

United States Department of Justice (US DOJ)
Milwaukee Police Department (MPD)
Milwaukee Fire and Police Commission (FPC)

Collaborative Reform Initiative
Draft Assessment Report

Findings and Recommendations

Notes:

- Chapters 1 and 2 do not include specific findings or recommendations.
- The findings and recommendations listed were in an early draft of the US DOJ assessment report and contain inaccuracies. In the spirit of transparency they are presented here as originally written. The findings' accuracy will be addressed as the FPC and MPD proceed with the community through the Collaborate Reform Process.

Table of Contents

	<u>Page</u>
Chapter 3: Recruitment, Hiring, and Personnel Practices	2
Chapter 4: Community Oriented Policing Practices.....	4
Chapter 5: Use of Force and Deadly Force Practices.....	6
Chapter 6: Citizen Stop and Search Practices	10
Chapter 7: Systems for Supervision, Accountability, Organizational Learning, Remediation, and Discipline	12

Chapter 3: Recruitment, Hiring, and Personnel Practices

Finding	1	MPD does not have a racial, ethnic, and gender diversity composition through all ranks and components that is reflective of the community it serves.
Recommendation	1	FPC and MPD should create a Diversity and Inclusion Program aligned at a sufficiently high level in MPD to allow direct access to the chief, and be charged with and provided resources for improving diversity within the Department.
Recommendation	1.2	FPC, in conjunction with MPD, should expand its current examination of barriers to recruitment to include hiring and promotional practices.
Finding	2	Neither MPD nor FPC has a strategic plan for recruiting and hiring.
Recommendation	2	FPC, in conjunction with MPD, should develop a strategic plan for recruiting and hiring a workforce that meets the needs of Milwaukee
Finding	3	FPC has not completed a job task analysis for the position of police officer since 2007
Recommendation	3	FPC should conduct a job task analysis prior to opening the next police officer examination, as well as every five years and in the event of a significant change in the job.
Finding	4	Information on hiring for MPD is not available to the public on a consistent basis.
Recommendation	4	FPC and MPD should publish the overall process for hiring of officers on their websites.
Finding	5	MPD and FPC recruitment programs lack professional standards.
Recommendation	5.1	FPC should develop and enforce a written policy regarding police recruiters.
Recommendation	5.2	FPC and MPD should to create a formal, written selection process to select MPD recruiters. This policy should make clear the qualifications and process for becoming a recruiter.
Finding	6	FPC and MPD do not have a mechanism for external input from the community regarding the recruitment and hiring of MPD officers.

Recommendation	6.1	MPD should develop a Recruitment and Retention Advisory Council whose members represent a cross-section of community stakeholders.
Recommendation	6.2	FPC should include on community members at-large to serve on the police applicant oral interview board.
Finding	7	Promotional Practices for MPD lack written procedures
Recommendation	7.1	MPD should develop a written directive defining the agency's role in the promotional process of sworn personnel.
Recommendation	7.2	MPD should develop and make available to Department members a written document that describes the process of preparing for and obtaining a promotion.
Finding	8	MPD does not have career development planning for officers who aspire to be promoted or selected for a special assignment.
Recommendation	8.1	MPD should develop an organizational plan to facilitate talented personnel within the organization achieving leadership roles.
Recommendation	8.2	MPD should develop mentorship programs to help employees achieve their professional career goals.
Recommendation	8.3	MPD should formally integrate the LPO training program into the career development process in preparation for promotion
Recommendation	8.4	MPD should examine measureable job performance outcomes achieved by graduates of the LPO program.
Finding	9	The draft report skips the number 9

Chapter 4: Community Oriented Policing Practices

Finding	10	MPD does not have a formal, Department-wide strategy that guides officers, supervisors, and commanders in its community building efforts
Recommendation	10.1	MPD should develop a department-wide community policing strategy.
Recommendation	10.2	MPD should engage with an independent community advisory board to regularly meet with and provide the chief with input on the operations of MPD.
Finding	11	MPD does not hold all members of the Department accountable for engaging in community policy activities.
Recommendation	11.1	MPD should require command officers to define, in writing, the specific steps to be taken to identify and engage local community stakeholders in collaborative community policing efforts within their areas of command.
Recommendation	11.2	MPD should require every command officer responsible for any operational unit in the Department to complete a routine community policing status report.
Recommendation	11.3	MPD should incorporate community policing performance measures into their routine CompStat process.
Recommendation	11.4	MPD should provide training to supervisors and command staff on community policing for supervisors.
Recommendation	11.5	MPD should update the employee performance appraisal process to ensure that it includes (as appropriate) measurements of an employee's contributions to the strategic community policing goals, including positive police-community interaction and problem resolution.
Recommendation	11.6	MPD should publish an annual review of progress towards community policing goals and objectives.
Recommendation	11.7	MPD should update the promotional testing procedures for supervisors and command officers to include questions and activities testing a candidate's ability to lead and direct community policing efforts.
Finding	12	MPD members generally do not understand their roles in community policing and rely on Community Liaison Officers (CLO) to engage in community policing activities.

Recommendation	12.1	MPD should conduct in-service training for all personnel on community-oriented policing.
Recommendation	12.2	MPD should inform patrol officers on the roles and responsibilities of CLOs and provide officers guidance on how to collaborate with CLOs in their collective community policing efforts.
Finding	13	FPC has not consistently reviewed policies annually as required pursuant to Wisconsin law.
Recommendation	13.1	FPC should undertake a thorough review of the standard operating procedures and other policies of MPD.
Recommendation	13.2	FPC should issue a report detailing their review and hold a public hearing
Finding	14	Community surveys indicate a gap in trust between white and non-white residents in Milwaukee
Recommendation	14.1	MPD should conduct in-service training for all personnel on procedural justice.
Recommendation	14.2	MPD should conduct in-service training for all personnel on fair and impartial policing.
Recommendation	14.3	MPD should undertake an evaluation of its enforcement activities that specifically accounts for collateral damage on community trust and legitimacy.
Recommendation	14.4	MPD should conduct bi-annual surveys of members of the public to measure their attitudes toward MPD and its officers.
Recommendation	14.5	MPD should continue in its commitment to releasing operational data to the public through the police data initiative and beyond.

Chapter 5: Use of Force and Deadly Force Practices

Finding	15	MPD has undertaken a commitment to provide all MPD officers Crisis Intervention Team (CIT) training.
Recommendation	15.1	MPD should continue the CIT training sessions to meet its completion goal of all officers trained by the end of 2017.
Recommendation	15.2	MPD should develop on in-service recertification CIT training
Finding	16	There is no formal training for Internal Affairs Division (IAD) supervisors and investigators on how to conduct use of force investigations.
Recommendation	16	MPD should develop and enforce a formal use of force investigation training requirement for all IAD supervisors and investigators.
Finding	17	MPD does not have specific guidelines for conducting use of force investigations, specifically how investigations are conducted, what evidence should be collected, and which supporting materials are gathered.
Recommendation	17	MPD should develop a policy and checklist for use of force and deadly force investigations that outline best practices for the investigation and mandate all investigators attempt to gather a complete picture of available information in a consistent manner.
Finding	18	IAD investigations of critical incidents are too passive, as investigators mostly rely on criminal investigators to collect the appropriate information for an administrative review.
Recommendation	18.1	IAD investigations should be more proactive and be conducted in parallel fashion to the criminal investigation of a critical incident.
Recommendation	18.2	MPD should update its critical incidents standard operation procedures to reflect a proactive role for IAD
Finding	19	Documentation, collection and marking of video evidence collected in use of force and deadly force investigations are inconsistent making it difficult to determine if those investigative steps occurred or were just not documented.
Recommendation	19	MPD should update its policy on evidence collection and require supervisory review and approval of use of force reports.

Finding	20	MPD does not provide specific direction for supervisors for obtaining videos for the Use of Force Report and investigation, whether from the vehicle, body camera, surrounding businesses, or other places.
Recommendation	20	MPD should update its policy to require obtaining videos, including specific direction for all types of video if available.
Finding	21	IAD investigative files do not adequately document involved officer interviews.
Recommendation	21	MPD should transcribe and include the complete involved officers' administrative interviews in the IAD file and reference them in the case summary.
Finding	22	MPD IAD reports do not reference what steps are taken to provide critical incident support services to involved officers.
Recommendation	22	MPD should document the critical incident support services offered and provided to officers involved in officer-involved shooting and use of force cases and require they be included in IAD reports
Finding	23	Investigative case files did not reflect whether supervisors and commanding officers conducted reviews of use of force investigations to determine the need for further documentation, review, or investigative steps.
Recommendation	23	MPD should require commanding officers to address the investigative process taken by the supervisor, including whether it was appropriate, timely, and sufficient, in addition to whether the use of force was in compliance.
Finding	24	The use of force investigations being conducted by supervisors, and the review by commanding officers and IAD, are not completed within established timelines identified by policy.
Recommendation	24.1	MPD should require internal controls to monitor the timeliness of these use of force investigations at all levels to ensure the policy is being adhered to.
Recommendation	24.2	MPD should conduct periodic inspections to ensure IA personnel and supervisors maintain and conduct use of force investigations and administrative reviews with updated policy information.
Finding	25	Although audio or video recordings of civilian witnesses are required, the audio or video recording of involved and witnessing officers is not.

Recommendation	25	MPD should require audio or video recordings of involved and witnessing officers to improve the quality and transparency of the investigation.
Finding	26	MPD policy states that "members with a body worn camera (BWC) shall make every effort to activate their BWC for all investigative or enforcement contacts," allowing for discretion when the capture of video is critical.
Recommendation	26	MPD should update Department policy and use the more directed language for these BWC's, similar to what is used for the MVDR's which mandates officers "shall record".
Finding	27	MPD command does not routinely review the involved officer(s)' use of force, complaint, and discipline history in use of force investigations.
Recommendation	27	MPD should require review of the involved officer's history in use of force investigations for aggravating factors in patterns of behavior, including previous questionable use of force situations, anger issues, unsatisfactory performance, or related unsatisfactory behavior.
Finding	28	The AIM system lacks sufficient data storage capacity causing use of force investigative reports, evidence reports, and supporting documentation to be located in multiple places.
Recommendation	28	MPD should update its Administrative Investigations Management system to allow for more space to keep all documentation in one location or consider one physical file location for documents, photographs, audio, video, and other document evidence.
Finding	29	MPD does not capture or report use of force data in a way that can be easily aggregated, analyzed, and reported.
Recommendation	29.1	MPD should capture additional standardized data fields that capture information, including level of resistance that an offender is using during an encounter, the type of weapon an offender used or displayed, mental illness history, and if contraband was seized.
Recommendation	29.2	MPD should increase the quantity and quality of data collected around use of force reports, including contextual information such as deployment data, crime data, calls for service data, targeted enforcement priorities, and community perception information, which is imperative for fulling understanding the issue.
Finding	30	The FPC has ended its practice of releasing an annual report on MPD firearms discharges.

Recommendation	30.1	The FPC should recommit to the annual report on MPD firearms discharges.
Recommendation	30.2	The FPC should seek input from the community on the types of reports it should be producing on MPD.
Finding	31	MPD has recently announced that it will no longer be outsourcing fatal officer-involved shooting incidents to the Wisconsin DOJ, instead opting for a regional approach with other local law enforcement agencies.
Recommendation	31	MPD should require that non-fatal officer-involved shooting incidents are also investigated by an external agency.
Finding	32	MPD does not have a policy for releasing critical incident information to the public in a timely fashion.
Recommendation	32	MPD should work with community stakeholders to develop a policy on critical incident information sharing and public release.

Chapter 6: Citizen Stop and Search Practices

Finding	33	MPD's traffic stop practices have a disparate impact on the African-American community.
Recommendation	33.1	MPD should engage an independent evaluator to measure the community impact of its traffic enforcement strategy as compared to the potential benefits of the strategy.
Recommendation	33.2	MPD should continue voluntary collection of traffic stop data, a practice that is to be commended.
Recommendation	33.3	MPD should, as part of its data driven practices, provide quarterly trends and analysis of traffic stop enforcement and searches to district supervisors, analyzing data across the city, districts, and peer groups.
Recommendation	33.4	MPD should task supervisors with ensuring accuracy of data reported and reviewing and analyzing traffic stop data to identify trends and potential bias-based behaviors at an early stage.
Recommendation	33.5	MPD should, publicly and on a quarterly basis, report at the FPC the outcomes of its traffic enforcement strategy, including the demographic trends and crime trends, identified for the quarter.
Recommendation	33.6	MPD should require the training currently provided on fair and impartial policing and procedural justice to be delivered to all officers in the Department.
Recommendation	33.7	MPD should communicate throughout the ranks that a traffic stop quota is prohibited.
Finding	34	Pedestrian stops by MPD lack proper oversight and accountability.
Recommendation	34.1	MPD should immediately modify its policy on field interviews to require that officers notify MPD dispatch that the officer has engaged in a field stop and notify dispatch when that stop has completed.
Recommendation	34.2	MPD should develop a training bulletin for all MPD officers reinforcing the requirements for a field interview, including establishing reasonable suspicion for the stop, which should be reinforced through roll call training conducted by supervisors.

Recommendation	34.3	MPD officers should be required to clearly define the reasonable suspicion of the stop within the Field Interview card.
Recommendation	34.4	MPD supervisory personnel should be held accountable for ensuring timely, accurate submission of Field Interview cards.
Recommendation	34.5	Supervisors should be provided training on identifying trends and patterns that give rise to potentially biased practices regarding vehicle and pedestrian stops and vehicle searches.
Recommendation	34.6	MPD should conduct an audit of its field interviews to review the timely and accurate completion of Field Interview cards, proper explanation for the reasonable suspicion giving rise to the stop, and as a cross-reference against the CAD data for the pedestrian stop.
Finding	35	Community member are concerned that MPD engages in stop practices that are inflammatory to the community ethos, particularly the reported practice of "curbing" individuals.
Recommendation	35.1	MPD should establish a policy that the curbing of individuals during routine traffic stops is prohibited.
Recommendation	35.2	MPD should provide training for officers on how to safely conduct routine traffic stops and practices for ensuring appropriate containment of individuals.
Recommendation	35.3	MPD should begin collecting data on "curbing" as part of its traffic and pedestrian stop data collection.
Finding	36	MPD's traffic stop information system is cumbersome and time-consuming, which results in traffic stops taking a significant amount of time.
Recommendation	36	MPD should conduct a review of its technology and processes for traffic stops to identify and address the reasons for the amount of time it takes to conduct a traffic stop.

Chapter 7: Systems for Supervision, Accountability, Organizational Learning, Remediation, and Discipline

Finding	37	MPD policy does not provide for appropriate oversight and require IAD to assess whether a complaint should be investigated by a district or by IAD.
Recommendation	37	MPD should require that all complaints are sent to IAD for review and determination for appropriate assignment.
Finding	38	MPD's policy regarding complaints from community members allows a supervisor to determine whether a complaint form shall be completed.
Recommendation	38.1	MPD should immediately establish a policy that requires supervisors to accept all community member complaints, including anonymous and third-party complaints.
Recommendation	38.2	MPD should ensure that supervisors are trained on their responsibilities under the new policy requiring acceptance of public complaints.
Finding	39	MPD policy does not clearly define what constitutes a serious complaint.
Recommendation	39	MPD should develop a written directive or additional language in MPD policy that specifically defines the categories and types of complaints that are serious in nature.
Finding	40	MPD policy does not require that members are notified when they are the subject of a complaint investigation.
Recommendation	40	MPD should notify members when they are subject to a complaint allegation and investigation, unless it would jeopardize the Department's ability to investigate the misconduct successfully.
Finding	41	MPD Standard Operating Procedure 450 regarding complaint investigations is inadequate, as it does not have required time frames for completion of external and internal investigations.
Recommendation	41.1	MPD should establish an appropriate time frame for community complaint investigations to be completed and hold investigators and supervisors accountable for that time frame.
Recommendation	41.2	MPD should require supervisory review and approval for investigations open beyond 90 days and every 30 days thereafter.

Finding	42	MPD does not analyze trends, patterns, or other issues associated with complaint data.
Recommendation	42.1	MPD needs to evaluate and analyze complaint data to inform an develop appropriate interventions, training, and policy implications across the organization.
Recommendation	42.2	MPD should ensure 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.
Recommendation	42.3	MPD should ensure that complaint data are evaluated quarterly as part of the overall CompStat process to identify trends and patterns across the city.
Finding	43	Complaint investigation files are poorly organized, lack consistency, and are often incomplete.
Recommendation	43.1	MPD needs to develop specific guidelines and a checklist of requirements, including requirements for case file contents and the components of the investigative process.
Finding	44	Many community members expressed frustration and distrust in the citizen complaint process and oversight of MPD.
Recommendation	44.1	The FPC should create a new position of independent police auditor.
Finding	45	MPD's Progressive Disciplinary Matrix is ill-defined and not applied consistently.
Recommendation	45.1	MPD should evaluate and update the Progressive Discipline Matrix to ensure that categories of conduct are appropriately defined.
Recommendation	45.2	MPD should ensure that the Progressive Disciplinary Matrix addresses progressive discipline for subsequent and repeated misconduct.
Recommendation	45.3	MPD should require that the Progressive Discipline Matrix be used to determine disciplinary action to ensure consistency, fairness, and transparency.
Recommendation	45.4	MPD should re-train supervisory personnel in the disciplinary process and the proper application of the Progressive Discipline Matrix
Recommendation	45.5	MPD should inform all members of the Department of the role the Progressive Disciplinary Matrix plays in the disciplinary process.

Finding	46	MPD was proactive and developed its Early Intervention Program (EIP) in 2008. MPD subsequently engaged a focus group in 2012 to assess the program and the efficacy of the triggers. Input was not obtained from an EIP professional for either process.
Recommendation	46.1	MPD should engage an EIP professional to assess the overall program and evaluate the indicators.
Recommendation	46.2	MPD should evaluate EIP to determine recommendations for improvement and promising practices by including personnel experienced in early intervention from another policing agency or otherwise.
Recommendation	46.3	MPD should establish a standing MPD committee on EIP to include MPD personnel, the chief's office, FPC, the Milwaukee Police Officers Association, and an EIP professional.
Finding	47	MPD's EIP policy does not sufficiently identify roles and responsibilities related to its EIP.
Recommendation	47.1	MPD should update the EIP policy to include standards and protocols for intervention including roles and responsibilities of the supervisor, commander, the member, and the EIP Coordinator; creation of an intervention plan; reporting and documentation requirements with associated timelines; and outcomes of the process.
Recommendation	47.2	MPD needs to train supervisors on how to create an appropriate intervention plan, how to report and document actions taken in support of the intervention meetings and EIP process, how to comply with timelines for the progression of the EIP process, and requirements for reporting the outcomes of the process. Engaged supervisors are important because they are the individuals most likely to identify early on problematic behaviors by patrol officers.
Recommendation	47.3	MPD should revise all of the benchmarks in EIP to have an alert notification trigger for any employee receiving three incidents in 90 days and over a rolling one-year period.
Recommendation	47.4	MPD should consider additional performance indicators for inclusion in EIP, including past performance evaluations, pedestrian and traffic stops, arrests, weapons qualifications, training history, lawsuit or claim filed, and any management and supervisory action taken pursuant to a review of EIP notifications.

Finding	48	MPD does not examine aggregated EIP data to identify potential patterns and trends across the organization.
Recommendation	48.1	MPD should use EIP to examine patterns of behavior such as employee average activity and to conduct comparisons across officers, units, areas, and other appropriate factors.
Recommendation	48.2	MPD should maintain EIP alerts for several years to track the history of officers flagged by the system.
Finding	49	MPD EIP policies and practices are not fully supported or known throughout the Department.
Recommendation	49.1	MPD needs to provide ongoing training regarding the goal, practices, and outcomes associated with Department members on EIP.
Recommendation	49.2	MPD should ensure through ongoing roll call training that the distinction between EAP and EIP messaging is conducted in roll call training and an accompanying memo or written directive explaining EIP.
Finding	50	MPD does not have a written directive that states "dishonesty in any matter of official police business is a terminable offense."
Recommendation	50	MPD should add a written directive that states "dishonesty in any matter of official police business is a terminable offense."
Finding	51	The Milwaukee Police Department does not state that "the ability to testify in court with credibility" is an essential job function on the police officer job description.
Recommendation	51	MPD should add "the ability to testify in court with credibility" as an essential job function. This is the prerequisite to establishing a written directive indicating that dishonesty in any matter of official police business is a terminable offense. This is a best practice for a law enforcement agency.
Finding	52	The Department provides limited and inconsistent rewards or acknowledgements for good behavior and job performance.
Recommendation	52	MPD should improve communication and support accolades that champion positive employee behaviors.
Finding	53	MPD personnel are often not reading or understanding new standard operating procedures or Code of Conduct standards when they are disseminated via email.

Recommendation	53	MPD should communicate with and train all department personnel in roll call sessions immediately after dissemination of new standard operating procedure or Code of Conduct standards beyond their acknowledgement of such policies as sent by the Department via email.
Finding	54	MPD does not encourage an open and consistent two-way communication between command staff or supervisors and employees.
Recommendation	54.1	MPD should establish clear and consistent communication between leadership or supervisors and employees.
Recommendation	54.2	MPD should provide training to patrol and investigative unit sergeants on methodologies to conduct regular, ongoing team meetings with their subordinates, with a focus on helping them understand why such interactions with their subordinates supports their efforts to lead, control, and direct their work. Consideration should be given to providing such training in the Supervisors course. The training should also include a focus on using such meetings to organize and coordinate community policing activities.
Finding	55	Many MPD officers have the perception that there is a lack of transparency in the Department when determining who is chosen to attend specialized training, leading to a concern that there is favoritism among personnel.
Recommendation	55	MPD should establish clear and consistent communication regarding procedures for who receives training and allow transparency for such selections. Personnel whose request to attend training was denied should receive the denial in writing, including the reason for denial.
Finding	56	MPD personnel are unclear on why the Department is driven by numbers. MPD personnel are unaware of what takes place at CompStat.
Recommendation	56.1	MPD should provide roll call or in-service training to all Department personnel regarding the Department's strategy on using data to determine operational strategies and allow personnel to attend CompStat meetings to increase their understanding.
Recommendation	56.2	MPD should livestream CompStat meetings so that personnel can observe remotely, as needed.