

CHAPTER 466, LAWS OF 1969

AN ACT to repeal 165.76 (1); to amend 165.75 (2), 165.79 (1) and 963.04 (8); and to create 15.07 (2) (f), 15.251 (3), 15.255, 20.455 (2) (am), 165.85 to 165.87 of the statutes, relating to establishing a law enforcement standards board, renaming the crime laboratory division to be the division of law enforcement services in the department of justice, granting rule-making authority and making appropriations.

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

SECTION 1. 15.07 (2) (f) of the statutes is created to read:

15.07 (2) (f) The administrator of the division of law enforcement services shall serve as nonvoting secretary to the law enforcement standards board.

SECTION 2. 15.251 (3) of the statutes is created to read:

15.251 (3) **LAW ENFORCEMENT STANDARDS BOARD.** The law enforcement standards board shall have the program responsibilities specified for the board under ss. 165.85 and 165.86.

SECTION 3. 15.255 of the statutes is created to read:

15.255 **SAME; BOARDS.** (1) **LAW ENFORCEMENT STANDARDS BOARD.** There is created a law enforcement standards board which is attached to the department of justice under s. 15.03.

(a) The board shall be composed of 14 members as follows:

1. Six representatives of local law enforcement in this state at least one of whom shall be a sheriff and at least one of whom shall be a chief of police.
2. One district attorney holding office in this state.
3. Two representatives of local government in this state who occupy executive or legislative posts.
4. One public members [member], not employed in law enforcement, who are citizens [who is a citizen] of this state.
5. The administrator of the division of motor vehicles.
6. The attorney general or a member of his staff designated by him.
7. The executive director of the Wisconsin council on criminal justice.
8. The special agent in charge of the Milwaukee office of the federal bureau of investigation, or a member of his staff designated by him, who shall act in an advisory capacity but shall have no vote.

(b) The members of the board under par. (a) 1 to 4 shall be appointed for staggered 4-year terms, but no member shall serve beyond the time when he ceases to hold the office or employment by reason of which he was initially eligible for appointment.

(c) Notwithstanding the provisions of any statute, ordinance, local law or charter provision, membership on the board does not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

SECTION 4. At the appropriate place in the schedule of section 20.005 of the statutes, insert the following amounts for the purposes indicated:

20.455	Justice, Department of	1969-70	1970-71
(2)	Law Enforcement		
(am)	Law enforcement standards board.. GPR	C	

SECTION 5. 20.455 (2) (am) of the statutes is created to read:

20.455 (2) (am) *Law enforcement standards board.* As a continuing appropriation, the amounts in the schedule for general program operations of the law enforcement standards board.

SECTION 6. 165.85 to 165.87 of the statutes are created to read:

165.85 LAW ENFORCEMENT STANDARDS BOARD. (1) FINDINGS AND POLICY. The legislature finds that the administration of criminal justice is of state-wide concern, and that law enforcement work is of vital importance to the health, safety and welfare of the people of this state and is of such a nature as to require training, education and the establishment of standards of a proper professional character. It is in the public interest that such standards be established and that such training and education be made available to persons who seek to become law enforcement officers, persons who are serving as such officers in a temporary or probationary capacity and persons already in regular service.

(2) DEFINITIONS. As used in this section and in ss. 165.86 and 165.87:

(a) "Board" means the law enforcement standards board.

(b) "Division" means the division of law enforcement services.

(c) "Law enforcement officer" means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he is employed to enforce.

(d) "Political subdivision" means counties, cities, villages and towns.

(3) POWERS. The board may:

(a) Promulgate rules for the administration of this section including the authority to require the submission of reports and information pertaining to the administration of this section by law enforcement agencies in this state.

(b) Establish minimum educational and training standards for admission to employment as a law enforcement officer: 1) in permanent positions, and 2) in temporary, probationary or part-time status.

(c) Certify persons as being qualified under this section to be law enforcement officers.

(d) Establish minimum curriculum requirements for preparatory courses and programs, and recommend minimum curriculum requirements for in-service and advanced courses and programs, in schools operated by or for this state or any political subdivision thereof for the specific purpose of training law enforcement recruits or law enforcement officers in areas of knowledge and ability necessary to the attainment of effective performance as an officer, and ranging from traditional subjects such as first aid, patrolling, statutory authority, techniques of arrest and firearms to subjects designed to provide a better understanding of ever-increasing complex problems in law enforcement such as human relations, civil rights and constitutional law. The board shall appoint a thirteen man advisory curriculum committee consisting of 6 chiefs of police and 6 sheriffs to be appointed on a geographic basis of not more than one chief of police and one sheriff from any one of the 8 state administrative districts together with the director of training of the Wisconsin state patrol. This committee will act in an advisory capacity in the establishment of the curriculum requirements.

(e) Consult and cooperate with counties, municipalities, agencies of this state, other governmental agencies and with universities, colleges, the board of vocational, technical and adult education and other institutions concerning the development of law enforcement training schools, degree programs or specialized courses of instruction.

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(g) Conduct and stimulate research which is designed to improve law enforcement administration and performance.

(h) Make recommendations concerning any matter within its purview.

(i) Make such evaluations as are necessary to determine if participating governmental units are complying with this section.

(j) Adopt rules under ch. 227 for its internal management, control and administration.

(4) REQUIRED STANDARDS. (a) The following law enforcement officers are not required to meet any requirement of pars. (b) and (c) as a condition of tenure or continued employment; nor does the failure of any such law enforcement officer to fulfill such requirements make that officer ineligible for any promotional examination for which he is otherwise eligible. Such law enforcement officers may, however, voluntarily participate in this program.

1. Law enforcement officers serving under permanent appointment prior to the date to be set by the board under par. (b).

2. Law enforcement officers who are elected by popular vote.

(b) Commencing on a date to be set by the board, but no later than July 1, 1970, no person shall be appointed as a law enforcement officer, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of law enforcement training approved by the board and has been certified by the board as being qualified to be a law enforcement officer. 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 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. Law enforcement training programs including municipal, county and state programs meeting standards of the board shall be acceptable as meeting these training requirements.

(c) In addition to the requirements of par. (b), the board may, by rule, fix such other minimum qualifications for the employment of law enforcement officers as relate to the competence and reliability of persons to assume and discharge the responsibilities of law enforcement officers, and the board shall prescribe the means for presenting evidence of fulfillment of these requirements.

(d) The board shall issue a certificate evidencing satisfaction of the requirements of pars. (b) and (c) to any applicant who presents such evidence as is required by its rules, of satisfactory completion or requirements in another jurisdiction equivalent in content and quality to those fixed by the board under the board's authority as set out in pars. (b) and (c).

(e) Nothing in this section shall preclude any law enforcement agency from setting recruit training and employment standards which are higher than the minimum standards set by the board.

(5) SCHOOLS AND PROGRAMS; GRANTS. (a) The board may authorize and approve law enforcement training programs conducted by an agency of a political subdivision or an agency of the state when their programs meet the standards required by the board. No authority granted herein shall extend to the board selecting a site for a state police academy and expending funds thereon without further legislation.

(b) The board shall authorize, on a uniform percentage basis, the reimbursement to each participating political subdivision of an amount up to 100% of the salary, and of the allowable tuition, living and travel expenses

incurred by the officers in attendance at schools approved by the board, providing the political subdivisions do in fact adhere to the employment and training standards established by the board. Such reimbursement shall be made on a first priority basis of up to 100% for officers attending preparatory training courses for the purpose of complying with the board's training standards for permanent appointment. Additional funds which may be available shall be distributed for attendance at other training programs and courses on a priority basis to be decided by the board. Municipal or county law enforcement training programs meeting standards of the board shall be acceptable as meeting these training requirements.

(c) The board may provide grants as a reimbursement for actual expenses incurred by state agencies or political subdivisions for providing training programs to officers from other jurisdictions within the state.

(6) FINANCES. The board may accept for any of its purposes and functions under this section any and all donations, both real and personal, and grants of money from any governmental unit or public agency, or from any institution or person, and may receive and utilize the same. Any arrangements pursuant to this subsection shall be detailed in the annual report of the board under s. 15.07 (6), which shall include the identity of the donor, the nature of the transaction, and the conditions, if any.

165.86 LAW ENFORCEMENT SERVICES. The division of law enforcement services shall:

(1) (a) Supply the staffing needs of the law enforcement standards board.

(b) Identify state agencies and political subdivisions which employ law enforcement officers in the state, notify the appropriate officials of the standards of employment and preparatory training established by the board, and develop appropriate procedures whereby acceptable evidence of compliance with the board's employment and preparatory training standards may be submitted.

(2) (a) Identify and coordinate all presently existing preparatory training activities in law enforcement in the state, and expand the coordinated program to the extent necessary to supply the training required for all recruits in the state under the preparatory training standards and time limits set by the board.

(b) Organize a program of training, which shall encourage utilization of existing facilities and programs through cooperation with federal, state and local agencies and institutions presently active in this field. Priority shall be given to the establishment of the state-wide preparatory training program described in sub. (1), but the division shall cooperate in the creation and operation of in-service, advanced and special courses which meet the curriculum standards recommended by the board. The division shall keep appropriate records of all such training courses given in the state and the results thereof in terms of persons attending, agencies represented, and, where applicable, individual grades given.

165.87 LOCAL OPTION. The standards promulgated by the board relative to qualifications and required training shall not apply to any law enforcement officer unless his employing county, city, village or town, by act of its governing body, elects to participate in the programs of training set forth in ss. 165.85 and 165.86.

SECTION 7. 165.75 (2) of the statutes, as affected by chapter 276, laws of 1969, is amended to read:

165.75 (2) The crime laboratory ~~of the department of justice~~ shall be located in the city of Madison. The personnel of the laboratory shall consist of ~~one administrator and~~ such employes as are authorized under s. 20.922.

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SECTION 8. 165.76 (1) of the statutes, as affected by chapter 276, laws of 1969, is repealed.

SECTION 9. 165.79 (1) of the statutes, as affected by chapter 276, laws of 1969, is amended to read:

165.79 (1) Evidence, information and analyses of evidence obtained from law enforcement officers by the ~~administrator or employees of the~~ laboratory is privileged and not available to persons other than law enforcement officers nor is the defendant entitled to an inspection of information and evidence submitted to the laboratory by the state or of the laboratory's findings, or to examine laboratory personnel as witnesses concerning the same, prior to trial, except to the extent that the same is used by the state at a preliminary hearing. Upon request of a defendant in a felony action, approved by the presiding judge, the laboratory shall conduct analyses of evidence upon behalf of such defendant. No prosecuting officer is entitled to an inspection of information and evidence submitted to the laboratory by the defendant, or of the laboratory's findings, or to examine laboratory personnel as witnesses concerning the same, prior to trial, except to the extent that the same is used by the accused at a preliminary hearing. Employees of the laboratory who made examinations or analyses of evidence shall attend the criminal trial as witnesses, without subpoena, upon reasonable written notice from either party requesting such attendance.

SECTION 10. 963.04 (8) of the statutes, as affected by chapter 276, laws of 1969, is amended to read:

963.04 (8) Firearms, ammunition, explosives, bombs, infernal machines, and like devices, which have been used in the commission of crime, shall be shipped to and become the property of the crime laboratory ~~division~~. Articles mentioned in sub. (5) shall be turned over to said laboratory at the request of the administrator *of the division of law enforcement services*, in lieu of destruction. The administrator may destroy any such material for which the laboratory has no use or arrange for the exchange of such material with other public agencies. In lieu of destruction, shoulder weapons ~~only~~ for which the laboratory has no use shall be turned over to the department of natural resources. The sale and disposition of the proceeds shall be as provided in s. 29.06.

SECTION 11. NAME CHANGES. (1) Wherever the term "crime laboratory division" appears in sections 15.251 (1), 15.253 (1) and 165.75 (1) (b) and subchapter III (title) of chapter 165 of the statutes, the term "division of law enforcement services" is substituted.

(2) Wherever the term "crime laboratory division" appears in section 165.75 (title) and (1) (a) of the statutes, the term "crime laboratory" is substituted.

Approved February 17, 1970.
