

2001 DRAFTING REQUEST

Bill

Received: **12/14/2000**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Gwendolynne Moore (608) 266-5810**

By/Representing: **Jessica**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters: **fasttn**

Subject: **Criminal Law - law enforcement
Transportation - miscellaneous**

Extra Copies: **rlr
pjh
arg
Paul Onsager (LFB)**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Collection of data regarding law enforcement agency contacts with motorists

Instructions:

See Attached

*Return to
Mike Dsida,
LRB
5th Floor
Hamilton*

*Returned
08-06-2001*

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 04/04/2001	jdye 04/10/2001					S&L
/1	mdsida 08/08/2001		jfrantze 04/11/2001		lrb_docadmin 04/11/2001	lrb_docadminS&L 07/25/2001	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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08/08/2001	_____

lrb_docadmin
08/08/2001

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08/08/2001

FE Sent For:

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At intro

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Requester's email:

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See Attached

NOTE:
If redrafted to a /2,
change "contact" to
"contacts" at p. 7,
line 14.
TNE
4/12/01
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Drafting History:

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			04/11/2001 _____		04/11/2001		

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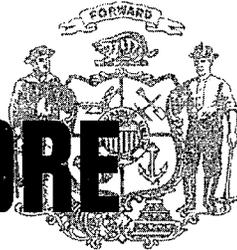
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1?	mdsida	<i>1/10/01</i>	<i>26/10-11</i>	<i>26/11</i>			

FE Sent For:

<END>

State Senator GWENDOLYNNE MOORE



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Toll-free Legislative Hotline: 1-800-362-9472
E-Mail: sen.moore@legis.state.wi.us
Member: Joint Finance Committee
Board Member: Wisconsin Housing and
Economic Development Authority

Draft Request

To: Jeffrey E. Olson, Legislative Attorney
Legislative Reference Bureau
From: State Senator Gwendolynne Moore
Date: December 14, 2000
Re: Racial Profiling Legislation

Last session, 1999 Senate Bill 354, the Racial Profiling Bill, passed out of the Senate but died in committee in the Assembly. I plan to introduce similar legislation in the upcoming session and would like to request a re-draft of the bill. However, upon meeting with Casey Perry, the Executive Director of the Wisconsin Troopers' Association, I have decided to incorporate a few changes to the original language and intent of the bill.

SUMMARY OF THE PROVISIONS IN SB 354

Attached to this document is a copy of SB 354 and its two amendments. This bill would require law enforcement agencies and the Department of Justice (DOJ) to catalog and track motor vehicle stop information with respect to race, age, and the gender of the individual(s) stopped and/or searched. By collecting this data at traffic stops, policy makers will be able to assess whether law enforcement officials are applying the law or stopping certain groups of persons in a discriminatory fashion. This data would help to point out police practices that need to be corrected. Further, SB 354 would require that law enforcement training programs provide training designed to prevent the use of racial profiling when stopping or searching motorists.

During deliberations on the bill in the Senate, two amendments were adopted:

1. *Senate Amendment 1* (which I authored) alters the language of the bill to include the recording of "race or ethnicity" instead of simply "race". This technical amendment provides the Department of Justice greater flexibility when formulating data categories to reflect the commonly accepted notions of race and ethnicity.
2. *Senate Amendment 2* (authored by Senator Shibiliski) deleted a portion of the bill that would have allowed the DOJ to formulate new categories beyond what was specifically identified in the legislation. The amendment does not significantly alter the bill or the broader goals of the legislation.

THE ARGUMENT AGAINST SB 354 BASED ON HOW TO IDENTIFY RACE

One of the main arguments against this legislation last session was how race or ethnicity was to be identified by the law enforcement officer. For example, the Wisconsin Law Enforcement Coalition testified to the Governor's Task Force on Racial Profiling this October (statement attached) that one of its main concerns was the method that data would be collected:

Since drivers' licenses no longer list a person's race, how will race be recorded? Critics of the police certainly would not want the police to decide the driver's race. Having the driver state their race would have the motorist justifiably assume that their race was relevant to the stop and as the assumption goes, would be relevant to whether or not they receive a citation. Having officers ask the individual what their race is insures race is the subject of every traffic stop.

According to Mr. Perry, this argument is an attempt by the bill's opponents to deflect attention from the main purpose of the bill- to determine whether racial profiling exists – to a point that seems reasonable. **However, police officers already have access to the knowledge of a person's race.** Currently, while drivers' licenses do not state a person's race, drivers' records do. When a police officer runs a check on a person's driver's license, that person's driver's record – *with race already identified* – is then pulled up on the officer's squad car computer. Mr. Perry stated that this is standard information that one fills out when registering for a driver's license at the DMV. We are working on getting a copy of this standard form from the DOT and we will send it to you when it becomes available to us.

PROPOSED REVISIONS TO SB 354 FOR THIS SESSION

Given the Assembly's failure to act in any meaningful way on SB 354 last session, there is nothing to indicate that a re-draft of the bill as amended would produce any different result. As such, my office has been working with Wisconsin Trooper Casey Perry to develop ways to achieve both the goal of my previous racial profiling legislation and Mr. Perry's goal of improving highway safety. We believe that these are compatible goals that can be achieved through one bill regarding data collection.

Enclosed is an article sent by Mr. Perry to local news media across the state and a letter to Attorney General Janet Reno and Secretary of Transportation Rodney Slater which reflect his proposals. Upon Mr. Perry's advisement pursuant to the goal of increased highway safety, I would like the following changes addressed in a new draft:

1. In addition to the current reporting requirements noted in the bill, the location of the contact and the time of day should also be recorded by the law enforcement officer. This information would provide law enforcement agencies information on the allocation of their resources, the traffic patterns in the area surrounding the traffic stop, and whether any changes in departmental policy might be needed to improve highway safety in that area.

2. The data collection required should be required for *all law enforcement contacts with motorists*, including not only traffic stops, but also motorist assists and traffic accidents. The propriety of law enforcement officers' actions and their reflection on highway safety should not be determined solely by traffic stops, but by collecting data from *all* interactions with motor vehicles. Mr. Perry suggests that, in addition to determining whether law enforcement officials treat persons involved in accidents and motorists who need assistance differently based on their race or ethnicity, data collected from all types of contact with motor vehicles would be helpful from a highway safety standpoint. For example, if a police officer spends one half hour assisting a motorist with a flat tire, and, subsequently, accident and fatality rates on that stretch of the highway decrease during that period of time, such information would be valuable in assessing the effectiveness of highway safety procedures.
3. Page 4, section 3(f) of SB 354 requires an officer to report whether the stop or search resulted in a written warning or of a citation. Mr. Perry states that many jurisdictions across the state do not use written warnings, but issue verbal warnings instead. As such, the language here should be amended to include *both written and verbal* warnings.
4. Page 5, section 4 of SB 354 details the analysis and report required by the Department. SB 354 asks the Department to find:
 - a) Whether disproportionate numbers of racial or ethnic minorities are stopped or searched based on an estimate of the population and characteristics of persons traveling on state highways, an estimate of the population and characteristics of persons traveling on state highways who are violating a law or ordinance, or on some other relevant population estimate; and,
 - b) If disparities are found, whether they are a result of racial profiling, racial stereotyping or the like.

The Department is also required to prepare an annual report on its findings and submit it to the Legislature, the Governor, and the Director of State Courts.

In respect to the expanded goals of this legislation, I would ask that requests germane to the issue of highway safety be incorporated into this section. Mr. Perry stated that the number of fatalities and crashes on Wisconsin highways is increasing each year without explanation and has suggested using this data collection as a method which could provide useful in improving highway safety. He states in his letter to the editor that "such analysis would allow DOT and law enforcement to evaluate what enforcement action was occurring prior to crashes and develop specific enforcement plans to change inappropriate driver behavior. Additionally, such an analysis may provide DOT engineers information that may

lead to redesigning intersections, stretches of highway, adding additional signs or reductions in speed limits.” Mr. Perry’s suggests that information collected via this bill could ultimately lead to the determination of what really constitutes a high-risk traffic area, and, thus, where funding for increased patrolling should be allocated.

Similarly, I would like to request that a requirement for an annual report by the Department based on this information and how it relates to highway safety be inserted into the new draft.

Please feel free to contact Casey Perry at either caseyperry@juno.com or 1-800-232-1392 for more information. Also, if you have any questions about this request, please contact Jessica Clark in my office at 266-5810.

Thank you!



WISCONSIN LAW ENFORCEMENT COALITION

President

Chief Doug Pettit
Oregon Police Dept.
Oregon, WI 53575
(608) 835-3111
FAX: (608) 835-5625

October 12, 2000

Judge Maxine Aldridge White, Chairperson
Governor's Task Force on Racial Profiling
Task Force Members

Task Force Members:

On July 12, 2000 the Wisconsin Law Enforcement Coalition hosted a meeting focusing on the issue of race-based traffic stops. Representatives from numerous statewide law enforcement organizations attended the meeting. As a result of that meeting, the attached Law Enforcement Position Statement relating to data collection was drafted. It was extremely important to all the law enforcement representatives present at the meeting that the data collection statement clearly articulate that the law enforcement community is not opposed to a data collection policy per se. However, several concerns need to be addressed prior to a data collection policy being implemented.

The law enforcement representatives present focused on the following key concerns related to data collection. First, the law enforcement community is concerned that the data collected will be inappropriately compared to census data. Second, is a misinterpretation of why certain neighborhoods have higher enforcement than other neighborhoods do. Third, the method by which the data will be collected. Finally, we need to address a concern from the law enforcement community that they will be placed in a no win situation. All of the above listed concerns are addressed in detail in the attached law enforcement statement. The law enforcement community recognizes the importance for all disciplines to work together in addressing this very important issue.

The following state wide law enforcement organizations support the attached position statement: Wisconsin Chiefs of Police Association, Badger Sheriffs Association, Wisconsin Sheriffs and Deputy Sheriffs Association, Wisconsin Training Officers Association, Wisconsin District Attorneys Association, Wisconsin Chapter of Internal Association of Campus Law Enforcement Administration, Wisconsin Conservation Wardens Association, Wisconsin Law Enforcement Officers Association, Wisconsin Professional Police Officers Association and Wisconsin Police Executive Group.

Sincerely,


Chief Doug Pettit, President
Wisconsin Law Enforcement Coalition

Representing:

Wisconsin District Attorney's Association
Wisconsin Law Enforcement Officers Association
Wisconsin Sheriff's & Deputy Sheriff's Association
Wisconsin Chief's of Police Association
Wisconsin County Police Association

Wisconsin Conservation Warden's Association
Wisconsin Troopers Association
Wisconsin Chapter I.A.A.I.
Badger State Sheriff's Association
International Association of Campus Law Enforcement

**WISCONSIN LAW ENFORCEMENT COALITION
DATA COLLECTION - POSITION STATEMENT**

The Wisconsin Law Enforcement Coalition has concerns regarding the collection of race data on traffic stops. The concerns are practical and logistical in nature. The desire to address these concerns before data collection is imposed should not be construed as a rejection of data collection. The most common reason given to collect the data is to establish if race based traffic stops occur. We acknowledge that race based enforcement can occur at some level within the State of Wisconsin. The fact that race based enforcement does occur is not part of our concerns about race data collection.

The primary concern of the Coalition with race data collection is that it will be inappropriately compared to census or census like data, given most analysis of traffic stops to date have been compared to such data. This desire to use census data presumes that traffic violations are evenly distributed across all adults in the population. There are many reasons why census data is flawed for this purpose and would not make the best denominator.

- Census data is a residential population count. The average daily or nighttime population may vary greatly from that residential number and composition. The census data can be subdivided, however those divisions do not coincide with police "beats".
- Census data is not a driver count. It does not reflect who is driving, where they are driving, when they are driving or how they are driving. For example, the U.S. population may be majority female but drivers on the roadways are not. We know that professional drivers (truck drivers, delivery personnel, etc.) are overwhelmingly male. While beginning to change, when both genders are in a car, usually the male drives.
- We know traffic violations are not evenly distributed. For example, studies show and insurance companies know that younger drivers (16-25 years of age) drive faster, lack handling experience and are involved in more traffic accidents than are drivers who are older. Young males tend to be more aggressive drivers than females within their age group.
- Different enforcement issues occur at different times of the day. For example most drunk driving occurs near bar closing time. Speeders are less likely to be stopped during "rush hour" traffic than at other times of the day. Little traffic enforcement occurs near police shift change.
- We know that people of lesser socioeconomic means have a harder time keeping the equipment serviced on their cars and are therefore stopped more often for equipment issues than are their higher socioeconomic counterparts.
- Census data would be meaningless in attempting to account for drive-through traffic or commuter traffic. The use of this data would not measure special enforcement initiatives in certain neighborhoods. Nor would it measure targeted enforcement that is required in Federal grants.
- The census accuracy itself is in question. Serious undercounting of minorities exists with the census, especially among the Hispanic population. Even greater undercounting exists with those who have entered the country illegally and those who may have entered legally but for limited amounts of time (foreign students, tourists, etc.)
- The previously proposed data collection would collect what is happening as far as stops, but would not tell us at what proportion the stops are a reflection of what is actually happening in traffic versus any pre-textual reason (age, gender race, etc).
- Therefore we know that census data is not reflective of age, gender, how much an individual drives or the manner in which they drive. We believe for these reasons and others articulated above, the census should not be used as a reflective comparison for race during traffic stops. This is important because Police Officers may fear retribution from data reports that do not reflect the census numbers. Officers may believe that this data will be used to impugn the integrity of an officer and could result in proactive stops ending, resorting to only reactive

patrol styles. While those who believe that race based enforcement is common might welcome this style change, it is short sighted. Studies show that quality of life policing and traffic enforcement improves the quality of neighborhoods and reduces serious crime. Yet most of those "stops" and contacts are of a highly discretionary nature and are likely to be the first that are eliminated if the data is not analyzed in an agreed upon fashion. Data from Houston, Texas supports this contention. Houston began data collection in the fall of 1999 and their traffic citations dropped precipitously. For police, this concern is not hypothetical.

A second concern of the Coalition regarding data collection is the misinterpretation of why certain neighborhoods have higher enforcement than do others. The deployment of police resources varies dramatically by neighborhood. Police deploy resources proportional to the demand for services. If this approach were not followed, police would be unable to respond to calls for service quickly. Where there are more police placed, there will be more traffic stops conducted.

A third concern is the method by which the data will be collected. Since drivers' licenses no longer list a person's race, how will race be recorded? Critics of the police certainly would not want the police to decide the driver's race. Having the driver state their race would have the motorist justifiably assume that their race was relevant to the stop and as the assumption goes, would be relevant to whether or not they received a citation. Having officers ask the individual what their race is insures race is the subject of every traffic stop.

- If data collection requires more paperwork, traffic stops will decrease. It is well known in policing that officers do not like paperwork and are quite creative at maneuvering out of paperwork. When a task that does not involve paperwork is changed to involve paperwork, that task frequency decreases.
- We recognize and are concerned that community relations are aided and hindered by the media. Media attention could reinforce misperceptions. For instance, the headline may read 80% of police stops in the Wilson neighborhood are of minorities. What is not explained is that 90% of the Wilson neighborhood is made up of minorities. We have already seen news stations film police stopping "white" motorists, but only report and air people of color being stopped.

A fourth concern is even if we could agree on what is considered favorable or unfavorable percentages of the majority of people stopped by police, what would become of the information? Police managers and labor feel this is a classic situation in which police "cannot win". If the numbers are unfavorable, the police will be severely criticized. If the numbers are favorable, then critics of the police will say the data isn't accurate or is being routinely distorted by the police. In addition, even if the overall numbers are favorable, an accusation can still be leveled that race was used as a criterion. How does any police leader refute that accusation, since it is difficult to prove a negative?

Finally, the Coalition believes much more discussion is needed of what number should be used, as the denominator to make race data collection meaningful, before the collection begins and the inevitable comparisons are made. Otherwise, unintended or undesirable consequences may result that could reduce the effectiveness of the police effort to prevent, reduce or respond to violations, infractions and crime.

Executive Director
Casey Perry
caseyperry@juno.com



Wisconsin Troopers' Association, Inc.
2099 Ironwood Dr, Green Bay, WI 54304
1-800-232-1392

President
Steven Williams
srwilliams@centurytel.net

June 12, 2000

Dear Editor,

Please consider running my article in your newspaper under "Guest Column". The Governor's Task Force on Racial Profiling has allowed public comments during forums or written comments mailed to the chairperson. Our Department of Transportation Secretary has held a summit concerning the "increase in fatal and serious crashes" in Wisconsin. My article supports "traffic data collection" to address both issues. If you have any questions please call or write. I thank you in advance for the opportunity to share my views on both of these topics with your readers.

Traffic Data Collection

The time has come for law enforcement leaders and elected officials to address the concerns surrounding the issue of racial profiling. Date collection can be used to determine if racial profiling exists along with improving highway safety. To begin with, the term "racial profiling" is not law enforcement terminology. Racial profiling is a street term that various groups have used to attract attention to their issue or cause. Law enforcement officers have received instruction in various techniques, such as: criminal interdiction, highway interdiction, and criminal-drug interdiction.

Law enforcement needs to educate society on the techniques used in interdiction based on the training our officers receive, along with the intended use of these practices in traffic stops. Criminal-interdiction techniques have been used to identify criminals for decades. Criminals use motor-vehicle transportation during the commission of their crimes or while traveling between crimes.

Too many law enforcement administrators view racial profiling concerns as "perception" and not "reality." My career in the law enforcement field is a mere 25 years. Over those years I experienced "reality" each time a person said, "you stopped me only because I'm ____". The blank has been filled in with: race, gender, age, status in the community, type of vehicle and license plates from other than Wisconsin.

Therefore, the criticism and mistrust law enforcement has received over this issue is of such magnitude, that the cost of funding data collection is not a valid reason to be against data collection for all traffic stops. Unless data collection is done, no one can prove whether officers are acting inappropriately or not. Law enforcement officers cannot change peoples' negative behavior unless they have the trust and support of the community.



The Wisconsin Troopers' Association supports the voluntary collection of data from traffic stops. Our organization is on record with Wisconsin's "Task Force on Racial Profiling" supporting the concept of data collection. Further, we have expressed our support for data collection, and we have asked the Wisconsin State Patrol to collect data from traffic stops voluntary.

Currently, Wisconsin State Patrol does maintain a Mobile Data System that allows any law enforcement agency in Wisconsin to utilize. The radio coverage is statewide for the in car Mobile Data Computers. The Wisconsin State Patrol is changing to Computer Aided Dispatch (CAD) programming with dispatching capabilities late summer or early fall of this year.

Every law enforcement agency in Wisconsin utilizes the "uniform traffic citation" for summons and complaint. Various departments have been testing the "automated electronic citation" version that enters information from Department of Motor Vehicle (DMV) files and prints out the electronic citation. DMV is updating driver's licenses with bar coding so the information off the driver's license will automatically be entered after swiping the card, similar to your credit card transactions. This advanced technology will reduce the time of traffic stops and address officers' safety concerns while entering additional data during traffic stops.

With adequate funding Wisconsin could develop a "uniform traffic warning" that is also automated. With the traffic citation and warning both automated a vast amount of data collection could occur without additional burden to a law enforcement officer during traffic stops. After the stop is completed the law enforcement officer could add the additional data to the mobile data computer screen to complete the data collection process.

To date the focus nationwide has been only to use the data collected in determining if "racial profiling" is occurring. This is a very important issue; however, the data collected could become very useful for improving highway safety!

Our state's fatality rate is surpassing last year's fatalities for this period of the year with predictions of reaching one thousand fatalities by the year's end. Transportation and law enforcement officials cannot explain the increases or provide an immediate plan of action to prevent the fatality rate from increasing above last year's rate.

Had our state been collecting data from law enforcement officers traffic citations and warnings, an analysis of enforcement patrol activity on all of our streets, highways and interstates along with crash location information could provide direction for future traffic enforcement programs. Such an analysis would allow DOT and law enforcement to evaluate what enforcement action was occurring prior to crashes and develop specific enforcement plans to change inappropriate driver behavior. Additionally, such an analysis may provide DOT engineers information that may lead to redesigning intersections, stretches of highway, adding additional signs or reductions in speed limits.

Currently, Federal and State DOT provides funding to law enforcement agencies for increased traffic patrol in high crash areas without having past traffic stop information for those areas. In the future, DOT could use the data collected from traffic stops to evaluate areas to target increased patrols, thus putting money to better use versus a shotgun approach.

For the skeptics, take time to stop by any county Clerk of Traffic Court office that is on the Circuit Court Automation Program (CCAP). Each traffic citation, except seat belt, issued for circuit court includes \$49.00 to support CCAP. It is truly amazing the types of searches that computers can do in seconds. For instance, I recently asked how many citations did state patrol officers and deputies issue for speeding in 65 zoned highways in ___ County so far this year. The computer search revealed 449/62. In the current form, this information does not do very much for highway safety, however, if searches included location, time of day, violation(s) and enforcement action, it could be very useful in determining where to increase traffic patrol on certain highways.

In conclusion, it is very hard to comprehend why some law enforcement leaders and elected officials would be opposed to collection of traffic stop data that could be very useful in determining if "racial profiling" exists and at the same time improve highway safety. Some law enforcement leaders may feel threatened if our citizens had access to the amount of data collected and used such for accountability purposes. Citizens should have any and all information available in supporting or challenging how their tax dollars are spent regarding all law enforcement agencies.

Casey Perry
Executive Director
Wisconsin Troopers' Association

COMMENTARY

'Racial profiling' data could improve highway safety

By Casey Perry / Guest Commentator

The time has come for law enforcement leaders and elected officials to address the concerns surrounding the issue of racial profiling.

One way to determine if racial profiling exists is by analyzing data collected during traffic stops. This could have the added benefit of helping to improve highway safety.

The term "racial profiling" is not law enforcement terminology. Racial profiling is a street term that various groups have used to attract attention to their issue or cause.

Law enforcement needs to educate society on the techniques used in interdiction based on the training our officers receive, along with the intended use of these practices in traffic stops.

Many law enforcement administrators view racial profiling concerns as "perception" and not "reality." My career in the law enforcement field covers 25 years. Over those years I experienced "reality" each time a person said, "You stopped me only because I'm ...". The blank has been filled in with race, gender, age, status in the community, type of vehicle and license plates from states other than Wisconsin.

Therefore, the criticism and mistrust law enforcement has received over this issue is of such magnitude that the cost of funding data collection is not a valid reason to be against data collection for all traffic stops. Unless data collection is done, no one can

prove whether officers are acting inappropriately or not. Law enforcement officers cannot change peoples' negative behavior unless they have the trust and support of the community.

The Wisconsin Troopers' Association supports the voluntary collection of data

"It is hard to comprehend why some law enforcement leaders and elected officials would be opposed to collection of traffic stop data that could be useful in determining if 'racial profiling' exists, and at the same time improving highway safety."

Casey Perry
Wisconsin Troopers Association



from traffic stops. Further, we have asked the Wisconsin State Patrol to collect data from traffic stops voluntarily.

Currently, the State Patrol maintains a mobile data system that is available for any law enforcement agency in Wisconsin to use. The radio coverage is statewide for the in-car mobile data computers. The patrol is changing to computer aided dispatch, or CAD, programming with dispatching capabilities in late summer or early fall of this year.

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consin uses the "uniform traffic citation" for summons and complaint. Various departments have been testing the automated electronic citation version that enters information from the Division of Motor Vehicles files and prints out the electronic citation. The DMV is updating driver's licenses with bar coding so the information off the license will automatically be entered after swiping the card, similar to a credit card transaction. This technology will reduce the time of traffic stops

and address officers' safety concerns while entering additional data during stops. With adequate funding, Wisconsin could develop a "uniform traffic warning" that is also automated. With the traffic citation and warning both automated, a vast amount of data collection could occur without additional burden to a law enforcement officer during traffic stops.

To date, the focus nationwide has been to use the data collected only in determining if racial profiling is occurring. This is an important issue, the data could become useful for improving highway safety.

Our state's traffic fatality rate is surpassing last year's totals for this period of the year, with predictions of reaching 1,000 deaths by year's end. Officials cannot explain the increases or provide an immediate plan to prevent the fatality rate from increasing above last year's rate.

Had our state been collecting data from law enforcement officers' traffic citations and warnings, an analysis of enforcement patrol activity on all of our streets, highways and interstates, along with crash location information, could provide direction for traffic enforcement programs.

It is hard to comprehend why some law enforcement leaders and elected officials would be opposed to collection of traffic stop data that could be useful in determining if "racial profiling" exists, and at the same time improving highway safety.

Some law enforcement leaders may feel threatened if our citizens had access to data and used it for accountability purposes. Citizens should have any and all information available in supporting or challenging how their tax dollars are spent regarding all law enforcement agencies.

Casey Perry is executive director of the Wisconsin Troopers Association, based in Green Bay. Write to him via e-mail at caseyperry@juno.com.

HOW TO REACH US

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The Green Bay News-Chronicle

Executive Director
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Wisconsin Troopers' Association, Inc.
2099 Ironwood Dr, Green Bay, WI 54304
1-800-232-1392

President
Steven Williams
srwilliams@centurytel.net

May 27, 2000

Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Department of Transportation
400 7th Street SW
Washington, DC 20590

Subject: **CONSIDERATION OF GRANT MONIES TO FUND "COLLECTION OF TRAFFIC STOP DATA" TO ANALYZE: TRAFFIC STOPS IN WISCONSIN AND TO USE DATA TO "IMPROVE HIGHWAY SAFETY"**

Dear Attorney General Janet Reno and Secretary Rodney Slater,

The Wisconsin Troopers' Association supports the *voluntary collection of data from traffic stops*. Our organization is on record with Wisconsin's "*Task Force on Racial Profiling*" supporting the concept of data collection. Further, we have expressed our support for data collection and have asked the Wisconsin State Patrol to voluntarily collect data from traffic stops.

Currently, Wisconsin State Patrol does maintain a Mobile Data System that allows any law enforcement agency in Wisconsin to utilize. The radio coverage is statewide for the in car Mobile Data Computers. The Wisconsin State Patrol is changing to CAD programming with dispatching capabilities late summer or early fall of this year.

Every law enforcement agency in Wisconsin utilizes the "**uniform traffic citation**" for summons and complaint. The Wisconsin State Patrol has been testing the "**automated citation**" version that enters information from DMV files and prints out the citation.

With adequate funding Wisconsin could develop a "**uniform traffic warning**" that is also automated. With the traffic citation and warning both automated a vast amount of data collection could occur without additional burden to a law enforcement officer during traffic stops. After the stop is completed the law enforcement officer could add the additional data to the mobile data computer screen to complete the data collection process.

To date the focus nationwide has been only to use the data collected in determining if "racial profiling" is occurring. This is a very important issue; however, the data collected could become very useful for improving highway safety!

Our state's fatality rate is surpassing last year's fatalities for this period of the year with predictions of reaching one thousand fatalities by year's end. Transportation and law enforcement officials cannot explain the increases or provide an immediate plan of action to prevent the fatality rate from increasing above last year's rate.

Had our state been collecting data from law enforcement officers traffic citations and warnings an analysis of enforcement patrol activity on all of our streets, highways and interstates along with crash location information could provide direction for future traffic enforcement programs. Such an analysis would allow DOT and law enforcement to evaluate what enforcement action was occurring prior to crashes and develop specific enforcement plans to change inappropriate driver behavior. Additionally, such an analysis may provide DOT engineers information that may lead to redesigning intersections, stretches of highway, adding additional signs or reductions in speed limits.

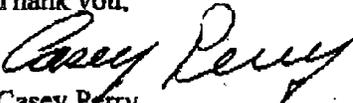
Currently, Federal and State DOT provides funding to law enforcement agencies for increased traffic patrol in high crash areas without having past traffic stop information for those areas. In the future DOT could use the data collected from traffic stops to evaluate areas to target increased patrols, thus putting monies to better use versus a shotgun approach.

Please consider providing grant monies from DOJ and DOT for Wisconsin State Patrol to maintain a statewide computer system for the "collection of traffic stop data". Sufficient funding to allow all Wisconsin Law Enforcement agencies access onto the system. Funding for our Wisconsin Universities to analyze the data collected during a four-year period.

Wisconsin has a history of being creative and progressive. Please allow our state the opportunity to pioneer the way into the future at the same time improving services to our citizens and highway safety.

Please feel free to contact me further regarding this request and/or concept of utilizing traffic stop data in the area of highway safety.

Thank you,


Casey Perry

Cc: Wisconsin Governor Tommy Thompson
Judge Maxine A. White, Chair "Task Force on Racial Profiling"
Wisconsin DOT Secretary Terry Mulcahy
Wisconsin State Patrol Superintendent David Schumacher

1/23/01

Plc to Jessica

Length of stop also

1) ~~ok~~ ok to have DOT do the analysis

2) Analyze data ^{in conjunction w/ other info}
re traffic patterns + accidents, to determine

the effect of contacts on traffic + safety.

Call Perry for more info ~~re~~ if needed

Also make data avail to other govts for ~~what~~ any of
use purpose - (highway design²⁹ + construction)

*

1532
~~1267~~

2001 BILL

1999 SENATE BILL 354

JLD
mgd + tuf

February 1, 2000 - Introduced by Senators MOORE, GEORGE and PLACHE, cosponsored by Representatives YOUNG, TURNER, COLON, RILEY, MORRIS-TATUM, COGGS, WILLIAMS, BOCK, RICHARDS, WASSERMAN, BLACK, MILLER, POCAN, BERCEAU, SCHOOFF, BOYLE, RYBA and KLUSMAN. Referred to Committee on Judiciary and Consumer Affairs.

Reger

contacts

- 1 AN ACT to amend 165.85 (4) (b) 1.; and to create 165.842 of the statutes,
- 2 relating to: collection of data concerning motor vehicle stops, law enforcement
- 3 training standards, and granting rule-making authority.

agencies

Analysis by the Legislative Reference Bureau

Collection of information concerning motor vehicle stops

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2
3
contacts

Currently, a law enforcement agency must collect information concerning each person that the law enforcement agency arrests or takes into custody, if the person has committed certain offenses or is a fugitive from justice. The information that the law enforcement agency must collect includes the person's fingerprints, photographs of the person's face and profile, and other available identifying data. The information collected must be forwarded to the department of justice (DOJ), which maintains the information for various law enforcement and reporting purposes.

This bill requires a law enforcement agency to collect information concerning motor vehicle stops made on or after January 1, 2001. Some of the information that must be collected under the bill includes the following: 1) the reason for the motor vehicle stop; 2) the age, gender, and race of the operator of the motor vehicle; 3) whether a search was conducted of the motor vehicle, the operator of the motor vehicle, or any passenger in the motor vehicle; 4) if there was a search of a passenger in the motor vehicle, the age, gender and race of the passenger; 5) whether anything was seized as a result of any search; 6) whether the motor vehicle stop or a search conducted during the stop resulted in the operator or any passenger being given a written warning of or a citation for a violation of any law or ordinance and, if so, a

OR ETHNICITY

OR VERBAL

contact

SENATE BILL 354

listing of each warning or citation given and the alleged violation for which the warning or citation was given; and 7) whether the motor vehicle stop or a search conducted during the stop resulted in the arrest of the operator or any passenger and, if so, a listing of each arrest made and the reason for the arrest. DOJ may also require the collection of additional information ^{it collects}

~~The~~ information that is collected under the bill concerning motor vehicle stops ^{contacts} must be forwarded to DOJ, which must then compile and analyze the information, along with any other relevant information, to determine, both for the state as a whole and for each law enforcement agency, whether the number of stops and searches of motor vehicles operated or occupied by members of a racial minority are disproportionate compared to the number of stops and searches of motor vehicles operated or occupied solely by persons who are not members of a racial minority. The determination of whether the number of stops and searches involving racial minorities is disproportionate must be based on an estimate of the population and characteristics of all persons traveling on state highways, on an estimate of the populations and characteristics of persons traveling on state highways who are violating a law or ordinance, or on some other relevant population estimate. If DOJ finds that the number of stops and searches involving racial minorities is disproportionate compared to the number of stops and searches involving nonminorities, DOJ must then determine whether that disproportion is the result of racial profiling, racial stereotyping or other race-based discrimination or selective enforcement. ^{or ethnicity-based}

DOJ must prepare an annual report that summarizes the information submitted to it by law enforcement agencies and that describes the methods and conclusions of its analysis of the information. DOJ must also promulgate rules to implement the information collection requirement created in the bill, including rules prescribing a form for use in obtaining the information and establishing a schedule for forwarding the information obtained to DOJ.

Law enforcement training standards

Under current law, no person may be appointed as a law enforcement officer unless the person has been certified by the law enforcement standards board (LESB) after completing a training program approved by LESB. Currently, LESB must establish minimum educational and training standards for law enforcement officers and minimum curriculum requirements for law enforcement officer training programs. Current law also contains specific requirements for law enforcement training programs, including the requirements that the programs provide training to enable officers to deal effectively with domestic abuse incidents and training on police pursuit standards.

This bill requires law enforcement training programs to provide training designed to prevent the use of race, racial profiling, racial stereotyping or other race-based discrimination or selection as a basis for detaining, searching or arresting a person or for otherwise treating a person differently from persons of other races.

8) the location of the motor vehicle contact, including the street address, if any; and 9) the date, time, and duration of the motor vehicle contact.

contact

contacts

or ethnic

or ethnic

es

Each law enforcement agency must forward the

Analysis Insert

SENATE BILL 354

Insert 3-1 ✓

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 165.842 of the statutes is created to read:

contacts ← (B)

2 **165.842 Motor vehicle ~~stops~~; collection and analysis of information;**
3 **annual report.** (1) DEFINITIONS. In this section:

4 (a) "Department" means the department of justice.

5 (b) "Law enforcement agency" has the meaning given in s. 165.77 (1) (b).

6 (c) "Law enforcement officer" means a person who is employed by a law
7 enforcement agency for the purpose of detecting and preventing crime and enforcing
8 laws or ordinances and who is authorized to make arrests for violations of the laws
9 or ordinances that the person is employed to enforce, whether that enforcement
10 authority extends to all laws or ordinances or is limited to specific laws or ordinances.

11 (d) "Motor vehicle ^{contact} ~~stop~~" means ^{(A) Insert 3-11 ✓} the stop or detention of a motor vehicle that is
12 traveling in any public or private place, or the detention of an occupied motor vehicle
13 that is already stopped in any public or private place, for the purpose of investigating
14 any alleged or suspected violation of a state or federal law or city, village, town or
15 county ordinance.

16 (2) INFORMATION COLLECTION REQUIRED. All persons in charge of law
17 enforcement agencies shall obtain, or cause to be obtained, all of the following
18 information with respect to each motor vehicle ^{contact} ~~stop~~ made on or after January 1, 2001,
19 by a law enforcement officer employed by the law enforcement agency:

20 (a) The reason ^{for} ~~that the law enforcement officer stopped or detained~~ the motor
21 vehicle

contact ✓

(2)

SENATE BILL 354

SECTION 1

or ethnicity

- 1 (b) The age, gender and race[^] of the operator of the motor vehicle.
- 2 (c) The number of persons in the motor vehicle.
- 3 (d) Whether a search was conducted of the motor vehicle, ^{its} the operator ~~of the~~
- 4 ~~motor vehicle~~ or any passenger ~~in the motor vehicle~~, and for each search conducted
- 5 all of the following information:

6 1. Whether the search was based on probable cause or reasonable suspicion to

7 believe that an offense had been, was being or was about to be committed, or whether

8 the search was based on the consent of the person searched or, for a motor vehicle

9 search, on the consent of the operator or other authorized person.

10 2. If the search was of a passenger ~~in the motor vehicle~~, the age, gender and race

11 of the passenger.

12 3. What, if anything, was seized as a result of the search.

13 (e) Whether any person who was asked to consent to a search of the motor

14 vehicle or of his or her person refused to consent.

15 (f) Whether the motor vehicle ^{contact} ~~stop~~ or a search conducted during the ^{contact} ~~stop~~

16 resulted in the operator or any passenger being given a written ^{or verbal} warning of or a

17 citation for a violation of any law or ordinance and, if so, a listing of each warning

18 or citation given and the alleged violation for which the warning or citation was

19 given.

20 (g) Whether the motor vehicle, ^{contact} ~~stop~~ or a search conducted during the, ^{contact} ~~stop~~

21 resulted in the arrest of the operator or any passenger and, if so, a listing of each

22 arrest made and the reason for the arrest.

23 (h) Any other information required to be collected under the rules promulgated

24 by the department under sub. (5).

including the street address, if any

(h) The ~~address~~ location ^{of} where the motor vehicle

contact, ~~address~~ and duration

(i) The date, time, ^{of} the motor vehicle contact.

contacts conducted during such contacts involving

SENATE BILL 354

1 (3) SUBMISSION OF INFORMATION COLLECTED. The person in charge of a law
2 enforcement agency shall forward the information obtained under sub. (2) to the
3 department using the form prescribed by the rules promulgated under sub. (5) and
4 in accordance with the reporting schedule established under the rules promulgated
5 under sub. (5).

6 (4) ANALYSIS AND REPORT BY DEPARTMENT. (a) The department shall compile the
7 information submitted to it by law enforcement agencies under sub. (3) and shall
8 analyze the information, along with any other relevant information, to determine,
9 both for the state as a whole and for each law enforcement agency, all of the following:

10 1. Whether the number of motor vehicle ^{contacts} stops and searches ~~of~~ motor vehicles ^{or ethnic}
11 operated or occupied by members of a racial/ minority compared to the number of
12 motor vehicle ~~stops~~ ^{stops} and searches ~~of~~ motor vehicles operated or occupied solely by
13 persons who are not members of a racial/ minority is disproportionate based on an
14 estimate of the population and characteristics of all persons traveling on state
15 highways, on an estimate of the populations and characteristics of persons traveling
16 on state highways who are violating a law or ordinance, or on some other relevant
17 population estimate.

18 2. A determination as to whether any disproportion found under subd. 1. is the
19 result of racial/ ^{or ethnic} profiling, racial/ stereotyping or other race ^{or ethnicity - based} based discrimination or
20 selective enforcement.

21 (b) For each year, the department shall prepare an annual report that
22 summarizes the information submitted to it by law enforcement agencies concerning
23 motor vehicle ^{contacts} stops made during the year and that describes the methods and
24 conclusions of its analysis of the information. On or before March 31, 2000, and on
25 or before each March 31 thereafter, the department shall submit the annual report

specifying the type of assistance
constituting a motor vehicle

contact under LRB-3826/1
sub. (i)(d)1., JEO:kmg:km

SENATE BILL 354

Insert 6-2

SECTION 1

1 required under this paragraph to the legislature under s. 13.172 (2), to the governor
2 and to the director of state courts.

3 (5) RULES. ~~2~~ The department shall promulgate rules to implement the
4 requirements of this section, including rules prescribing a form for use in obtaining
5 information under sub. (2), and establishing a schedule for forwarding the
6 information obtained to the department. The department shall make the form
7 prescribed by its rules available to law enforcement agencies.

~~(b) The department may, by rule, require the collection of information in
addition to that specified in sub. (2) (a) to (g) if the department determines that the
information will help to make the determinations required under sub. (4) (a).~~

SECTION 2. 165.85 (4) (b) 1. of the statutes is amended to read:

12 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
13 enforcement officer, except on a temporary or probationary basis, unless the person
14 has satisfactorily completed a preparatory program of law enforcement training
15 approved by the board and has been certified by the board as being qualified to be
16 a law enforcement or tribal law enforcement officer. The program shall include 400
17 hours of training, except the program for law enforcement officers who serve as
18 rangers for the department of natural resources includes 240 hours of training. The
19 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
20 400-hour conventional program and a 240-hour ranger program. The rule shall
21 ensure that there is an adequate amount of training for each program to enable the
22 person to deal effectively with domestic abuse incidents. The training under this
23 subdivision shall include training on emergency detention standards and procedures
24 under s. 51.15, emergency protective placement standards and procedures under s.
25 55.06 (11) and information on mental health and developmental disabilities agencies

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SENATE BILL 354

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and other resources that may be available to assist the officer in interpreting the emergency detention and emergency protective placement standards, making emergency detentions and emergency protective placements and locating appropriate facilities for the emergency detentions and emergency protective placements of persons. The training under this subdivision shall include training designed to ^{or ethnicity} prevent the use of race, racial ^{or ethnic} profiling, racial stereotyping or other ^{or ethnicity-based} race-based discrimination or selection as a basis for detaining, searching, or ² arresting a person or for otherwise treating a person differently from persons of other ^{or ethnic backgrounds} races. The training under this subdivision shall include training on police pursuit standards, guidelines and driving techniques established under par. (cm) 2. b. The period of temporary or probationary employment established at the time of initial employment shall not be extended by more than one year for an officer lacking the training qualifications required by the board. The total period during which a person may serve as a law enforcement and tribal law enforcement officer on a temporary or probationary basis without completing a preparatory program of law enforcement training approved by the board shall not exceed 2 years, except that the board shall permit part-time law enforcement and tribal law enforcement officers to serve on a temporary or probationary basis without completing a program of law enforcement training approved by the board to a period not exceeding 3 years. For purposes of this section, a part-time law enforcement or tribal law enforcement officer is a law enforcement or tribal law enforcement officer who routinely works not more than one-half the normal annual work hours of a full-time employe^e of the employing agency or unit of government. Law enforcement training programs including

SENATE BILL 354

1 municipal, county and state programs meeting standards of the board are acceptable
2 as meeting these training requirements.

3

(END)

RWF [

Analysis Insert

¶ Finally, DOJ is also required to forward annually a copy of the information collected under this bill concerning motor vehicle contacts to the department of transportation (DOT), which must then analyze the information, along with any other relevant information, to determine the effects and impact of motor vehicle contacts on highway safety and on state and local traffic law enforcement. DOT must also determine whether specific enforcement strategies or other activities may promote highway safety. DOT must prepare an annual report that summarizes its analysis of the information submitted to it by DOT and that describes the methods and conclusions of its analysis of the information. Under current law, DOT is required to prepare a biennial report on various issues related to highway safety. (end ins)

Insert 3-1 (page 1 of 2)

SECTION #. CR; 85.07(9)^{*}

^(B) 85.07(9) ^(CS) HIGHWAY SAFETY AND MOTOR VEHICLE CONTACTS;

^(CS) ANALYSIS OF INFORMATION; ANNUAL REPORT. (a) In this

subsection, "motor vehicle contact" has the meaning given

in s. 165.842(1)(d).[✓]

(b) Annually the department[✓] shall analyze the

information forwarded to the department under s. 165.842

(4)(c) by the department of justice concerning motor

vehicle contacts made during the previous year by law

enforcement agencies to determine, along with any other

relevant information, all of the following:

if any,

1. The effects[✓] of motor vehicle contacts on state and local traffic law enforcement.

certain

2. Whether[✓] motor vehicle driving patterns and driver behavior have contributed to the frequency of

* motor vehicle accidents, injuries, and death. [✓]

¶ 3. Specific enforcement strategies that may promote highway safety, including the selection of specified areas for increased traffic law enforcement.

¶ 4. Other activities that may promote highway safety, such as highway redesigning, increased signage, and modifying any existing speed limits.

¶ (c) For each year, the department shall prepare an annual report that summarizes the analysis of the information under par. (b) and that describes the methods and conclusions of its analysis of the information. On or before June 30, 2003, and on or before each June 30 thereafter, the department shall submit the annual report required under this subsection to the legislature under s. 13.172(2), to the governor, and to the director of state courts.

(end of insert)

Insert 6-2

¶ (c) On or before March 31, 2003, and on or before each March 31 thereafter, the department shall forward a copy to the department of transportation[✓] of the compilation under par. (a) of information submitted to the department^{of justice} by law enforcement agencies under sub. (3)[✓] concerning motor vehicle contacts made during the previous year.

(end ins)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1532/linsMD
MGD:.....

1 INSERT 3-11

2 ~~of~~ ^{NO} any of the following:

3 1. The provision of assistance to the operator of or the passengers in a motor
4 vehicle that is already stopped in any public or private place.

5 2. Contact with an operator of or passengers in a motor vehicle involved in an
6 traffic accident.

7 3. The ~~of~~ ^{NO}



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

April 11, 2001

MEMORANDUM

To: Senator Moore

From: Michael Dsida, Legislative Attorney

Re: LRB-1532/1 Collection of data regarding law enforcement agency contacts with motorists

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

_____ JACKET FOR ASSEMBLY ~~X~~ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9867 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



2001 BILL

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retrieve from hold

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- 1 AN ACT *to amend* 165.85 (4) (b) 1.; and *to create* 85.07 (9) and 165.842 of the
2 statutes; **relating to:** collection of data concerning motor vehicle contacts, law
3 enforcement training standards, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Collection of information concerning motor vehicle contacts

Currently, a law enforcement agency must collect information concerning each person that the law enforcement agency arrests or takes into custody, if the person has committed certain offenses or is a fugitive from justice. The information that the law enforcement agency must collect includes the person's fingerprints, photographs of the person's face and profile, and other available identifying data. The information collected must be forwarded to the department of justice (DOJ), which maintains the information for various law enforcement and reporting purposes.

This bill requires law enforcement agencies to collect information concerning motor vehicle contacts made on or after January 1, 2002. Some of the information that must be collected under the bill includes the following: 1) the reason for the motor vehicle contact; 2) the age, gender, and race or ethnicity of the operator of the motor vehicle; 3) whether a search was conducted of the motor vehicle, the operator of the motor vehicle, or any passenger in the motor vehicle; 4) if there was a search of a passenger in the motor vehicle, the age, gender, and race or ethnicity of the passenger; 5) whether anything was seized as a result of any search; 6) whether the motor vehicle contact or a search conducted during the contact resulted in the operator or any passenger being given a written or verbal warning of or a citation for

BILL

a violation of any law or ordinance and, if so, a listing of each warning or citation given and the alleged violation for which the warning or citation was given; 7) whether the motor vehicle contact or a search conducted during the contact resulted in the arrest of the operator or any passenger and, if so, a listing of each arrest made and the reason for the arrest; 8) the location of the motor vehicle contact, including the street address, if any; and 9) the date, time, and duration of the motor vehicle contact.

Each law enforcement agency must forward the information that it collects under the bill concerning motor vehicle contacts to DOJ, which must then compile and analyze the information, along with any other relevant information, to determine, both for the state as a whole and for each law enforcement agency, whether the number of contacts and searches of motor vehicles operated or occupied by members of a racial or ethnic minority are disproportionate compared to the number of contacts and searches of motor vehicles operated or occupied solely by persons who are not members of a racial or ethnic minority. The determination of whether the number of contacts and searches involving racial or ethnic minorities is disproportionate must be based on an estimate of the population and characteristics of all persons traveling on state highways, on an estimate of the populations and characteristics of persons traveling on state highways who are violating a law or ordinance, or on some other relevant population estimate. If DOJ finds that the number of contacts and searches involving racial or ethnic minorities is disproportionate compared to the number of contacts and searches involving nonminorities, DOJ must then determine whether that disproportion is the result of racial or ethnic profiling, racial or ethnic stereotyping, or other race-based or ethnicity-based discrimination or selective enforcement.

DOJ must prepare an annual report that summarizes the information submitted to it by law enforcement agencies and that describes the methods and conclusions of its analysis of the information. DOJ must also promulgate rules to implement the information collection requirement created in the bill, including rules prescribing a form for use in obtaining the information and establishing a schedule for forwarding the information obtained to DOJ.

Finally, DOJ is also required to forward annually a copy of the information collected under this bill concerning motor vehicle contacts to the department of transportation (DOT), which must then analyze the information, along with any other relevant information, to determine the effects and impact of motor vehicle contacts on highway safety and on state and local traffic law enforcement. DOT must also determine whether specific enforcement strategies or other activities may promote highway safety. DOT must prepare an annual report that summarizes its analysis of the information submitted to it by DOJ and that describes the methods and conclusions of its analysis of the information. Under current law, DOT is required to prepare a biennial report on various issues related to highway safety.

Law enforcement training standards

Under current law, no person may be appointed as a law enforcement officer unless the person has been certified by the law enforcement standards board (LESB) after completing a training program approved by LESB. Currently, LESB must

BILL

establish minimum educational and training standards for law enforcement officers and minimum curriculum requirements for law enforcement officer training programs. Current law also contains specific requirements for law enforcement training programs, including the requirements that the programs provide training to enable officers to deal effectively with domestic abuse incidents and training on police pursuit standards.

This bill requires law enforcement training programs to provide training designed to prevent the use of race, racial profiling, racial stereotyping, or other race-based discrimination or selection as a basis for detaining, searching, or arresting a person or for otherwise treating a person differently from persons of other races.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 85.07 (9) of the statutes is created to read:

2 **85.07 (9) HIGHWAY SAFETY AND MOTOR VEHICLE CONTACTS; ANALYSIS OF**
3 **INFORMATION; ANNUAL REPORT.** (a) In this subsection, “motor vehicle contact” has the
4 meaning given in s. 165.842 (1) (d).

5 (b) Annually the department shall analyze the information forwarded to the
6 department under s. 165.842 (4) (c) by the department of justice concerning motor
7 vehicle contacts made during the previous year by law enforcement agencies to
8 determine, along with any other relevant information, all of the following:

9 1. The effects, if any, of motor vehicle contacts on state and local traffic law
10 enforcement.

11 2. Whether certain motor vehicle driving patterns and driver behavior have
12 contributed to the frequency of motor vehicle accidents, injuries, and death.

13 3. Specific enforcement strategies that may promote highway safety, including
14 the selection of specified areas for increased traffic law enforcement.

BILL

1 4. Other activities that may promote highway safety, such as highway
2 redesigning, increased signage, and modifying any existing speed limits.

3 (c) For each year, the department shall prepare an annual report that
4 summarizes the analysis of the information under par. (b) and that describes the
5 methods and conclusions of its analysis of the information. On or before June 30,
6 2003, and on or before each June 30 thereafter, the department shall submit the
7 annual report required under this subsection to the legislature under s. 13.172 (2),
8 to the governor, and to the director of state courts.

9 **SECTION 2.** 165.842 of the statutes is created to read:

10 **165.842 Motor vehicle contacts; collection and analysis of information;**
11 **annual report.** (1) **DEFINITIONS.** In this section:

12 (a) “Department” means the department of justice.

13 (b) “Law enforcement agency” has the meaning given in s. 165.77 (1) (b).

14 (c) “Law enforcement officer” means a person who is employed by a law
15 enforcement agency for the purpose of detecting and preventing crime and enforcing
16 laws or ordinances and who is authorized to make arrests for violations of the laws
17 or ordinances that the person is employed to enforce, whether that enforcement
18 authority extends to all laws or ordinances or is limited to specific laws or ordinances.

19 (d) “Motor vehicle contact” means any of the following:

20 1. The provision of assistance to the operator of or the passengers in a motor
21 vehicle that is already stopped in any public or private place.

22 2. Contact with an operator of or passengers in a motor vehicle involved in an
23 traffic accident.

24 3. The stop or detention of a motor vehicle that is traveling in any public or
25 private place, or the detention of an occupied motor vehicle that is already stopped

BILL

1 in any public or private place, for the purpose of investigating any alleged or
2 suspected violation of a state or federal law or city, village, town, or county ordinance.

3 (2) INFORMATION COLLECTION REQUIRED. All persons in charge of law
4 enforcement agencies shall obtain, or cause to be obtained, all of the following
5 information with respect to each motor vehicle contact made on or after January 1,
6 2002, by a law enforcement officer employed by the law enforcement agency:

7 (a) The reason for the motor vehicle contact.

8 (b) The age, gender, and race or ethnicity of the operator of the motor vehicle.

9 (c) The number of persons in the motor vehicle.

10 (d) Whether a search was conducted of the motor vehicle, its operator, or any
11 passenger, and for each search conducted all of the following information:

12 1. Whether the search was based on probable cause or reasonable suspicion to
13 believe that an offense had been, was being, or was about to be committed, or whether
14 the search was based on the consent of the person searched or, for a motor vehicle
15 search, on the consent of the operator or other authorized person.

16 2. If the search was of a passenger, the age, gender, and race or ethnicity of the
17 passenger.

18 3. What, if anything, was seized as a result of the search.

19 (e) Whether any person who was asked to consent to a search of the motor
20 vehicle or of his or her person refused to consent.

21 (f) Whether the motor vehicle contact or a search conducted during the contact
22 resulted in the operator or any passenger being given a written or verbal warning
23 of or a citation for a violation of any law or ordinance and, if so, a listing of each
24 warning or citation given and the alleged violation for which the warning or citation
25 was given.

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1 (g) Whether the motor vehicle contact or a search conducted during the contact
2 resulted in the arrest of the operator or any passenger and, if so, a listing of each
3 arrest made and the reason for the arrest.

4 (h) The location of the motor vehicle contact, including the street address, if
5 any.

6 (i) The date, time, and duration of the motor vehicle contact.

7 **(3) SUBMISSION OF INFORMATION COLLECTED.** The person in charge of a law
8 enforcement agency shall forward the information obtained under sub. (2) to the
9 department using the form prescribed by the rules promulgated under sub. (5) and
10 in accordance with the reporting schedule established under the rules promulgated
11 under sub. (5).

12 **(4) ANALYSIS AND REPORT BY DEPARTMENT.** (a) The department shall compile the
13 information submitted to it by law enforcement agencies under sub. (3) and shall
14 analyze the information, along with any other relevant information, to determine,
15 both for the state as a whole and for each law enforcement agency, all of the following:

16 1. Whether the number of motor vehicle contacts and searches conducted
17 during such contacts involving motor vehicles operated or occupied by members of
18 a racial or ethnic minority compared to the number of motor vehicle contacts and
19 searches conducted during such contacts involving motor vehicles operated or
20 occupied solely by persons who are not members of a racial or ethnic minority is
21 disproportionate based on an estimate of the population and characteristics of all
22 persons traveling on state highways, on an estimate of the populations and
23 characteristics of persons traveling on state highways who are violating a law or
24 ordinance, or on some other relevant population estimate.

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1 2. A determination as to whether any disproportion found under subd. 1. is the
2 result of racial or ethnic profiling, racial or ethnic stereotyping, or other race-based
3 or ethnicity-based discrimination or selective enforcement.

4 (b) For each year, the department shall prepare an annual report that
5 summarizes the information submitted to it by law enforcement agencies concerning
6 motor vehicle contacts made during the year and that describes the methods and
7 conclusions of its analysis of the information. On or before March 31, 2003, and on
8 or before each March 31 thereafter, the department shall submit the annual report
9 required under this paragraph to the legislature under s. 13.172 (2), to the governor,
10 and to the director of state courts.

11 (c) On or before March 31, 2003, and on or before each March 31 thereafter, the
12 department shall forward a copy to the department of transportation of the
13 compilation under par. (a) of information submitted to the department of justice by
14 law enforcement agencies under sub. (3) concerning motor vehicle contact, made
15 during the previous year. (S)

16 (5) RULES. The department shall promulgate rules to implement the
17 requirements of this section, including rules specifying the type of assistance
18 constituting a motor vehicle contact under sub. (1) (d) 1., prescribing a form for use
19 in obtaining information under sub. (2), and establishing a schedule for forwarding
20 the information obtained to the department. The department shall make the form
21 prescribed by its rules available to law enforcement agencies.

22 **SECTION 3.** 165.85 (4) (b) 1. of the statutes is amended to read:

23 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
24 enforcement officer, except on a temporary or probationary basis, unless the person
25 has satisfactorily completed a preparatory program of law enforcement training

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1 approved by the board and has been certified by the board as being qualified to be
2 a law enforcement or tribal law enforcement officer. The program shall include 400
3 hours of training, except the program for law enforcement officers who serve as
4 rangers for the department of natural resources includes 240 hours of training. The
5 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
6 400-hour conventional program and a 240-hour ranger program. The rule shall
7 ensure that there is an adequate amount of training for each program to enable the
8 person to deal effectively with domestic abuse incidents. The training under this
9 subdivision shall include training on emergency detention standards and procedures
10 under s. 51.15, emergency protective placement standards and procedures under s.
11 55.06 (11) and information on mental health and developmental disabilities agencies
12 and other resources that may be available to assist the officer in interpreting the
13 emergency detention and emergency protective placement standards, making
14 emergency detentions and emergency protective placements and locating
15 appropriate facilities for the emergency detentions and emergency protective
16 placements of persons. The training under this subdivision shall include training
17 designed to prevent the use of race or ethnicity, racial or ethnic profiling, racial or
18 ethnic stereotyping, or other race-based or ethnicity-based discrimination or
19 selection as a basis for detaining, searching, or arresting a person or for otherwise
20 treating a person differently from persons of other races or ethnic backgrounds. The
21 training under this subdivision shall include training on police pursuit standards,
22 guidelines and driving techniques established under par. (cm) 2. b. The period of
23 temporary or probationary employment established at the time of initial
24 employment shall not be extended by more than one year for an officer lacking the
25 training qualifications required by the board. The total period during which a person

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1 may serve as a law enforcement and tribal law enforcement officer on a temporary
2 or probationary basis without completing a preparatory program of law enforcement
3 training approved by the board shall not exceed 2 years, except that the board shall
4 permit part-time law enforcement and tribal law enforcement officers to serve on a
5 temporary or probationary basis without completing a program of law enforcement
6 training approved by the board to a period not exceeding 3 years. For purposes of this
7 section, a part-time law enforcement or tribal law enforcement officer is a law
8 enforcement or tribal law enforcement officer who routinely works not more than
9 one-half the normal annual work hours of a full-time employee of the employing
10 agency or unit of government. Law enforcement training programs including
11 municipal, county and state programs meeting standards of the board are acceptable
12 as meeting these training requirements.

13 (END)