%
j	Encounter outcome	0.20%	0.16%	0.03%	0.00%	0.15%	0.00%
j	Violations, offenses, or crimes	6.10%	0.18%	0.06%	0.00%	0.15%	0.00%
k	Relevant suspect description	not received	11.04%	1.56%	1.82%	0.08%	0.00%
l	Officer names	0.40%	1.49%	0.03%	0.00%	0.08%	0.00%
l	Officer IDs	0.40%	0.00%	0.03%	0.00%	0.60%	0.08%
	Unique stop ID number (match to CAD)	3.10%	0.06%	6.39%	0.41%	0.60%	0.08%

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

Table 3 shows that all but one of the required elements meet the threshold that fewer than 14 percent of field interview records are missing data. The revised approach to evaluating missing data provides a more precise assessment at the encounter level, which caused a shift in the percentage of missing information for the type of force used. The information for use of force present in the RMS includes whether a use of force occurred and the officer-written justification for the use of force. The information about the type of force used comes from the AIM system. The encounters that lacked information about the type of force used were all encounters where officers indicated in RMS that force was used but in which there were no corresponding use of force reports in AIM. It is unclear whether this increase in missing data is due to a disconnect between RMS and AIM data (which we connect using the CAD number) or in an actual lack of use of force reports documented in the AIM system.

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

IV.A.3 Subsection	Data Element	Q1Q2 2019	Q3Q4 2019	Q1Q2 2020	Q3Q4 2020	Q1Q2 2021	Q3Q4 2021
a	Gender	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%
a	Ethnicity	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%
b	Police district	2.80%	3.85%	2.55%	3.95%	0.00%	3.45%
c	Date of encounter	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%
e	Narrative of legal basis	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%*
l	Officer names	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%
	Unique stop ID number (match to CAD)	9.30%	1.28%	1.09%	0.56%	0.00%	3.45%

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

Table 4 shows that all but one of the required elements meet the threshold that fewer than 14 percent of no-action encounter records are missing data. We note that the overall number of recorded no-action encounters is very low, so fluctuations in missing data percentages are inflated by a low sample size. However, one element is consistently significantly above the 14 percent threshold. The Settlement Agreement requires that all no-action encounters receive a CAD disposition code of “no action.” Table 4 shows that around 40 percent of records in the first and second halves of 2021 are not coded as such. This represents an improvement from 2020 but is still far from meeting the threshold. For this data element, officers must inform dispatchers and give them the correct code. MPD’s in-service training includes this instruction and additional guidance that supervisors approving no-action encounter reports should confirm the correct code has been used. The Inspections Section also utilizes this code when conducting their audits of no-action encounters.

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 were part of our semiannual analyses required by the Settlement Agreement (SA V.A.3). We have produced six such analyses to date, filed in February, June, and October 2020, April and October 2021, and April 2022. 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: 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)
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%
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%
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%

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

SA Language	Jan- June (2019)	July- Dec. (2019)	Jan- June (2020)	July- Dec. (2020)	Jan- June (2021)	July- Dec. (2021)
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%

Table 5 shows that IOARS for traffic stops has stayed consistently under the required 15 percent since the second half of 2019. In other words, MPD is appropriately documenting the reasonable suspicion necessary to conduct the majority of their traffic stops. However, IOARS for no-action encounters has been significantly above the 15 percent threshold in all but one 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 has been steady improvement over the past four reporting periods. MPD continues to struggle with their documentation of IOARS for frisks. These data are very concerning, and the Department must prioritize improving the quality of IOARS for frisks.

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 2021 Traffic Stops, Field Interviews, No-action Encounters, and Frisks.” This is the third annual analysis of police encounters in order 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 of Milwaukee 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 (16-80 years old) are 4.8 times more likely to get stopped than white residents. Black residents are 9.3 times more likely to be subjected to a field interview and 7.5 times more likely to be

a subject of a no-action encounter than white residents of Milwaukee. All of these results are statistically significant.¹⁵

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 nearly 18 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 3.1 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 field interview or no-action encounter, nor were they more likely to experience a frisk-based encounter than white residents. However, during a police encounter, Hispanic/Latino subjects were 2.4 times more likely to be frisked than white subjects, a statistically significant result. Regarding traffic stops, the current methodology for identifying race and ethnic disparities that uses a Census-based population benchmark found no significant disparity in traffic stops for Hispanic/Latino drivers as compared to white drivers in Milwaukee for 2021 and when retroactively applied to 2019 and 2020 data. It is worth noting that previous analysis for 2019 and 2020 using licensed drivers as a base population found significant disparities. The differences in detecting disparities using different benchmarks illustrates the sensitivity of this outcome. We believe using Census data as a benchmark is a stronger approach given the available data and established methodologies for measuring disparities in police encounters. Based on this methodology, we find no disparities in Hispanic/Latino residents being involved in traffic stops.

The probability of proper IOARS documentation of encounters does not statistically differ by race or ethnicity for IOARS documentation to justify stops and IOARS documentation to justify frisks.

Hit rates for contraband discovery were 26.9 percent overall, and while the probability of discovery of overall contraband for Black and Hispanic/Latino subjects was lower than for

¹⁵ We consider results to be statistically significant if the significance threshold achieves at least a 90% confidence level that the results are significantly different from chance. Please refer to the companion report “Analysis of 2021 Traffic Stops, Field Interviews, No-Action Encounters, and Frisks” for full details regarding statistical methodology.

white subjects, the difference is only statistically significant for the comparison of Hispanic/Latino subjects to white subjects. Exploration of contraband hit rates by race or ethnicity specifically for weapons indicates that frisks of Black subjects are significantly more likely to produce weapons contraband than frisks of white subjects.

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 2021, with documentation of IOARS for frisks notably higher than for previous years but continuing to be deficient regardless of race or ethnicity of the frisk subject.

These results represent a third year of analysis of police encounters in Milwaukee. The results for 2020 indicated race and ethnic disparities in traffic stops, field interviews, and frisks that are on par with the results found for 2019 encounters.¹⁶ While no disparities in no-action encounters were indicated for 2019, analysis of 2020 encounters identified significant racial and ethnic disparities for this encounter type. Current findings from police encounters in 2021 indicate continued disparities in whether and how police interact with Black residents and white residents of Milwaukee. These results indicate that 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.

While informative as an ongoing assessment of racial and ethnic disparities present in the police encounters MPD initiates, this type of analysis does not help to inform the reasons behind these disparities. That is, the findings represented in our analysis reports do not help the Defendants identify whether the disparities are driven by Departmental directives that are internally generated or resulting from public pressure to act (e.g., focused traffic patrols for reckless driving or speeding), or if the disparities are driven by individual officer behavior motivated by racial or ethnic bias. A more nuanced and frequent assessment of police encounters, accounting for smaller geographic areas and variability in crime participation and victimization, would be more informative for real-time adjustments to operations, personnel, or communication with the community in high-disparity areas.

¹⁶ “Analysis of 2019 Traffic Stops, Field Interviews, No-action Encounters, and Frisks,” “Analysis of 2020 Traffic Stops, Field Interviews, No-action Encounters, and Frisks.”
<https://city.milwaukee.gov/fpc/Reports/Crime-and-Justice-Institute-Reports.htm>

Remaining Work

MPD continues to perform well overall in meeting thresholds related to missing data, though a few outstanding issues remain unchanged since our last annual report. The primary issue is that no-action encounters are incorrectly coded at a high rate. While this piece of data does not impact the constitutionality of the encounter, it is an important factor in identifying the type of encounter that occurred and could impact appropriate analysis for these encounters. MPD should ensure that no-action encounters are properly coded in the CAD database to be gain compliance with the Settlement Agreement and to have the most accurate data possible for internal and external analysis purposes.

Documentation of IOARS for traffic stops, field interviews, and frisks has shown improvement from 2020 to 2021 but should remain a major focus for MPD. Constitutional and appropriate actions on the street are of the utmost importance and accompanying documentation of those actions should be accurate so that the Department can hold individual officers accountable when correction is needed. We hope MPD continues to learn from and use their data to identify problem areas and adapt training and other communication with personnel to rectify those issues.

Finally, we again find convincing evidence of significant racial and ethnic disparities in police encounters in Milwaukee. Unfortunately, we do not see progress in reducing disparities in police encounters specifically for Black residents of Milwaukee as compared to white residents. The results of our analyses make the case clearly that the Defendants must continue to make progress so that all members of the public are being served and treated equitably. We call upon the Defendants to embrace the findings presented above, strengthen a commitment to change, communicate expectations clearly and frequently, hold officers and supervisors accountable, and position addressing these disparities as a priority.

MISCELLANEOUS (SA VIII)

Assessment of Work

Per SA VIII.2, no amendments to the Agreement will be valid unless made in writing and signed by all of the signatories. No amendments were made to the Agreement during year four.

Year Four 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 Fourth Annual Report presents a comprehensive assessment of all the requirements of the Settlement Agreement. Our data analysis again indicates that significant work remains to effect officer behavior as efforts to date do not reveal a positive change in the data with respect to racial and ethnic disparities. Repeated and regular messaging about the importance of achieving constitutional policing and how to achieve it must happen internally and externally by all levels of the organization and these must be led by the Chief of Police. Supervisors and the chain of command must be held into account and Executive Staff must routinely refer to the data and the audits to manage the Department. If officers and supervisors realize that the Executive and Command Staffs are reviewing activities and data routinely and that officers and supervisors will be held accountable for their activities and data, then both will improve. At times, there seems an over reliance on the Administrative Bureau and their ability to note failures and a lack of focus by the Patrol Bureau to do the same. Officers have received several years of in-service training that incorporates the requirements of the Settlement Agreement and yet the Patrol Bureau must continue to assess officer reports and supervisor reviews and revise as necessary to be confident that behavior and reports are consistent with training, the Settlement Agreement, and the Constitution.

We are enthusiastic about the attention from the Office of the Mayor and the Common Council on the Fire and Police Commission. A full slate of confirmed Commissioners should increase efficiency even further. These are important positions and the aspirations of the Settlement Agreement rely in part on the effectiveness of the Commission and its staff.

We continue to experience good working relationships with the personnel at MPD, FPC, and the City Attorney's Office with whom we regularly interact. During this year, we have seen a higher degree of creativity, collaboration, problem identification, and problem solving among the involved staff. We are energized by the work of those with whom we interact most closely. We are confident they have a full appreciation for the aspirations of the Settlement Agreement and its ambitions. We reiterate our hope that this interest extends beyond the few personnel who have been tasked with the responsibility of overseeing the Defendants' compliance efforts. We expect to see the fruit of such coordination only grow in the upcoming year.

APPENDIX

The Crime and Justice Institute Team

Sarah Lawrence manages the day-to-day operations of the project including project and staff management, compliance documentation and tracking, and operational liaising with MPD. Katie Zafft leads the required data analysis. Christine M. Cole provides strategic guidance and liaises with key stakeholders in Milwaukee. Joanna Abaroa-Ellison plays a key role in the data analysis and overall research and operational support. Ganesha Martin serves as a subject matter expert on several issues including training, audits, supervision, and counseling and discipline. Theron Bowman serves as a subject matter expert in constitutional policing and compliance with court-ordered reforms. Brief bios of the key staff members are below.

We want to acknowledge the valuable support of Karina Zeferino, an Intern at CJI, whose research, writing, and data support were integral to the completion of this report. Andrea Tyree, a new Policy Analyst at CJI, provided an important quality control review for the data and narrative included in this report. We are grateful to Karina and Andrea for their contributions.

Sarah Lawrence has 20 years of experience working with law enforcement agencies and criminal justice executives in research and policy partnerships. Ms. Lawrence has significant experience managing applied research projects with law enforcement agencies. She has managed many multi-site, multi-year projects including an assessment of the DOJ's Collaborative Reform Initiative. Ms. Lawrence is a co-author on the after-action review for the Las Vegas Metropolitan Police Department's response to the 1 October mass shooting. Previously, while at the University of California, Berkeley School of Law, she served as research partner for the East Palo Alto Police Department as part of the Bureau of Justice Assistance Smart Policing Initiative and she collaborated with the Oakland Police Department in the publication of several policy briefs related to crime in Oakland. While at the Criminal Justice Center at Stanford Law School, Ms. Lawrence served as the research director for an Executive Session on California's Public Safety Realignment where she worked closely with many of the state's top criminal justice executives. She holds a Master's Degree in Public Policy from the University of California, Berkeley and a BS in Engineering from Cornell University.

Katie Zafft coordinates CJI'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 CJI's policing and reentry-focused efforts to advance positive changes in support of fair and equitable practices that directly impact the safety of all communities. Prior to coming to CJI, 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.

Christine Cole has worked for over 30 years in the safety and justice sector with a particular focus on policing. Prior to CJI, 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 the police monitoring team in Cleveland, Ohio and has done so since 2015. Ms. Cole has a national reputation of driving police reform through her work with experts in the field. Ms. Cole holds a Master's Degree in Public Administration from Harvard University's John F. Kennedy School of Government and a BA from Boston College.

Joanna Abaroa-Ellison has data and policy experience in various parts of the criminal justice system, including courts, law enforcement, and corrections. Prior to her work with CJI, Ms. Abaroa-Ellison served as the Data Integration Specialist and Research Analyst at the Middlesex Sheriff's Office (MA). There, she was able to extract, analyze, and visualize data as well as build capacity and provide counsel for implementing data-driven practices and policies. She holds a Master's of Social Work in Macro Practice from Boston College and BA in Criminology from the University of Pennsylvania.

Ganesha Martin is an attorney contracted by CJI 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.

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.