



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2837/1
CMH:skw

2021 ASSEMBLY BILL 457

July 12, 2021 - Introduced by Representatives BOWEN, L. MYERS, HONG, ANDERSON, BALDEH, BILLINGS, BROSTOFF, CABRERA, CONLEY, EMERSON, GOYKE, HEBL, MOORE OMOKUNDE, NEUBAUER, SHANKLAND, SHELTON, SINICKI, SPREITZER and SUBECK, cosponsored by Senators JOHNSON, AGARD, LARSON and ROYS. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber and amend* 66.0511 (2); and *to create* 66.0511 (2) (a), (b),
2 (c), (d) and (e) and (4) and 165.85 (4m) of the statutes; **relating to:** law
3 enforcement agency policies on the use of force.

Analysis by the Legislative Reference Bureau

Current law requires each law enforcement agency to have a policy on the use of force and to make the policy publicly available. This bill requires each law enforcement agency to ensure that its policy on the use of force incorporates the following principles: that the primary duty of all law enforcement is to preserve the life of all individuals; that deadly force is to be used only as the last resort; that officers should use skills and tactics that minimize the likelihood that force will become necessary; that, if officers must use physical force, it should be the least amount of force necessary to safely address the threat; and that law enforcement officers must take reasonable action to stop or prevent any unreasonable use of force by their colleagues. The bill also prohibits disciplining a law enforcement officer for reporting a violation of a law enforcement agency's policy regarding the use of force.

The bill also requires the Law Enforcement Standards Board to develop a model use of force policy for law enforcement agencies. The model policy must address interactions with individuals with mental disorders, alcohol or drug problems, dementia disorders, and developmental disabilities; limit the use of force against vulnerable populations; and include other best practices that LESB identifies.

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For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 66.0511 (2) of the statutes is renumbered 66.0511 (2) (intro.) and
2 amended to read:

3 66.0511 **(2)** USE OF FORCE POLICY. (intro.) Each person in charge of a law
4 enforcement agency shall prepare in writing and make available for public scrutiny
5 a policy ~~or standard~~ regulating the use of force by law enforcement officers in the
6 performance of their duties. The law enforcement agency shall provide in its policy
7 the instances in which a use of force must be reported, how to report a use of force,
8 and a requirement that officers who engage in or observe a reportable use of force
9 report it. Each policy shall incorporate the following principles:

10 **SECTION 2.** 66.0511 (2) (a), (b), (c), (d) and (e) and (4) of the statutes are created
11 to read:

12 66.0511 **(2)** (a) That the primary duty of all law enforcement is to preserve the
13 life of all individuals.

14 (b) That deadly force is to be used only as a last resort.

15 (c) That officers should use skills and tactics, including de-escalation tactics,
16 that minimize the likelihood that force will become necessary.

17 (d) That, if law enforcement officers must use physical force, it should be the
18 least amount of force necessary to safely address the threat.

19 (e) That law enforcement officers shall take reasonable action to stop or prevent
20 any unreasonable use of force by their colleagues.

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1 (4) WHISTLEBLOWER PROTECTIONS. No law enforcement officer may be
2 discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or
3 otherwise discriminated against in regard to employment, or threatened with any
4 such treatment, because the law enforcement officer reported, or is believed to have
5 reported, any violation of a policy under sub. (2); initiated, participated in, or testified
6 in, or is believed to have initiated, participated in, or testified in, any action or
7 proceeding regarding a violation of a policy under sub. (2); or provided any
8 information, or is believed to have provided any information, about a violation of a
9 policy under sub. (2).

10 **SECTION 3.** 165.85 (4m) of the statutes is created to read:

11 165.85 (4m) BEST PRACTICES. The board shall develop, and review at least once
12 every 2 years, a model use of force policy for law enforcement agencies that does all
13 of the following:

14 (a) Incorporates the principles under s. 66.0511 (2).

15 (b) Addresses interactions with individuals with mental disorders, alcohol or
16 drug problems, dementia disorders, and developmental disabilities.

17 (c) Limits the use of force against vulnerable populations, including children,
18 elderly individuals, pregnant women, individuals with physical or mental
19 disabilities, and individuals with limited English proficiency.

20 (d) Includes other best practices that the board identifies.

21 (END)