



Legislation Text

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201114
SUBSTITUTE 1

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Substitute resolution urging the Board of Fire and Police Commissioners to ensure that civilian positions are primarily responsible for the review of Milwaukee Police Department data required by the settlement in the lawsuit titled Charles Collins, et al. v. the City of Milwaukee, et al.

This resolution urges the Board of Fire and Police Commissioners to ensure that civilian positions are primarily responsible for the review of Milwaukee Police Department data required by the settlement in the lawsuit titled Charles Collins, et al. v. the City of Milwaukee, et al.

Whereas, Charles Collins and others filed a complaint against the City of Milwaukee, the Milwaukee Fire and Police Commission, and former Police Chief Edward Flynn (Charles Collins, et al. v. the City of Milwaukee, et al.), alleging that members of the police department violated the plaintiffs' rights and the rights of others by unlawfully stopping, frisking, or searching people and by engaging in such conduct in a racially or ethnically discriminatory manner; and

Whereas, The parties agreed to settle this lawsuit with a financial payment from the City and an agreement for certain actions to be taken by the Milwaukee Police Department and the Milwaukee Fire and Police Commission, as set forth in a Settlement Agreement and Consent Decree; and

Whereas, Under the Settlement Agreement, the Police Department is required to document every traffic stop, field interview, no-action encounter, frisk, or search conducted by an officer, regardless of the outcome of the stop; and

Whereas, The documentation for each incident must include a number of data points indexed and stored according to standards set forth in the Settlement Agreement, including the reason for the encounter, a narrative of the legal basis for the stop, any use of force, the outcome of the encounter, and related demographic information; and

Whereas, The Settlement Agreement further requires Police Department 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; and

Whereas, The Settlement Agreement requires Police Department supervisors to analyze the records of such encounters for patterns of individual officer, unit and squad conduct to identify at an early stage trends and potential bias-based behaviors; and

Whereas, The Police Department must also periodically deliver data to the plaintiffs, the Fire and Police Commission and an independent consultant for auditing and for monitoring the Police

Department's compliance with the terms of the Settlement Agreement; and

Whereas, The Police Department and the Fire and Police Commission must each 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 failures in conducting such activities, lapses in documentation, and insufficient supervisory oversight; and

Whereas, The Settlement Agreement further requires the Police Department and the Fire and Police Commission to each document and maintain a database of complaints received about the conduct of the Police Department and to periodically audit such complaints; and

Whereas, In response to a recent audit of Police Department overtime spending, Police Department Command Staff stated that one of the main reasons Sergeants and Lieutenants receive many times more overtime compensation than lower ranking officers is because of the additional (and above-described) paperwork due to the Settlement Agreement; and

Whereas, The average hourly overtime compensation for a Sergeant in 2021 will be \$70.59 (1.5 x \$47.06) and for a Lieutenant \$79.98 (1.5 x \$53.52); and

Whereas, Using civilian employees to review reports and data collected pursuant to the Settlement Agreement would provide the public with a greater assurance of independence and transparency, and, as civilian employees are typically compensated at lower levels, would also likely save taxpayer funds; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Board of Fire and Police Commissioners is urged to ensure that civilian positions are primarily responsible for the review of Milwaukee Police Department data required by the settlement in the lawsuit titled Charles Collins, et al. v. the City of Milwaukee, et al.

Dana J. Zelazny
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