

# ACLU Wisconsin: Experts find that Milwaukee police stops are based on race and ethnicity

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MILWAUKEE – The American Civil Liberties Union, the ACLU of Wisconsin, and the law firm of Covington & Burling have served reports by three experts regarding the Milwaukee Police Department's ("MPD") stop-and-frisk program, in the class-action lawsuit *Collins v. City of Milwaukee*. All three experts agree that the MPD promotes stops made without reasonable suspicion as required by law, disproportionately subjecting people of color to stigmatizing police encounters. The reports are being released publicly to ensure that the information and analyses they contain is available to Milwaukee residents as they move forward with community conversations regarding MPD policies and practices.

Margo L. Fraiser is an expert with more than 40 years of law enforcement and criminal justice experience, including as the Police Monitor for the City of Austin, Texas; the Sheriff of Travis County, Texas; and the President of the Major County Sheriffs' Association. Fraiser made the following findings:

Records of more than 350,000 stops conducted between 2010 and 2017 failed to show that Milwaukee police had reasonable suspicion of criminal activity or a traffic or vehicle equipment violation, as required by the Fourth Amendment to the U.S. Constitution.

These violations encompassed both pedestrian stops and traffic stops. For example, 48 percent of traffic stop and 59 percent of pedestrian stop records from 2010 to 2017, from one of MPD's primary stop databases, lack information establishing any legal justification for those stops.

MPD fails to collect information about frisks, leading to a lack of documentation of the reasons for frisks that prevents MPD leadership and supervisors from ensuring that officers only frisk people when they have an objective, individualized, and reasonable suspicion that a person is armed and dangerous, as required by the Fourth Amendment.

David Abrams is Professor of Law, Business Economics, and Public Policy at the University of Pennsylvania Law School and of Business Economics and Public Policy at The Wharton School. Abrams made the following findings:

Traffic stops in Milwaukee are concentrated in predominantly Black and Latino police districts. The rate of traffic stops in predominantly Black Districts 3 and 5 and predominantly Latino District 2 are more than triple the rate of traffic stops in predominantly white District 6.

Black and Latino people are more likely than white people to be subject to traffic stops across Milwaukee, including in police districts in which the residential population is predominantly white. For example, in Districts 1 and 6, Black and Latino people experienced traffic stops rates that were over six and over three times the white stop rate, respectively.

The traffic stop rate for Black drivers in Milwaukee is more than six times the traffic stop rate for white drivers, even after controlling for non-racial factors that might account for such disparities. The same is true of the pedestrian stop rate for Black people as compared to white people across Milwaukee.

Black people are also far more likely to be searched during traffic stops, even though the overall rate of drug or weapon discovery is very low overall and lower for Black and Latino people than for white people.

Traffic stop searches of Black and Latino drivers are more than 20 percent less likely to lead to the discovery of drugs than traffic stop searches of white drivers, even after controlling for non-racial and non-ethnic factors that might account for such disparities.

Finally, Prof. Emeritus Samuel Walker of the University of Nebraska-Omaha Department of Criminal Justice, a nationally-known expert on policing practices, concluded that the MPD's stop and frisk practices are deeply ingrained in the MPD and show a failure of supervision and oversight to ensure constitutional stop practices.

These exhaustive reports make clear what hundreds of thousands of Black and Latino people—including the nine Plaintiffs in this case— know from their everyday lives: MPD stops and frisks are routinely conducted without legal justification and on

the basis of race and ethnicity.

Find the reports at:

<http://aclu-wi.org/media/experts-find-milwaukee-police-stops-are-based-race-and-ethnicity-1>