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SB 425

Clarification of Troopers' Investigative Authority

Wisconsin's state law enforcement officers serve to protect our citizens and promote public safety. This includes ensuring traffic related criminal activity is thoroughly investigated. Clarifying the troopers' investigative authority will ensure the continuation of comprehensive investigations of traffic violations and accidents and further increase safety on Wisconsin's highways.

Troopers' Already Investigate

- State troopers have traditionally performed investigative work for traffic related violations and accidents (e.g. OWI offenses). For example, state patrol officers obtain blood samples and provide technical crash scene reconstruction.

Current Statute Limits Ability to Properly Investigate Traffic Related Crimes

- **Traffic violations have become crimes.** Over the past several years, penalties have significantly increased for OWI offenses and other traffic related violations resulting in accidents. Today, a number of those offenses are considered crimes, whereas in the past they were not so classified. As a result, for certain traffic related violations, it could be that under Wisconsin Statutes troopers "technically" do not have the right to investigate these violations.
- **Prosecutors not able to use crash reconstruction experts.** Wisconsin prosecutors often times call upon the expertise of the State Patrol's crash reconstruction experts to assist with crash scene investigations. However, because state statute is unclear, there is potential for crash scene reconstruction and other evidence collected by troopers to be dismissed in court.

Clarification of Troopers' Investigative Authority

- This bill clarifies that state troopers may conduct investigations relating to violations of any law for which the troopers' are granted enforcement powers. The bill specifies that troopers may not conduct investigations from crimes that are unrelated to the use or operation of vehicles.

Not an Expansion of Authority

- This clarification is not intended to expand the troopers' authority. Rather, it is an attempt to clarify in statute the investigative authority that has been traditionally given to troopers.



Proud Member of the National Troopers Coalition

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To: Chairman Gary George and Committee Members

From: Expert Crash Reconstructionist Timothy Austin and Duane Meyers

Date: March 5, 2002

Re: **SENATE BILL 425 –CLARIFYING TROOPER AUTHORITY**

During a brisk mid-October day in 2000, the congregation of a Lutheran church in Black Creek, Wisconsin, gathered in prayer. Their faith held them together as they lay to rest their pastors, the Reverend David and Audrey Kiecker. Several nights earlier, the ministers' lives of dedicated compassion and service were tragically extinguished by the decisions of an intoxicated twenty-three year old. As one member of the church expressed, the community, church, and Kiecker family all lost and suffered at the hands of the young driver. He had sought a good time that evening, but instead sent himself on a course of human devastation, destruction, and death.

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Since the early 1970's, troopers and inspectors have trained in various capacities to serve as crash reconstruction experts. Specialized courses in Vehicle Dynamics and Crash Reconstruction serve as the basis for their education. From here, further instruction in such areas as pedestrian, motorcycle, bicycle, and heavy truck crashes are obtained through further coursework or training conferences. Oftentimes, dedicated officers attend outside training opportunities using their own resources. This past year, for example, troopers attended conferences in Michigan, Illinois, and Florida at no cost to the state. By doing so, these officers were educated in rollover accidents, human factors, and vehicle crush analysis. The ongoing training required for the crash reconstruction discipline sets these officers apart by making them experts in their field.

From the program's inception, Wisconsin State Patrol crash reconstructionists have built strong partnerships with local police and sheriff's departments, district attorney's offices, schools, and private businesses. Troopers work closely with local and federal law enforcement agencies in their reconstruction efforts. Oftentimes, because of the advanced technical nature of a thorough reconstruction, the investigation can take several weeks or even months to complete. The final reconstruction investigation package is ultimately provided to the appropriate prosecutor for a review of potential criminal charges.

In criminal proceedings, reconstruction specialists provide testimony to help jurors understand the complex dynamics of the collision at hand. Using such tools as Microsoft Powerpoint® software, each stage of the investigation is laid out and presented. Large-scale diagrams are also generated, in order to better offer an overview of the collision scene and/or sequence of events leading to the crash. As such, State Patrol reconstructionists have often been recognized as having expert status in our circuit court system. It is noteworthy that opposing defense experts are usually engineers who specialize in this same field, charging clients thousands of dollars for each case.



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Our crash reconstructions have not only found justice for the victims of crime, but they have also helped save taxpayers considerable sums of money. Oftentimes, because of a thorough investigation, a trial becomes unnecessary as defendants simply plea "guilty" to avoid a potentially damaging trial. Not only does this spare the victims' families from the intense emotions of a court proceeding, but it also frees the court from the expense and time of a criminal trial. The same is true in civil cases, as settlements are, at times, reached before a trial date is even set.

In opening this letter, we quoted rather powerful and thought provoking words taken from a recent magazine article that you may have already read. But yet, tragedies such as the described Outagamie County fatality occur regularly throughout the nation. The Kieckers left behind three daughters, one of whom had been recently engaged to be married. Her father, however, was prevented from walking her down the aisle by a drunk named Joel "Red" Furst. Later, Furst would claim that he was not at fault, and hired a defense attorney that would try to sell that claim to a jury. Sound familiar? There are Joel Fursts in every county in our state. These are the drunk drivers who think nothing of ending lives and ruining families. Fortunately, in the case of the real Joel Furst, the jury of his peers saw through his lies and unanimously gave the verdict that sent him to prison.

The list, of course, goes on and on. Michelle Thein's intoxicated killer in Winnebago County was sentenced to forty years for her death. Paul Nigl, who killed two beloved mothers in the same county, received sixty years for his alcohol and cocaine fed driving. On the other side of the state, in Ashland County, a drunk named Paul Mosbaugh crossed the centerline and killed an elderly couple. Following a thorough investigation and crash reconstruction, he pled guilty to homicide charges. Mosbaugh is presently serving out his forty-year sentence in prison. If we were to examine all of these cases, one common thread would tie them all together - that being a quality investigation leaving the defense no opening.

Joel Furst claimed that the Kiecker's did not have their headlamps on. Paul Nigl stated that the women he killed were on the wrong side of the road. The excuses seem endless and almost unfair. It is for this reason that the Wisconsin State Patrol trains select officers in the field of crash reconstruction. By searching for the truth in pieces of twisted metal and piles of debris, these experts are able to determine how and often why a collision occurs. Whether it be for the purpose of prosecuting an intoxicated killer, determining highway safety issues, or helping a grieving family by offering answers, the professionalism of these officers is truly invaluable to the citizens of Wisconsin.

Therefore, because of the crucial services provided by Wisconsin State Patrol crash reconstructionists to district attorneys and other law enforcement agencies, the importance of the "Authority Clarification Bill," SB 425, cannot be overstated. We have built tremendous partnerships across the state, with goals centered on completing thorough and competent crash investigations. However, we need your help in order to continue to provide these important services. Current law is ambiguous with regard to our authority, which has led to conflict during at least one high-profile criminal investigation. It is for this reason that we ask you to support our program and this senate bill.



WISCONSIN LAW ENFORCEMENT COALITION

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March 1, 2002

Representative Stephen J. Freese
Room 115 West State Capitol
Madison, WI 53702

Dear Representative Freese:

I'm writing this letter to express support for Assembly Bill 737 on behalf of the sixteen statewide law enforcement organizations which are a member of the Wisconsin Law Enforcement Coalition. We find ourselves in a time when we need every law enforcement officer available to protect our citizens from domestic and international terrorism as well as perform all the other duties the public have come to expect their law enforcement agencies to provide. For there to be limitations on any law enforcement agency to do the job they are expected to do by the public just simply is not reasonable.

Any assistance the Wisconsin Law Enforcement Coalition can provide in the future to assure Assembly Bill 737 passes both houses and signed into law please contact me at the above phone number or e-mail address below.

Sincerely,

Chief Doug Pettit
President, Wisconsin Law Enforcement Coalition

E-mail: dpettit@vil.oregon.wi.us

Representing:

Wisconsin District Attorney's Association
Wisconsin Law Enforcement Officers Association
Wisconsin Sheriff's & Deputy Sheriff's Association
Wisconsin Chiefs 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