



WISCONSIN STATE SENATE

**DAN KNODL**

STATE SENATOR • 8<sup>TH</sup> DISTRICT

**Senate Bill 514**

Public Testimony

Senate Committee on Judiciary and Public Safety

January 30, 2024

Thank you, Chairman Wanggaard and members of the committee for holding this hearing on Senate Bill 514.

We are here today to increase penalties for fleeing an officer.

Fleeing an officer endangers not only the suspect and law enforcement, but the lives and property of the public as well. The growth in reported pursuits in recent years, and the corresponding increase in both injuries and deaths, has caught the attention of law enforcement statewide. The Milwaukee County District Attorney himself has called for the very remedy we are proposing here.

This bill will increase penalties for fleeing an officer by one felony class. As a result, fleeing an officer will become a Class H felony. If fleeing an officer causes bodily harm or property damage, it will be a Class G felony, and a class E felony with a mandatory minimum of 1.5 years of imprisonment if it causes great bodily harm to another.

I am happy to report that this bill has broad support from the law enforcement community as well as the City of Milwaukee. I would like to thank Representative Donovan for his work on this issue. We would be happy to answer any of your questions.



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## Testimony in Support of Senate Bill 514

Thank you members of the Committee on Judiciary and Public Safety for meeting today to hear public testimony on Senate Bill 514, which increases the penalties for criminals who flee an officer and provides minimum sentencing for especially dangerous or deadly acts.

Our streets have never been more dangerous. Criminals steal cars in mind-numbing amounts, drive them with no respect for our communities and flee from our law enforcement officers. It is sickening the devastation that they leave in their wake and the community they leave in destruction. The list of dangerous police pursuits seemingly grows everyday with no end in sight. I hope that we do not become numb to the stories, photos and videos that appear on the nightly news. We cannot allow this to continue as innocent people are often injured or killed as a result.

Statewide since 2018, we have seen a steady increase in injuries related to police pursuits with over 1,200 suspects, 185 law enforcement officers and 365 innocent bystanders—not including deaths. While pursuits have plateaued in the City of Milwaukee, roughly 1,000 per year, there has been a sharp increase in Milwaukee County. There were 1,685 in 2018 which increased to a staggering 2,072 in 2022—I fear that these numbers will only continue to climb. Milwaukee suburban communities such as Greenfield saw nearly a doubling in pursuits during that same time period.

The ill-advised decisions of the past to change and diminish law enforcements ability to pursue criminals nurtured the explosion in vehicle thefts, reckless driving and fleeing an officer we see today. Criminals exploited those decisions and we are now tasked with correcting that behavior. Senate Bill 514 seeks to accomplish that by increasing the penalties for fleeing an officer by one classification for every form of the offense. Additionally, this legislation establishes minimum sentencing for those that cause great bodily harm and death. These are reasonable minimum sentencing requirements that ensure the criminals that inflict the most destruction are guaranteed to be held accountable.

Innocent, taxpaying citizens deserve to be safe without the constant threat of these brazen criminals. We allowed them to prosper with soft policies that sent a weak message often blaming police instead of criminals. It is time that we combat them with policies that send a strong message that enough is enough.

I want to thank the group of legislators who also recognized this as a pressing issue and decided to co-sponsor this legislation. Committee members, please join me in supporting Senate Bill 514. I would be happy to respond to any questions or concerns about the legislation.

Best wishes,

Bob Donovan  
State Representative – 84<sup>th</sup> Assembly District

**Prepared Public Testimony of Mark Hagen, Father of Erin Mogensen**  
**Senate Committee on Judiciary and Public Safety**  
**January 30, 2024**  
**Testimony in Support of Senate Bill 514**

Thank you to Chairman Wanggaard, Senator Knodl, and members of the Senate Committee on Judiciary and Public Safety for allowing me the opportunity to share just one example of the critical need for Senate Bill 514 to pass as written.

I'd like to introduce you to my precious daughter, Erin Mogensen. Erin's character and essence can be best captured by a phone conversation she and I shared November 2. Like we did every early morning, we talked for about 45 minutes while walking our dogs Bucky and Lambeau.

Erin was more excited than usual as it was her 4-year wedding anniversary. Her beloved husband was working that evening, but she planned a special lunch with his favorite dessert, walnut chocolate pie. We talked about our family trip to Walt Disney World, an early celebration of her sister's 40th birthday, that we would be taking in just three short days.

Erin and I were most excited to talk about the pending arrival of her child, something that she had hoped for and prayed for for many years. Her pregnancy was her last dream come true that made her life complete. I ordered a baby wagon from Amazon on my phone while we walked that she and I had recently seen being used during one of our frequent visits to a Milwaukee County Beer Garden. We finished our call by setting a time for me to pick her up that evening to travel to Sun Prairie to attend her nephew's choir concert.

Less than an hour later all of Erin's hopes and dreams, everything she worked a lifetime for, were destroyed in the most horrific and violent manner possible as a serial felon, initially fleeing police officers, collided directly against her driver side door at almost seventy miles an hour, killing her and her unborn child instantly. This evil coward never stopped to see if there was anything he could do to save her life but instead chose to collect evidence from the car he was driving, which was reported as stolen, and flee the scene.

Erin's killer was no stranger to the Wisconsin court system. In fact, one year earlier he was sentenced to one year in prison for his latest felony conviction. However, his sentence was stayed by Milwaukee County Circuit Court Branch 40 with the condition that he work 20 hours a week and complete other minimal provisions. We learned that he failed to meet any of those conditions, yet he remained free because, in the words of a public safety official, probation conditions are often not met, and department of corrections staff don't take action if they don't feel it's important. Milwaukee County Judges understand this yet still release criminals knowing the conditions of probation will not be verified and are commonly ignored.

I'm not suggesting Erin's killing **could** have been prevented. I am convinced that Erin's life **should** have been saved. If Milwaukee County judicial officials and Department of Corrections staff would have simply done their jobs instead of turning a blind eye to public safety my precious daughter would be with us today and my family would be preparing to welcome my grandchild into the world.

The epidemic of reckless driving, particularly acute when fleeing police officers, is well known and a daily fear of those of us who live in Milwaukee County. I made Erin promise me that she would not travel Capitol Drive between 92nd Street and the lakefront and, as far as I know, she never did even though it more than doubled the time it took her to travel to my home in Shorewood.

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I invite anyone who opposes this bill to travel Capitol Drive. You will find automobile parts strewn at every intersection, bouquets commemorating yet another traffic death, and yard signs filling the front yards of Northside Milwaukee residents pleading with drivers to avoid reckless driving in their neighborhood.

You will also see yet another expensive and feel-good attempt at addressing reckless driving - concrete curb extensions. Predictably, these costly attempts at "calming" drivers have done nothing to curb reckless driving. Without exception, each curb extension on Capitol has been hit repeatedly. Drivers simply go over them exacerbating the reckless driving crisis.

The same people who scream from the mountaintops that we need to stop gun violence turn a blind eye to the carnage and death created by reckless driving and the criminals, like my daughter's killer, who turn automobiles into murder weapons. They understand the penalties for these behaviors, at least in Milwaukee County, are minimal and, in many if not most cases, not enforced.

In the past I have wrestled with the idea of mandatory sentences. In fact, I have talked to both my daughters about this in the past and we acknowledge the fact that people make mistakes and there are unique circumstances in each case. However, the behavior addressed in this bill is not a "mistake". This bill addresses a series of dangerous and selfish decisions. The decision to flee an officer, the decision to speed, and the decision to drive in such a reckless and selfish way to threaten the safety and well-being of innocent members of the community.

Erin's funeral was held on November 19. Painfully and coincidentally, Wisconsin's Governor issued a proclamation that declared that very day World Day of Remembrance for Road Traffic Victims throughout the State of Wisconsin. Signing a piece of paper declaring a day of remembrance without aggressive and tangible actions to reduce the carnage on our streets, exploits Erin's death and all others who have died in reckless driving accidents, to get cheap and easy media sound bites. These hollow gestures have greatly intensified the anger and grief my family is experiencing.

My daughter's killer displayed an evil and depraved indifference to human life when he made the conscious choice to flee officers and reach speeds over 115 miles per hour in a residential area. He cared about no one but himself. Awareness campaigns didn't stop him. Curb extensions obviously did not stop him. And Gubernatorial and Mayoral proclamations didn't stop him. The only solution to evil and selfish criminal like Erin's killer is the knowledge that a prison term is mandatory, and they will not be able to convince a Milwaukee County Judge to disregard public safety and set them free with absolutely no accountability for their actions.

I thank the authors of this legislation for doing what the Governor, Milwaukee County elected officials and, most significantly, Milwaukee County Judges refuse to do and that's to take this epidemic of fleeing officers and reckless driving deaths seriously. I urge passage of Senate Bill 514 to take an important first step in saving lives and preventing other families from experiencing the hell my family is forced to endure as a result of the indifference of Milwaukee County officials.

Respectfully submitted by Mark Hagen  
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Submitted to the Senate Committee on Judiciary and Public Safety  
January 30, 2024

My name is Ruth Ehrgott, Erin Mogensen is my daughter.

I am here today to voice my adamant support of Senate Bill 514 which will strengthen the penalties for fleeing a police officer.

According to the Wisconsin DOT, about 3,000 people are injured by a reckless driver every year in Wisconsin. 118 people were killed in 2022 alone.

Here we are in 2024 still talking about this issue, still without clear direction.

Before November 2, 2023, I admit that I looked at these reckless driving statistics as not affecting me, happening somewhere else, to someone else. On November 2, 2023, this all changed. This is the day my remarkable daughter Erin, and her already loved baby, were murdered.

This person had less fear of fleeing the police than he had of being stopped for possession of a stolen vehicle. With complete disregard, he fled the police, went through a red light at the corner of Capitol and 100th St, and changed our lives forever.

The problem of reckless driving in this state, and specifically in Milwaukee County, has become outrageous. There are existing driving laws that we need to have enforced, and for those who are violating these laws, we must make the penalty for not stopping for a police officer a large enough deterrent that they will think twice before fleeing. I feel this is what this bill does.

I urge each of you to put a face, and the face of a family member, to each and every person that has been murdered and will continue to be murdered in this manner. We need to take this personally, and to say enough is enough. This bill is a start, putting a high level of consequence on those who fail to stop for the police.

Thank you for your attention to this issue.

Ruth Ehrgott  
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**TESTIMONY BY MARIAN WASIERSKI IN FAVOR OF SENATE BILL 514**

**JUDICIARY AND PUBLIC SAFETY COMMITTEE**

**JANUARY 30, 2024 10:00 AM**

**MERE WORDS...WELL CHOSEN WORDS...ARE JUST WORDS. WORDS DO NOT...CANNOT EXPRESS HOW I FEEL ABOUT MY HIT AND RUN INCIDENT OF SEPTEMBER 4, 2022. I AM FILLED WITH PERVASIVE UNCERTAINTY AFTER BEING STRUCK WITHOUT WARNING BY A VEHICLE TURNING AT THE CORNER WITHOUT STOPPING WHILE I WAS WALKING ACROSS THE STREET TO MY CHURCH ONE SUNDAY MORNING. I AM LEFT IN AN EMOTIONAL 'FREE FALL' KNOWING THE DRIVER, AFTER PAUSING FOR A MOMENT, LEFT THE SCENE OF THE CRIME.**

**MY PHYSICAL INJURIES INCLUDED A BROKEN NOSE AND NECK BONE, SKIN ABRASIONS ON BOTH SIDES OF MY BODY, HEAD TRAUMA RESULTING IN SLIGHT BLEEDING IN MY BRAIN, AND BRUISING, MOST PRONOUNCED ON MY LEFT THIGH WHICH WAS THE SITE OF IMPACT. WHILE I DID NOT LOSE CONSCIOUSNESS, I DO NOT HAVE A CLEAR MEMORY OF THE INCIDENT. I DID NOT REQUIRE SURGERY AND SPENT JUST THREE DAYS IN THE HOSPITAL. IN RETROSPECT, MY PHYSICAL INJURIES HAVE HEALED WITH ALMOST NO REMAINING SIGNS OF THE INCIDENT. THE FACT THAT I AM A LIVING, FUNCTIONING BEING AT ALL IS A TRUE MIRACLE! AND I DO THANK GOD!**

**MY EMOTIONAL INJURIES HAVE BEEN HARDER TO IDENTIFY. A FEW AREAS COME TO MIND. WHILE I RETURNED TO DRIVING AFTER PHYSICAL THERAPY AND AN ADAPTIVE DRIVING TEST, I NOW STEER CLEAR OF SOME INTERSECTIONS AND STREETS. I AM HYPER AWARE AS I WITNESS EVERY DAY OVER THE SPEED LIMIT, DANGEROUS DRIVING PRACTICES. WHILE I CONTINUE TO BELIEVE IN THE GOODNESS OF PEOPLE, I KNOW SOME PEOPLE ARE NOT BEHAVING WELL SO I AM SAD, FRUSTRATED, AND DISAPPOINTED. WHILE I HAVE BEEN ABLE TO COVER MY MEDICAL COSTS, TO DATE, THE HUGE, EVER-INCREASING COST OF HEALTH CARE FRIGHTENS ME. ADDITIONALLY, I HAVE REALIZED I HAVE FEELINGS OF SURVIVOR'S GUILT. WHILE I HAVE ALWAYS BEEN A SERIOUS-MINDED PERSON, I NOW OPERATE AT A HIGHTENED INTENSITY, MORE FREQUENTLY SLIPPING INTO A SENSE OF FOREBODING, WITH A KEEN AWARENESS THAT SOMETHING BAD COULD HAPPEN.**

**THE WORST PART OF MY EXPERIENCE IS THE FACT THAT MINE REMAINS AN OPEN CASE. THE PERPETRATOR REMAINS AT LARGE. HOW COULD SOMEONE DO THIS TO ME? OR TO ANYONE ELSE? THE SAD FACT IS THAT IN FAR TOO MANY CASES, BOTH BEFORE MINE AND SINCE MINE, RECKLESS DRIVERS HAVE INFLICTED SERIOUS INJURY OR DEATH BEFORE LEAVING THE SCENE.**

**IT SEEMS THAT WE LIVE IN A TIME WHEN A SEGMENT OF THE POPULATION EITHER DOES NOT KNOW OR DOES NOT CARE THAT DECISIONS, CHOICES, AND BEHAVIORS HAVE CONSEQUENCES. IT SEEMS THAT SELF-CENTERED CONCERNS, DESIRES, AND ACTIONS TOO OFTEN PREVAIL TO THE DETRIMENT OF THE COMMON GOOD. IT SEEMS THAT, FOR A SEGMENT OF THE POPULATION, ACCOUNTABILITY AND TAKING RESPONSIBILITY ARE NOT VALUES OF CONSEQUENCE. DISREGARD FOR THE WELL-BEING AND SAFETY OF OTHERS CREATES OUT OF CONTROL SPACE WHICH LEADS TO TRAGEDY AND SUFFERING ON A DAILY BASIS.**

**IF ANYTHING IS CLEAR, IT IS THAT THE CURRENT RECKLESS DRIVING CRISIS IS COMPLEX. A MULTI-FACETED APPROACH IS NEEDED TO ADDRESS THE MANY RELATED ISSUES. I FAVOR SN 514 BECAUSE IT WOULD HELP TAKE CONTROL OF THE SERIOUS ISSUE OF DRIVERS FLEEING AN OFFICER OR THE SCENE OF A CRIME. BY INSERTING MORE SEVERE PENALTIES INTO THE EQUATION, OFFENDERS WILL BE MADE TO FACE SOME CONSEQUENCES TO THEIR INJURIOUS ACTIONS. OVER TIME DRIVERS WILL LEARN TO STOP RUNNING AWAY. IN THIS WRITING PROCESS, I THOUGHT ABOUT THE TEACHINGS OF PETER MAURIN, CO-FOUNDER OF THE CATHOLIC WORKER MOVEMENT. HIS LIFE-LONG GOAL WAS TO PROMOTE ORDER AND JUSTICE TO CONTRIBUTE TO CREATING A SOCIETY "WHERE IT WAS EASIER TO BE GOOD." I THINK THIS BILL WILL HELP DO JUST THAT.**

**THE OUT-OF-CONTROL BEHAVIOR HAS GOT TO STOP!**