

# ☞ 09hr\_CRule\_10-010\_AC-CJ\_pt01



Details:

(FORM UPDATED: 08/11/2010)

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

### 2009-10

(session year)

### Assembly

(Assembly, Senate or Joint)

### Committee on ... Criminal Justice (AC-CJ)

#### 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**

**McAdams, Nancy**

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**From:** Rep. Turner  
**Sent:** Tuesday, June 01, 2010 11:17 AM  
**To:** Rep. Turner; Rep. Kessler; Rep. Staskunas; Rep. Hraychuck; Rep. Soletski; Rep. Pasch; Rep. Kleefisch; Rep. Friske; Rep. Kramer; Rep. Brooks; Rep. Ripp  
**Cc:** Schmidt, Melissa; Rinehart, Mark W - DOJ  
**Subject:** Clearinghouse Rule Referral to Criminal Justice Committee

**Attachments:** Clearinghouse Rule 10-010. OJA.pdf

Dear Committee Members:

The following Clearinghouse Rule from the Office of Justice Assistance has been referred to the Assembly Committee on Criminal Justice:

**CLEARINGHOUSE RULE 10-010**

AN ORDER to create OJA 1, relating to the collection and analysis of motor vehicle traffic stop information.

Please contact Nancy McAdams if you have any questions, would like to receive hard copies of these documents, or would like to request a hearing on this rule by June 14, 2010.

The initial 30-day deadline for committee review is Friday, June 25, 2010.



Clearinghouse Rule  
10-010. OJA...

Thank you.

Rep. Robert Turner, Chair  
Assembly Committee on Criminal Justice  
608-266-0731

DATE: June 1, 2010

TO: Nancy McAdams

Committee on Criminal Justice

FROM: Patrick E. Fuller, Assembly Chief Clerk

RE: Clearinghouse Rules Referral

The following Clearinghouse Rule has been referred to your committee.

### **CLEARINGHOUSE RULE 10-010**

AN ORDER to create chapter OJA 1, relating to the collection and analysis of motor vehicle traffic stop information.

Submitted by **Office of Justice Assistance**.

Report received from Agency on **May 21, 2010**.

To committee on **Criminal Justice**.

Referred on **Tuesday, June 1, 2010**.

Last day for action - **Thursday, July 1, 2010**.

Under section 227.19 (4) of the Wisconsin Statutes, your committee has 30 days to take action or get an extension. The day **after** the official referral date is day one of your review period. Therefore, the 30th day should fall four weeks and two days after the referral date. For example, for Clearinghouse Rules referred on a Monday, a Wednesday would be your 30th day. For Clearinghouse Rules referred on a Thursday or Friday, your 30th day would fall on a weekend. Therefore, your time would expire on the next working day (Monday) as provided for in s. 990.001 of the Wisconsin Statutes. Also, if the 30th day falls on a legal holiday, time would expire on the next working day.

To extend your review period for an additional 30 days, your committee has one of two options. Section 227.19(4)(b) states that you can request in writing that the agency meet with the committee to review the proposed rule. Another option is to publish or post notice that the committee will hold a meeting or hearing to review the proposed rule and immediately send a copy of the notice to the agency.

Section 227.19 **requires** you to notify each member of your committee that you have received this Clearinghouse Rule. Although some committee chairs choose to do so, you are not required by law or rule to send a copy of the text of the rule to each member at this time. Instead, your notice could state that members should contact you if they wish to receive a hard copy of the rule. Another option would be to email the rule to members. Please put a copy of your official notification memo in the rule jacket.

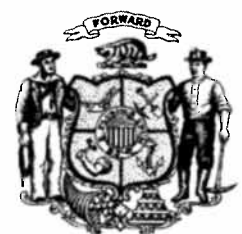
Three copies of the Clearinghouse Rule and its accompanying documents are contained in the jacket. If you wish to have your Legislative Council attorney review the Clearinghouse Rule, send him/her a copy. I only need one copy remaining in the jacket when you report it out of committee at the end of the review period.

The identical process is happening simultaneously in the Senate. Keep track of their action on the rule.

For assistance with the Clearinghouse Rule process, please consult Kay Inabnet (6-5550) or your Legislative Council attorney. If you wish to learn more on this subject, read *Review of Administrative Rules* which is part of the Legislative Council's Wisconsin Legislator Briefing Book series, section 227.19 of the Wisconsin Statutes or part 2 of the *Administrative Rules Procedures Manual* written by the Revisor of Statutes Bureau and the Wisconsin Legislative Council staff.



# WISCONSIN STATE LEGISLATURE



JUN 25 2010



Police Department

Edward A. Flynn  
Chief of Police

June 24, 2010

Representative Robert Turner  
Committee Chair  
State Capitol, Room 223 North  
P.O. Box 8953  
Madison, WI 53708

CRule 10-010  
folder

Re: Traffic Stop Data Collection Initiative

Dear Representative Turner,

I understand that the Office of Justice Assistance (OJA) administrative rule on Traffic Stop Data Collection will be coming before your Committee on Criminal Justice for final approval. The Milwaukee Police Department requests that your committee consider adding language to the administrative rule that provides for optional analysis by OJA.

In regards to the analysis that OJA may conduct, I understand that census data is likely to be used for their benchmarking. I propose that in addition to census data, OJA have the option to also use a community's demographic data on crime and victimization as a benchmark for their analysis.

I also request an opportunity to appear before your committee to further explain my position. Please advise so that I may make arrangements to attend.

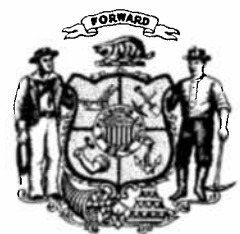
Sincerely,

EDWARD A. FLYNN  
CHIEF OF POLICE

EAF:GJG:jg



# WISCONSIN STATE LEGISLATURE



# Milwaukee Police Department Office of the Chief



*Date: June 24, 2010*

*To: Representative Robert Turner*

*From: Chief Edward Flynn*

*Telephone: (414) 935-7200*

*Fax: (414) 935-7109*

*This fax cover is page one of 2.*

*Comments:*

*This is also being sent by regular mail.*

*CRW  
10-010  
folder*

*Milwaukee Police Department 749 West State Street Milwaukee, WI 53233*



Police Department

Edward A. Flynn  
Chief of Police

June 24, 2010

Representative Robert Turner  
Committee Chair  
State Capitol, Room 223 North  
P.O. Box 8953  
Madison, WI 53708

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Sincerely,

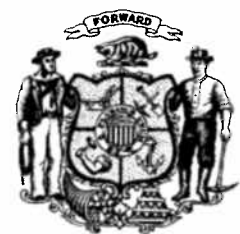
EDWARD A. FLYNN  
CHIEF OF POLICE

EAF:GJG:jg





# WISCONSIN STATE LEGISLATURE



## McAdams, Nancy

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**From:** McAdams, Nancy  
**Sent:** Tuesday, June 29, 2010 2:15 PM  
**To:** Schmidt, Melissa  
**Cc:** Rep. Turner; 'RTurner61@yahoo.com'  
**Subject:** FW: Letter to Criminal Justice Committee from Chief Flynn, City of Milwaukee

**Importance:** High

**Attachments:** Letter From Chief Flynn Regarding CHR 10-010.pdf

Hi Melissa,

I hope all is well as motherhood soon approaches. Rep. Turner asked that I forward this information to you. He would like to ask your opinion about the changes that Milwaukee Police Chief Flynn is requesting with regarding to this proposed rule. I am sorry, but since I was on vacation last week and just came back today, I realize this is late notice. Thank you in advance for looking into this request. Of course, if you need to assign it to someone else, that will be fine.

Sincerely,

Nancy

Nancy McAdams  
Office of State Rep. Robert Turner  
223 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661

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**From:** McAdams, Nancy  
**Sent:** Tuesday, June 29, 2010 1:50 PM  
**To:** 'RTurner61@yahoo.com'  
**Subject:** Letter to Criminal Justice Committee from Chief Flynn, City of Milwaukee  
**Importance:** High



Letter From Chief  
Flynn Regard...

Bob,

The attached letter came in last Thursday, regarding Clearinghouse Rule 10-010, relating to the collection and analysis of motor vehicle traffic stop information. I called the Chief Clerks' office today. The Criminal Justice Committee's jurisdiction over this rule runs until July 1st. You have three options as far as responding to Chief Flynn:

- Hold a Committee hearing and executive session on whether to recommend these changes by August 2, 2010
- Request a meeting with Chief Flynn, yourself, and staff from the Office of Justice Assistance to discuss this matter.
- Inform Chief Flynn that you, as Committee Chair, will not entertain the suggestions he has raised.

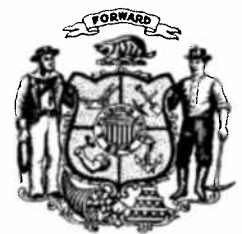
I called Chief Flynn's office this morning and informed them that it was up to you as to how you want to handle this. However, we only have 2 days to make a decision, and I would like to know as soon as possible what you would like to do. Thanks!

Nancy

Nancy McAdams  
Office of State Rep. Robert Turner  
223 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661



# WISCONSIN STATE LEGISLATURE



# Robert Turner

STATE REPRESENTATIVE  
TO THE 61ST ASSEMBLY DISTRICT

July 1, 2010

Mr. Edward A. Flynn  
Chief of Police  
City of Milwaukee  
P.O. Box 531  
Milwaukee, WI 53201-0531

Dear Chief Flynn:

Thank you for your letter of June 24, 2010, regarding Clearinghouse Rule Assembly 10-010, an order to create Chapter OJA 1, relating to the collection and analysis of motor vehicle traffic stop information.

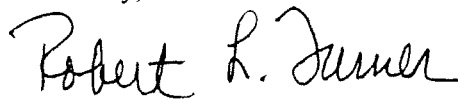
I appreciate your comments, as well as your request to add language to this rule that provides for an additional option for analysis by the Office of Justice Assistance (OJA). You stated that you understand that census data is likely to be used for OJA benchmarking according to the current language in the rule. You have asked for additional language that would include an option to use a community's demographic data on crime and victimization as another benchmark for OJA analysis.

After careful consideration, I have decided to allow the rule to be promulgated in its current form. I circulated this rule to the members of the Assembly Criminal Justice Committee for their review on June 1, 2010. I asked that members get back to me with any concerns or requests for a hearing on the rule by June 14, 2010.

Since I have had no contact from any members of the Committee to date, I am reluctant to proceed with your request. It would be very difficult to schedule a meeting of the Committee at this time, and since they have indicated their support for the rule as it is written, I will be returning it to the Assembly Chief Clerk's office today, which is the last day of our Committee's initial 30-day review period of this rule.

However, I do understand the needs of your Department to have the tools to do its job, and I am willing to revisit this discussion when the 2011 Session of the Legislature convenes. Thank you for bringing my attention to this matter, and please rest assured that I do not take your suggestion lightly.

Sincerely,



ROBERT L. TURNER, CHAIR  
Assembly Criminal Justice Committee

RLT/nam

Cc: Members, Assembly Criminal Justice Committee  
Mr. David Steingraber, Executive Director, Office of Justice Assistance



# Robert Turner

STATE REPRESENTATIVE  
TO THE 61ST ASSEMBLY DISTRICT

FACSIMILE COVER SHEET

FAX #: (608) 282-3661

Number of pages attached, including cover page: 2

If pages are not all received or are illegible, please call: 608-266-0731

DATE: July 1, 2010

PLEASE DELIVER TO: Chief Edward A. Flynn

PHONE NUMBER OF ADDRESSEE: 414-935-7200

FAX NUMBER OF ADRESSEE: 414-935-7109

FROM: REPRESENTATIVE ROBERT L. TURNER  
61<sup>st</sup> Assembly District  
P.O. Box 8953  
Madison, WI 53708-8953  
(608) 266-0731  
(888) 529-0061 (In state Toll Free)

MESSAGE:

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\* \* \* Communication Result Report ( Jul. 1. 2010 10:00AM ) \* \* \*

1)  
2)

Date/Time: Jul. 1. 2010 9:58AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0062	Memory TX	745*814149357109	P. 2	OK	

Reason for error

- E. 1) Hang up or line fail
- E. 3) No answer
- E. 5) Exceeded max. E-mail size

- E. 2) Busy
- E. 4) No facsimile connection



**Robert Turner**

STATE REPRESENTATIVE  
TO THE 61ST ASSEMBLY DISTRICT

FACSIMILE COVER SHEET  
FAX #: (608) 262-3661

Number of pages attached, including cover page: 2

If pages are not all received or are illegible, please call: 608-266-8731

DATE: July 1, 2010

PLEASE DELIVER TO: Chief Edward A. Flynn

PHONE NUMBER OF ADDRESSEE: 414-935-7200

FAX NUMBER OF ADDRESSEE: 414-935-7109

FROM: REPRESENTATIVE ROBERT L. TURNER  
 61<sup>st</sup> Assembly District  
 P.O. Box 8953  
 Madison, WI 53708-8953  
 (608) 266-0731  
 (888) 529-0061 (In state Toll Free)

MESSAGE:

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