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(FORM UPDATED: 08/11/2010)

## **WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS**

### **2011-12**

[session year]

### **Senate**

[Assembly, Senate or Joint]

### **Committee on ... Labor, Public Safety, and Urban Affairs (SC-LPSUA)**

### **COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### **INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                      (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

**Senate**

## Record of Committee Proceedings

**Committee on Labor, Public Safety, and Urban Affairs**

## Senate Bill 15

Relating to: collection and analysis of motor vehicle traffic stop information and law enforcement training standards.

By Senators Lazich, Wanggaard, Grothman, Schultz, Leibham, Jauch and Olsen; cosponsored by Representatives Bernier, Jacque, Mursau, Thiesfeldt, Nass, Farrow, Brooks, LeMahieu, Vos, Ziegelbauer, Petersen, Kerkman, Ripp, Kooyenga, Bies, Strachota, Kleefisch, Kestell, Marklein and Spanbauer.

February 03, 2011      Referred to Committee on Labor, Public Safety, and Urban Affairs.

February 16, 2011      **PUBLIC HEARING HELD**

Present: (4) Senators Wanggaard, Lazich, S. Coggs and Wirch.

Absent: (1) Senator Grothman.

Excused: (0) None.

Appearances For

- Mary Lazich — Senator
- Kathy Bernier — Representative
- Van Wanggaard — Senator
- J.B. Van Hollen — Attorney General
- Doug Pettit — Chief, Wisconsin Chiefs of Police Association
- Chris Schmaling — Sheriff, Racine County
- Kurt Wahlen — Chief, Racine Police Department
- Todd Nehls — Sheriff, Dodge County
- James Soneberg — Village of Big Bend
- Michael Hartert — Chief, Big Bend Police Department
- David Beth — Sheriff, Kenosha County
- Mark Buetow — Milwaukee Police Association
- Randall Wright — Sheriff, Shawano County
- Rick Oliva — Chief, Franklin Police Department
- Steve Michek — Sheriff, Badger State Sheriff's Association
- Brad Hardel — Sheriff, Waupaca County
- Jeff Wiswell, Sr. — WI Sheriff's & Deputy Sheriff's Association

### Appearances Against

- Lena Taylor — Senator

- Spencer Coggs — Senator
- A. Steven Porter — Civil Rights Section, State Bar
- Chris Ahmuty — ACLU of Wisconsin

Appearances for Information Only

- None.

Registrations For

- Glenn Grothman — Senator
- Curt Witynski — League of Wisconsin Municipalities
- Mary Weekin — League of Wisconsin Municipalities
- Susan Beety — City of Menomonie
- Dan Wietecha — City of Evansville
- Mason Braunschweig, Evansville
- Stan Wekken — Village of North Hudson
- Larry Van Frachen — Alderman, City of Brillion
- Delton J. Thorson — City of Augusta
- Randy Summerfield — Mayor, City of Bloomer
- Dave Breunig — Mayor, City of Darlington
- Cindy Corley — Darlington City Council
- Bev Anderson, Darlington
- Jerry Wehrle, Lancaster
- Frank Fiorenza, Potosi
- Mark Dahlberg — Trustee, Village of Grantsburg
- Mike Hunter — City of Prescott
- Mark Huber — City of Prescott
- Elizabeth Fraeh — City of Prescott
- Jack Chiovatero — Mayor, City of New Berlin
- David Smetana, Racine
- John Hanrahan, Racine
- Sean Marochke — Chief, Sturtevant Police Department

Registrations Against

- Robert Turner — Representative
- Adam Korbitz, Madison — State Bar of Wisconsin

Registrations for Information Only

- None.

February 22, 2011

**EXECUTIVE SESSION HELD**

Present: (5) Senators Wanggaard, Grothman, Lazich, S. Coggs and Wirch.  
 Absent: (0) None.  
 Excused: (0) None.

Moved by Senator Lazich, seconded by Senator Grothman that  
**Senate Bill 15** be recommended for passage.

Ayes: (4) Senators Wanggaard, Grothman, Lazich and  
Wirch.

Noes: (1) Senator S. Coggs.

PASSAGE RECOMMENDED, Ayes 4, Noes 1

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Craig Summerfield  
Committee Clerk

TO: Members of the Senate Committee on Labor, Public Safety, and Urban Affairs

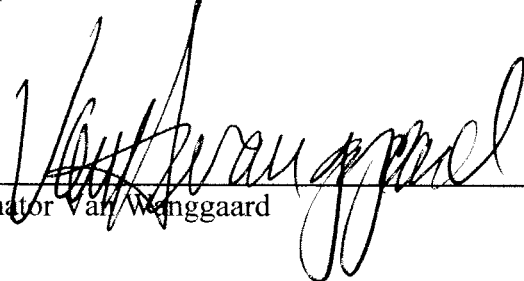
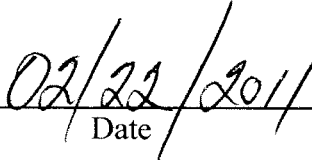

FROM: Senator Van Wanggaard, Chair

DATE: February 22, 2011

SUBJECT: Ballot for passage of Senate Bill 15



Please review the motion(s) and indicate your approval by signing your name, inserting the date, and circling "Aye" or "No" below. If this ballot is not returned to Senator Wanggaard's office in Room 319 South by Tuesday, February 22, 2011 at 11:00 a.m., you will be designated as not voting. Thank you.

[MOTION] Passage of Senate Bill 15, relating to collection and analysis of motor vehicle traffic stop information and law enforcement training standards.

   NO

\_\_\_\_\_  
Senator Van Wanggaard                      Date

Please review the motion(s) and indicate your approval by signing your name, inserting the date, and circling “Aye” or “No” below. If this ballot is not returned to Senator Wanggaard's office in Room 319 South by Tuesday, February 22, 2011 at 11:00 a.m., you will be designated as not voting. Thank you.



☒ AYE ☐ NO

Senator Glenn Grothman
 Date

TO: Members of the Senate Committee on Labor, Public Safety, and Urban Affairs  
FROM: Senator Van Wanggaard, Chair  
DATE: February 22, 2011  
SUBJECT: Ballot for passage of Senate Bill 15

Please review the motion(s) and indicate your approval by signing your name, inserting the date, and circling "Aye" or "No" below. If this ballot is not returned to Senator Wanggaard's office in Room 319 South by Tuesday, February 22, 2011 at 11:00 a.m., you will be designated as not voting. Thank you.

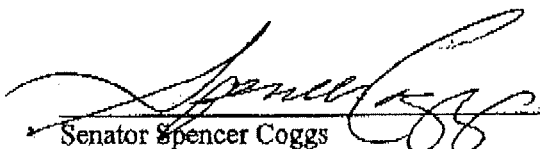
[MOTION] Passage of Senate Bill 15, relating to collection and analysis of motor vehicle traffic stop information and law enforcement training standards.

Mary Lazich 2-22-11 AYE NO  
Senator Mary Lazich Date

TO: Members of the Senate Committee on Labor, Public Safety, and Urban Affairs  
FROM: Senator Van Wanggaard, Chair  
DATE: February 22, 2011  
SUBJECT: Ballot for passage of Senate Bill 15

Please review the motion(s) and indicate your approval by signing your name, inserting the date, and circling "Aye" or "No" below. If this ballot is not returned to Senator Wanggaard's office in Room 319 South by Tuesday, February 22, 2011 at 11:00 a.m., you will be designated as not voting. Thank you.

[MOTION] Passage of Senate Bill 15, relating to collection and analysis of motor vehicle traffic stop information and law enforcement training standards.

  
Senator Spencer Coggs

2-22-11  
Date

AYE

☒ NO



TO: Members of the Senate Committee on Labor, Public Safety, and Urban Affairs  
FROM: Senator Van Wanggaard, Chair  
DATE: February 22, 2011  
SUBJECT: Ballot for passage of Senate Bill 15

Please review the motion(s) and indicate your approval by signing your name, inserting the date, and circling "Aye" or "No" below. If this ballot is not returned to Senator Wanggaard's office in Room 319 South by Tuesday, February 22, 2011 at 11:00 a.m., you will be designated as not voting. Thank you.

[MOTION] Passage of Senate Bill 15, relating to collection and analysis of motor vehicle traffic stop information and law enforcement training standards.

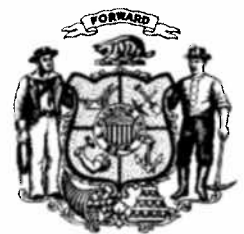
Robert Wirth  
Senator Robert Wirth

Feb 22, 2011  
Date

(AYE) NO



# WISCONSIN STATE LEGISLATURE





122 W. Washington Avenue  
Suite 300  
Madison, Wisconsin 53703-2715

608/267-2380  
800/991-5502  
Fax: 608/267-0645

E-mail: [league@lwm-info.org](mailto:league@lwm-info.org)  
[www.lwm-info.org](http://www.lwm-info.org)

To: Senate Committee on Labor, Public Safety, & Urban Affairs  
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities  
Date: February 16, 2011  
Re: **Support for SB 15, Repealing Racial Profiling Data Collection Requirement**

The League of Wisconsin Municipalities supports SB 15, repealing a provision inserted into the 2009-2011 state budget (Act 28) requiring all local law enforcement officers to collect racial information about each traffic stop and report the data to the state Office of Justice Assistance.

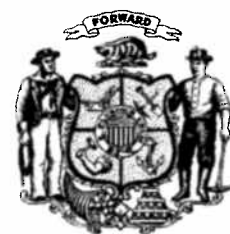
The League supports this bill for the following reasons:

1. The traffic data collection law was shoehorned into the state budget instead of passed as a separate bill on its own merits. Hence, there was insufficient (or no) opportunity for public hearings to examine the costs imposed upon local law enforcement agencies.
2. The data collection requirement is a time-consuming duty imposed on officers who should be handling other, more important duties. Not all police agencies possess the DOT TRACS computer system to gather and report the racial profiling data. Such data must then be hand-written on a paper form and transmitted to the State electronically from the police station either by the officer or by a civilian clerk. The State prohibits local police departments from submitting the data by mailing the written forms in.
3. The longer a traffic stop is prolonged by data collection the more the officer and the motorist are exposed to the risk of roadside collisions.
4. Wisconsin law enforcement agencies continually provide training to their officers on preventing racial profiling. Moreover, mechanisms exist to address suspected wrongdoing by police officers and deputies. Each law enforcement agency is already required by Wis. Stat. 66.0511(3) to have a written "procedure for processing and resolving a complaint by any person regarding the conduct of a law enforcement officer employed by the agency." This procedure has been used to address alleged acts of racial profiling.

For these reasons we urge you to vote in support of SB 15 and repeal the racial data collection mandate. Thanks for considering our comments and concerns.



# WISCONSIN STATE LEGISLATURE



# Wisconsin Chiefs of Police Association, Inc.

River Ridge - 1141 South Main Street, Shawano, Wisconsin 54166 • Telephone (715) 524-8283

Gregory W. Leck  
President  
Stoughton

Dennis W. Plantz  
1st Vice President  
Berlin

Steven J. Riffle  
2nd Vice President  
Sheboygan Falls

Jed M. Dolnick  
3rd Vice President  
Jackson

Donald L. Thaves  
Executive Director  
Shawano

Frank G. Sleeter  
Treasurer  
Pickeral



## Testimony Related to Senate Bill 15

Wednesday, February 16, 2011 – 10:00 a.m.

Good Morning, I would like to thank the Committee for permitting me to speak with you today. My name is Doug Pettit. I'm the Chief of Police for the Oregon Police Department, and I chair the Legislative Committee for the Wisconsin Chiefs of Police Association. My appearance here today is in my role as Legislative Chair for the Chiefs Association. The Wisconsin Chiefs of Police Association supports Senate Bill 15.

I will limit my comments to the difficulties that the law enforcement community has experienced in the implementation of this legislation. After this budget provision became law with its inclusion in the State Budget, an Advisory Committee was formed which was facilitated by the Office of Justice Assistance to develop the rules and protocols for implementation of the new law. I represented the Wisconsin Chiefs of Police Association as a member of that committee. During the many months that the committee was active, it was clear to many of the law enforcement representatives on the committee that the time table for implementation of this new law was too aggressive to allow law enforcement and OJA to put the necessary processes in place to ensure that every law enforcement agency in the State could deliver the data to OJA by the legislation's effective date of January 1, 2011.

Since January 1, 2011, I have heard from numerous Law Enforcement Executives who have called to express their concerns related to the additional time necessary for officers to complete a traffic stop, the lack of funding to acquire the required equipment, and the lack of assistance to prepare their agency to submit the data to the Office of Justice Assistance. The primary vehicle to transmit the data to the OJA was determined to be the Badger TRACS System which is an automated citation program where the citation information and the additional data collection information is entered into the Badger TRACS System by the officer in the squad using a mobile data computer. The information is then transmitted to the OJA through that system. If a police department does not have Badger TRACS operational or the department does not have mobile data computers in their squads, a web based system was developed where the officer making the traffic stop would fill out a separate data information card while on the traffic stop. The data card along with the citation or warning would then be submitted to the department's clerical staff who in turn then enters the data and transmits the data to the OJA manually via the Justice Gateway. These processes have added additional staff time to police departments, and they simply cannot afford additional staff time due to budget cut backs and hiring freezes that law enforcement agencies are experiencing throughout the State.

I have heard from some Chiefs who have completed task studies related to the new data collection requirement. Through these studies, they have determined that an additional 5 to 10 minutes has been added to each traffic stop, and this is if their department is using the Badger TRACS System. For those agencies who do not have Badger TRACS, you can add several additional minutes to process the data from each traffic stop. I have received calls from Chiefs of Police from small agencies from around the State who have indicated that they do not

have computers in their squads nor will they, and they do not have clerical staff so the police officer would be required to enter the information by hand into the Justice Gateway after each traffic stop. We must remember that the vast majority of law enforcement agencies in the State are very small, and many do not have clerical support. This law adversely affects all those agencies.

Because the implementation of this law was set on an unrealistic time table, police departments throughout Wisconsin have been scrambling to set up the Badger TRACS System to prepare for the law. It is clear that the Office of Justice Assistance does not have the staff to assist every law enforcement agency in the State who request their assistance to setup the system. The Badger TRACS System requires law enforcement agencies to install Badger TRACS software on all of their squad computers, purchase and install printers in each squad, develop a method to retrieve the data from each squad computer and merge it with the police department's records system, and train every police officer in their department on how to use the system. Departments have been forced to hire outside consultants to install the program because of the lack of knowledgeable individuals available to assist law enforcement agencies to set up the automated citation program. I was surprised to learn from the police departments who choose to use the web based system must submit the data within 30 days, and if the submittal date is past thirty days from the date of the traffic stop, the Office of Justice Assistance will not accept the data. If the original intent of the legislation is to collect data on all traffic stops to determine if law enforcement uses basis in their traffic enforcement, it makes no logistical sense to place a 30 day time out on submitting data. Otherwise the process smacks of simply collecting numbers.

The Wisconsin Chiefs of Police Association encourages all of its members to put systems in place to collect data and develop processes

to monitor their enforcement activity of their agencies related to traffic stops to monitor bias. The law enforcement executives who I know throughout the State of Wisconsin are very conscientious individuals who will continue to strive to ensure that bias has no part in their individual department's enforcement activities. Let me say this plainly, the Wisconsin Chiefs of Police Association believes that any form of police action that is based solely on a person's race, color, religion, national origin, sexual orientation, gender, or disability is both unethical and illegal. The Wisconsin Chiefs of Police Association strongly encourages all law enforcement agencies to develop and implement anti-discriminatory policies that explicitly prohibit biased enforcement practices and encourage bias free policing.

The Wisconsin Chiefs of Police Association believes that data collection can play a role in reducing the incidents of biased enforcement actions. However, in order to achieve this goal, data collection programs must be conducted in a fashion that ensures that the data is being collected and analyzed in an impartial and methodologically sound fashion. The Wisconsin Chiefs of Police Association strongly believes that legislative proposals addressing the issue of biased based policing should be carefully drafted so that legitimate law enforcement practices and operations are not compromised.

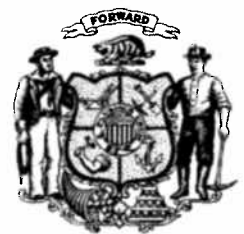
In closing again the Wisconsin Chiefs of Police Association supports the repeal of the current law that mandates every law enforcement agency in the State of Wisconsin to collect a subset of data on every traffic stop. If current law is repealed and this proposal is brought back for consideration at a future date, it would be my recommendation to make sure that the proposal is vetted through the public hearing process. By doing this implementation pitfalls could be raised during the hearings instead of waiting to present the implementation system to the legislation after the law has been passed.



Thanks again for permitting me to speak with you today. I would be happy to take any questions if anyone has any.



# WISCONSIN STATE LEGISLATURE





# LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

## Senate Bill 15 Testimony of Senator Lena C. Taylor Committee on Labor, Public Safety, & Urban Affairs Wednesday, February 16, 2011

Honorable Chairman Wanggaard and members,

Thank you for allowing me to testify today on Senate Bill 15, which will repeal the traffic stop data collection law enacted last year. As one of the primary authors of the law and the past chairwoman of the committee that approved of the corresponding administrative rules, I speak today in opposition to this bill.

As some history for the members of the committee, please let me highlight some of the actions the last legislature took. Governor Doyle originally proposed traffic stop data collection in the eleven most populous counties in Wisconsin, in conjunction with primary seat belt enforcement. The legislature amended this proposal to make the collection happen statewide and asked the Office of Justice Assistance (OJA) to promulgate rules on what data to collect and when.

As OJA sought approval of the Finance Committee to begin spending money to promulgate rules, the finance committee added conditions on the rulemaking process such as statewide hearings, an advisory committee, legislative participation, and expert testimony and information. I was appointed by Sen. Miller to represent the Senate on the OJA advisory committee along with Rep. Grigsby.

That committee to promulgate these rules included law enforcement personnel – Chief Tubbs of Capitol Police, then State Patrol Superintendent David Collins, Winnebago County Sheriff Mike Brooks, Madison Police Chief Noble Wray, Milwaukee Police Chief Ed Flynn, and Wisconsin Professional Police Association Director Jim Palmer. In addition, we heard expert testimony from persons in Washington state, the State of Illinois, and Professor Lorie A. Fridell of the University of South Florida. The committee took testimony at five hearings around the state before the rule was proposed and major hearings on the draft rule.

Being that January 1<sup>st</sup> has arrived, Wisconsin is now collecting data at traffic stops as the statute and rules require. Wisconsin created this law so that we have data to use as a tool that law enforcement can use to evaluate themselves and as a performance enhancer. Namely, evaluation of officers individual stops and the race of persons involved leads to a constructive model that can be built that shows an area where bias

may or may NOT exist for that officer. That is truly utilizing this tool. Wisconsin cannot deny that racial profiling does not happen. It does. It is a fact, and most, if not all of Wisconsinites would agree with that. This law is not meant to be anything but a tool for law enforcement to continue to evaluate and improve their practices.

To that extent, Mr. Chairman and members, this bill will stop Wisconsin's tool for combating racial profiling. While the word "repeal" is popular in this political climate, the pragmatic and smart thing to do is to continue taking in this data. Being that we have started with collection, let Wisconsin achieve at least a good quantity of data so we can use this data as intended. It is only prudent to get a product for the investment we have made in this. We have invested well over 1 million dollars in money through OJA and DOT to provide BadgerTracs software to local police squad cars. That is direct state assistance to local governments to ease any burden of this law.

As this committee hears testimony today and decides whether or not to move this bill forward in the process, I strongly encourage this committee to hold this repeal effort to a high bar. By that, I hope that this committee will decide that, unless there is overwhelmingly convincing and compelling evidence to repeal, Wisconsin will continue to see the return on the investment we have begun to realize.

Thank you.





**STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE**

**J.B. VAN HOLLEN  
ATTORNEY GENERAL**

**Raymond P. Taffora  
Deputy Attorney General**

114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857  
608/266-1221  
TTY 1-800-947-3529

**Prepared Testimony of Attorney General J.B. Van Hollen  
Before the Senate Committee on Labor, Public Safety, and Urban Affairs  
Wednesday, February 16, 2011  
State Capitol**

Good morning.

Chairman Wanggaard, members of the Senate Committee on Labor, Public Safety, and Urban Affairs, thank you for the opportunity to testify today in support of Senate Bill 15. The bill seeks to repeal the law requiring all Wisconsin law enforcement agencies to collect and submit racial profiling data while making traffic stops. I support the bill for three basic reasons.

First, current law requires sworn law enforcement officers to devote time and resources to gathering statistical information for use and analysis by others when those same officers could be making better use of their time protecting our citizens, arresting criminals, and enforcing the law. Law enforcement resources are limited and we need to make sure that the people we depend upon to protect us are allowed to do their job, instead of filling out forms.

Second, I don't believe that collecting data on the race of persons involved in traffic stops is likely to provide any useful information to help promote law enforcement goals. The data may tell you that, on a given evening, an officer stopped six cars driven or occupied by individuals of a specific race and that four of those stops resulted in an arrest.

An accumulation of the data may show that one racial group is subjected to stops more frequently than another. However, there are many variables that are not accounted for in the information to be gathered. Likewise, if an officer decides not to stop a car—despite probable cause to do so—solely because of the race of the driver or occupants, that information will never

become part of the analysis. In other words, the statistics might provide information on the number of stops involving persons of a certain race, but they are unlikely to show the equally-relevant information of how many stops could have been, but were not, made, and why.

Third, and I spoke to this exact point when I testified about this matter during its consideration in the 2009 budget bill, I recognize the need for equal application of the law.

It is a fundamental tenet of our Consitution and our system of justice.

However, while a requirement to collect racial data may have been prompted by a noble goal, I believe it would be counterproductive to law enforcement and would not render, in any meaningful way, data that could be used to support our shared efforts to make certain application and enforcement of the law truly colorblind.

Law enforcement officers often need to make quick decisions under difficult, and even life-threatening circumstances. If an officer makes the judgment that a car needs to be stopped because a violation has been observed or because a crime may be in progress, he or she should not have to consider the risk of being accused of targeting racial groups because of prior stops involving persons of the same race.

Law enforcement officers are expected to enforce the law even-handedly and without bias. Current law makes no progress in furthering these expectations.

For these reasons, I ask that you support SB 15. Thank you for the opportunity to testify before you today. I am happy to take your questions.







## STATE BAR OF WISCONSIN

*Your Practice. Our Purpose.™*

### MEMORANDUM

**To:** Members, Senate Committee on Labor, Public Safety, and Urban Affairs

**From:** James C. Boll, Jr., President  
State Bar of Wisconsin

**Date:** February 16, 2011

**Re:** Opposition to 2011 Senate Bill 15 (Repeal of data collection regarding racial profiling)

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The State Bar of Wisconsin is the nonpartisan, mandatory professional association created by the Wisconsin Supreme Court for all attorneys who hold a Wisconsin law license. With more than 23,000 members, the State Bar aids the courts in improving the administration of justice, provides continuing legal education for its members, and assists Wisconsin lawyers with outreach initiatives to educate the public about the legal system and the role of the legal profession in a free society.

The State Bar is led by a 52-member Board of Governors, who are elected by the membership or appointed by the Supreme Court. The State Bar operates under the rules of the Wisconsin Supreme Court and the State Bar's bylaws.

Since 2002, the State Bar of Wisconsin has supported state and federal efforts that seek to end racial and ethnic profiling. For the public to have trust and confidence in the justice system, it must believe that all persons are treated equally. The State Bar supports the collection and analysis of data with regard to racial and ethnic profiling. Further, upon the empirical evidence of such practices, we support mandates to end such practices as well as funding for training of law enforcement to address such practices.

The State Bar's support for the measures that Senate Bill 15 would repeal did not occur in a vacuum. In November 1999, Governor Tommy G. Thompson created the Governor's Task Force on Racial Profiling. Governor Thompson charged the task force with the responsibility of studying and making recommendations on the use of profiling when conducting traffic stops in Wisconsin. As the task force's final report noted, the State of Wisconsin has a proud tradition of having some of the finest and most professional police officers in the nation. However, based on national trends and legislative activity on this issue, Governor Thompson determined that a need existed for education and leadership on the issue.

When Governor Thompson's task force issued its final report 10 years ago, it concluded:

***“The extent of racial profiling cannot be determined without empirical study and comprehensive analysis. The Task Force and experts agree that data collection is an appropriate component for addressing racial profiling and is a component in effective management which can help build accountability and protect the integrity of law enforcement agencies and personnel. . . .***

***Based on information from national and local experts, it is strongly recommended that law enforcement agencies collect the necessary data to address racial profiling in an organized manner that permits the development of meaningful and useful information.”***

In 2005, legislation to implement racial profiling data collection was introduced in the Assembly by Representative Garey Bies, but it died without a floor vote. Similar legislation had been introduced in previous sessions.

In March 2007, Governor Doyle established the Commission on Reducing Racial Disparities in the Wisconsin Justice System, which issued its final report in February 2008. Echoing the recommendations of Governor Thompson’s task force eight years earlier, the Commission made the following recommendation: “Appropriate state agencies should be directed to conduct a county-by county baseline study of racial disparity using existing traffic citation and arrest data to determine disparity levels in the state.”

In the 2009-11 biennial state budget, 2009 Act 28, these recommendations were adopted. Data collection began less than two months ago, on January 1, 2011.

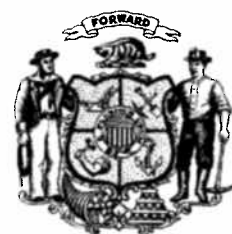
In summary, two task forces – one appointed by a Republican Governor and one appointed by a Democratic Governor – have made the same recommendation to the Legislature, which were finally adopted two years ago. The data collection just began this year. At best, to repeal this requirement now would signal that the Legislature has concluded, without any empirical basis, that racial profiling does not exist in Wisconsin or is not a significant problem. The State Bar of Wisconsin believes this is the wrong approach. The current statute provides a way to resolve questions about racial profiling in Wisconsin with hard facts and empirical data. It should not be repealed before the questions it was intended to answer have been resolved on the basis of an empirical record.

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*If you have any questions, please feel free to contact Lisa Roys, Public Affairs Director for the State Bar of Wisconsin, at (608) 250-6128.*



# WISCONSIN STATE LEGISLATURE





# **City of Franklin Police Department**

Chief of Police Richard P. Oliva

February 17, 2011

Senator Van Wanggaard  
State Capitol  
Room 319 South  
PO Box 7882  
Madison, WI 53707

RE: SB15

Dear Senator Wanggaard:

Thank you for the opportunity to speak in front of the Committee on Labor, Public Safety, and Urban Affairs on February 16, 2011. As I testified, I am in favor of SB 15 which would repeal the mandate for Wisconsin law enforcement agencies to collect racial data on all traffic stops.

While I have many concerns and issues with the way the mandate to collect racial data is structured, my primary opposition is based on my belief that the data collected from the mandate will have no value to me as a management tool to discover or prevent racial profiling. What it does do is increase the time a traffic stop takes for both the officer and the person stopped. If the process to collect racial data results in additional hours of performing administrative duties, and the results have no meaningful useful purpose, there is no reason to be doing so.

There are adequate controls in my department to address the issue of racial profiling. Racial profiling is prohibited by rules and procedures. Officers are subject to discipline if shown to engage in racially biased policing. Supervisors are held responsible for monitoring the activities of their officers to ensure officers' actions are moral, fair, consistent and legal. In addition, officers receive substantive training in cultural diversity and sensitivity. I am confident that if one of my officers engages in racially biased policing, I would be able to identify the practice and I assure you that, if discovered, appropriate action would be taken.

The racial data collection law is an unfunded state mandate. It will provide no useful information. It will not give police departments the ability to identify racial profiling nor prevent it. Consequently, I support SB15.

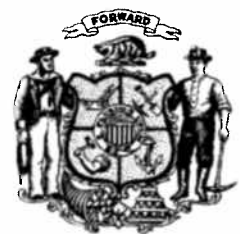
Sincerely,

A handwritten signature in black ink, appearing to read "R. P. Oliva".

Richard P. Oliva  
Chief of Police



# WISCONSIN STATE LEGISLATURE





Date ?

# Van H. Wanggaard

Wisconsin State Senator

## Testimony in Support of Senate Bill 15

Members of the Senate Committee on Labor, Public Safety, and Urban Affairs:

Thank you for the opportunity to testify today. I am happy to speak in favor of Senate Bill 15, which will provide badly-needed mandate relief to law enforcement officials throughout Wisconsin.

To begin, carefully tucked inside of 2009 Wisconsin Act 28, the biennial budget bill, was a provision that requires all law enforcement officers throughout Wisconsin to collect data on every traffic stop. The data collection requirement includes the race of the driver and the race of everyone in the vehicle. This data must be collected regardless of whether a citation is issued to the driver.

This new requirement has created a tremendous burden for law enforcement in Wisconsin. Police officers that should be using their limited time protecting public safety are instead filling-out forms to satisfy bureaucrats in Madison. For some officers, it may be the matter of an extra minute, but for others, it can add a substantial amount of time to each traffic stop.

Furthermore, in many instances this requirement is unnecessary and duplicative. Most citations already require traffic officers to record the race of the driver. However, 2009 Wisconsin Act 28 requires officers to collect and record this data regardless of what is already recorded on the citation.

As a former traffic investigator for the City of Racine for over 30 years, I can tell you that each minute of an officer's time in the field is extremely valuable. Quite simply, every mandate passed from Madison, however well-intentioned, leaves less time for our men and women in the field. According to an estimate by the Department of Transportation, enactment of Senate Bill 15 will result in a savings of 76,668 officer hours per year, or nearly 3,200 days. From my conversations with local law enforcement, I think, if anything, this estimate is conservative.

In conclusion, Senate Bill 15 provides badly-needed mandate relief to over-stretched local governments and law enforcement. It will help keep cops on the street to ensure the safety of our communities.

Serving Racine County - Senate District 21