

January 9, 2020

To: Board of Fire and Police Commissioners and Executive Director
From: Paul Mozina
Re: Settlement Agreement Update Jan2020.pdf

The First Annual Report prepared by the Crime and Justice Institute regarding the City, FPC and MPD's compliance with the ACLU Settlement Agreement (CJI Report) specifically mentions a number of items that are not covered in the FPC's "Settlement Agreement Update Jan2020.pdf" (FPC Report).

Page 6. CJI Report:

The FPC and the MPD both lack a detailed and prospective planning document with processes that includes delineated assignments and timetables for all of the remaining requirements.

When are the MPD and FPC going to produce the aforementioned detailed and prospective plans?

Page 6. CJI Report:

The Settlement Agreement has expectations for the FPC that far exceed its current role and its ability based on the current level of staffing.

What staff does the FPC need and how will it meet those needs?

Page 17. CJI Report:

Rules guiding the timing of decisions and processes for making decisions appear to be lacking.

A case in point is MPD SOP 765 Asset Forfeiture, which must be updated because Milwaukee County Corporation Counsel is no longer participating in these actions, has been languishing for over a year.

Page 33. CJI Report regarding Settlement Agreement requirement IV.C.6:

MPD shall complete a twice per year community policing status report and forward that report to the FPC.

The MPD has not developed a community policing status report.

Regarding the requirements to report on complaint data enumerated in the Settlement Agreement Paragraph: IV.E.5, Page 36. CJI Report:

The published data to date only includes complaints received by FPC. FPC is working with MPD to incorporate data on complaints received by MPD as well.

The FPC Report does not mention the need to incorporate complaints received by the MPD. When will this be done?

Page 67. CJI Report:

One challenge for FPC in publishing the complaint data is that the complaint database lacks the complaint categories outlined in the Settlement Agreement. Therefore, currently, the analyst at FPC manually categorizes complaints to fit into the required categories based on the narrative of the complaint... We anticipate that FPC and MPD will work together to make this process more efficient and effective and preserve the intent of complainants.

How will the FPC and MPD accurately categorize complaints regarding unjustified traffic stops, field interviews, no-action encounters, frisks and searches, AND race/ethnicity based traffic stops, field interviews, no-action encounters, frisks and searches? Will the FPC and MPD complaint forms be updated to explicitly capture the context?

MPD data recently published on the City's Data Portal mentions two documents necessary for understanding the data: "CAD_Dispositon_Codes.pdf" and "CAD Call Types.pdf". Please publish these documents.

The "mpd-compliance-data-dictionary-2019-q3.pdf" states:

Data elements received by the FPC, the Plaintiff's Council, and the Consultant for the Settlement Agreement but which have been withheld from public dissemination are identified in this data dictionary by striking through the data element's definition.

The following data is being withheld, which seriously undermines the intention of the Settlement Agreement:

Table: Inform_FieldInterviewPerson, Columns: Justification for pat down, Justification for Search, Justification for the stop, Justification for the use of force.

Table: Inform_NoActionEncounterPerson, Column: The justification for the stop

Table: Tracs_PrdHeader, Column: stop reason may be indicated if the officer runs out of room in the agency space field within the Tracs_ContactSummary_Agency data table

Table Tracs_ContactSummary_Agency: Mentioned above as containing the stop reason but **this table is not included in the data portal**. Why is this data not being released?

Table: Tracs_ContractSummary_Joined, Column: Text-based justification for the stop

Given that the heart of plaintiff's allegations are that MPD officers stopped and frisked people without individualized, objective, and articulable reasonable suspicion of criminal conduct and that they racially profiled Black and Latino people, it is totally unacceptable that the

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Justifications/Reasons for stops, searches, frisks and use of force mentioned in the tables above are being withheld.