



# DAVID STEFFEN

STATE REPRESENTATIVE • 4<sup>TH</sup> ASSEMBLY DISTRICT

**Prepared Testimony by Rep. David Steffen before the  
Assembly Committee on Criminal Justice and Public Safety  
AB 48 relating to: expanding the definition of hate crime victims to include law  
enforcement officers.  
April 6, 2017**

Chairman Spiros and Committee Members,

Thank you for scheduling a public hearing for Assembly Bill 48, which would expand the definition of hate crime victims to include law enforcement officers. A bill extending this protection to officers was first passed by overwhelming bipartisan support in Louisiana in 2016, and in 2017 Kentucky also passed this law with bipartisan support. I am strongly urging Wisconsin to adopt a similar law, offering our officers this same protection.

While the elements of the bill are incredibly simple and straightforward, the underlying factors and trends speaking to the need for this legislation are incredibly tragic and complex. The alarming rate at which officers have become increasingly targeted, solely because of their identity as an officer is something that cannot be ignored. While the tragic mass shooting of five Dallas police officers brought this issue to the forefront, unfortunately other tragic attacks on our officers have followed. According to the National Law Enforcement Memorial Fund, the number of ambush-style shootings of officers increased by 163% from 2015 to 2016.

AB 48 recognizes the significant impact caused by targeted attacks on our officers and provides an additional option within our criminal justice system to apply the hate-crime penalty enhancer in instances in which an officer is targeted simply because of their profession. While AB 48 cannot fix the underlying issues and attitudes contributing to this tragic trend, it certainly provides an important component to seeking justice for the officers victimized by these hateful attacks.

Every day our officers put on their uniforms and knowingly place themselves in the line of danger to ensure our safety. As a state, it is our responsibility to ensure that we are doing all that we can to protect our officers from the threat they face simply by putting on their uniforms.

Thank you for allowing me to testify on AB 48. I strongly encourage you to support this legislation.

Dear ladies and gentlemen of the Assembly,

I would like to thank you for having me here today. I would like to extend a special thank you to Representative Steffen for inviting me to speak on behalf of assembly bill 48.

My name is Adam Day and I am a 17 year veteran law enforcement officer. Of those 17 years, most of them have been as a deputy for the Grant County sheriff's office.

On July 16, 2016, I was attending a fundraiser in the City of Fennimore, my hometown and where I still reside with my wife and children. During the afternoon of the 16<sup>th</sup>, I was confronted by a man who felt that he'd had a negative experience with law enforcement more than 10 years prior. The young man confirmed on multiple occasions that I was Adam Day, a police officer. A short time later, the young man approached again, this time loudly telling me about his hate for me, and his hate for law enforcement. His words quickly turned into actions. The young man physically attacked me, landing punches to my face and head, all due to the one experience so long ago and his now hate for police officers. He was arrested a short time later, sentenced and is serving or has served his jail term.

Not only did this affect myself, but my wife was standing by my side that day. While it's not new for the spouse of a police officer to hear negative comments regarding their profession, but to witness this attack was traumatic for both of us, our friends and family, and the law enforcement community.

In the last 17 years, I've spent countless hours answering questions about my job, about laws, about why someone was arrested, etc. Sometimes these questions come while I'm working, but frequently it happens when I'm not working. When you live in a small community, it's not out of the ordinary for someone to stop by your house to talk, or approach you at the store or a restaurant. It's not uncommon to get calls on my personal cell phone asking questions relating my job. But I always take time to listen and to hear someone's opinion. I try to explain why something might have happened the way it did or why things were done the way they were. I do this because I'm a police officer and a member of my community, a community that supports law enforcement. I do this because of the love for my job and the passion I have to help people. I do this because police officers are really never off duty. Just like on July 16<sup>th</sup>, the threat to law enforcement is always present.

I stand here asking you to pass Assembly Bill 48. I ask you to do this for the thousands of officers who are willing to risk their lives for you in a moment's notice. I ask for you to pass Assembly Bill 48 to help protect those who protect you.

Thank you again for this opportunity to speak in front of you as I represent my brothers and sisters in the law enforcement family.

NASW WI TESTIMONY IN OPPOSITION TO ASSEMBLY BILL 48 ON THURSDAY APRIL 6, 2017 AT THE ASSEMBLY COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

Chairperson Spiros and members of the Assembly Committee on Criminal Justice and Public Safety. My name is Marc Herstand. I have served as the Executive Director of the National Association of Social Workers, Wisconsin chapter for the past 24 years. NASW WI represents social workers in all aspects of public life including child welfare, hospitals, nursing homes, community based organizations, mental health institutions and clinics, businesses, public schools, prison and jails, colleges and universities and other settings.

Blue Lives Matter. We need police in our communities for our safety and protection. My profession needs the support and protection of police officers. Many social workers make home visits and serve clients who may have mental health or substance abuse problems, and/or may be prone to violence at times. In fact probably almost every social worker has sometime in their career been threatened or faced a potentially dangerous situation that could have escalated in violence.

We would support any evidence based policies that would increase the safety of police officers. We would certainly be willing to participate in a study committee or task force that looked at police safety and police community relations and worked on recommendations for effective policies.

However there is absolutely no evidence that the bill will increase police safety. In addition it makes no sense to add police officers, or for that matter any other profession subject to threats and occasional violence, such as social workers, building inspectors, probation and parole officers or others to hate crimes legislation, which has a totally different purpose. This bill could also have the unintended consequence of being used to punish people more harshly for resisting arrest, which is not the intent of the law. In January of this year a Louisiana Police Chief stated that anyone who resists arrest or gets physical with an officer could be charged with a hate crime.<sup>1</sup>

Hate crimes legislation has always had the purpose of protecting minority racial, ethnic, religious and sexual orientation groups that have historically been subject to violence, harassment and discrimination. This group includes African-Americans, Latinos, Jews, Muslims, members of the LGBT community and others. Over the last several years there has been a frightening increase in hate crimes nationwide, including in Wisconsin. The two most recent sensational hate crimes in the United States were the murder of nine worshipers at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, on June 17, 2015 and the killing of 49 people at a Gay night club in Orlando, Florida on June 13, 2016.

On a national level during the first three months of this year there have been 35 attacks on Muslims compared to 19 the previous year. These attacks have included the burning down of four mosques.<sup>2</sup> In 2017 two Jewish cemeteries were vandalized and over the last year there have been countless incidents of swastikas scrawled on homes, on college campus and other locations directed against Jews.<sup>3</sup> In March 2017 a gun shot was fired into a classroom at a Jewish synagogue in Evansville, Indiana.<sup>4</sup> In

2017 in Kansas two Indian-Americans were shot, one fatally after the attacker yelled, “Get out of my country”.<sup>5</sup> A similar incident happened in the state of Washington where an attacker shot a Sikh man while saying the victim should “go back” to his own country.<sup>6</sup>

In Wisconsin over 300 hate crimes have been committed over the past five years. In 2012 a white supremacist attacked worshippers at a Sikh Temple in Oak Creek, killing six and wounding four others.<sup>7</sup> In February 2015 in Madison at least 30 homes were vandalized with Anti-Semitic slurs and swastikas.<sup>8</sup> In March 2016 in Milwaukee one Hmong couple and one Puerto Rican man were targeted for their racial background and murdered.<sup>9</sup> In April 2016 a Wisconsin high school girls' soccer match turned traumatizing after fans in the rafters were shouting racial slurs at the players from the Beloit Memorial High School, of whom a majority were black and Hispanic. The girls were crying and deeply disturbed.<sup>10</sup> In November 2016 several UW La Crosse students of color found threatening vandalism written on their apartment doors Wednesday morning after Election Day.<sup>11</sup> These are just some examples.

At a time where there has been such an increase in hate crimes, vandalism and threats against racial, ethnic, religious and sexual orientation minorities, the last thing we should do is water down hate crimes legislation.

Blue Lives Matter and we as a society need to do what we can to promote support for the police and improve police community relations. However this bill is absolutely the wrong way of going about it and could lead to undermining a law that protects religious, racial, ethnic and sexual orientation minorities in our state, who also deserve our support and protection.

1. Louisiana Police Chief Shows Why the State’s ‘Blue Lives Matter’ bill is So Dangerous” The Huffington Post, January 23, 2017
2. The New York Times, “Why is This Hate Different From All Other Hate”, April 2, 2017
3. <http://www.haaretz.com/us-news/.premium-1.774341>
4. <http://www.courierpress.com/story/news/2017/02/28/law-enforcement-investigating-act-hate-evansville-temple/98528494/>
5. <https://www.washingtonpost.com/news/morning-mix/wp/2017/02/28/suspect-in-kansas-bar-shooting-of-indians-apparently-thought-they-were-iranians/>
6. [https://www.washingtonpost.com/news/post-nation/wp/2017/03/04/go-back-to-your-own-country-sikh-man-shot-in-his-driveaway-in-suspected-hate-crime/?utm\\_term=.b1291ecc01ff](https://www.washingtonpost.com/news/post-nation/wp/2017/03/04/go-back-to-your-own-country-sikh-man-shot-in-his-driveaway-in-suspected-hate-crime/?utm_term=.b1291ecc01ff)
7. <http://www.nytimes.com/2012/08/06/us/shooting-reported-at-temple-in-wisconsin.html>
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9. <http://archive.jsonline.com/news/crime/groups-to-speak-out-friday-in-wake-of-triple-homicide-b99690290z1-372561201.html>
10. [http://www.gazetteextra.com/20160411/racist\\_tauts\\_mar\\_elkhorn\\_beloit\\_memorial\\_soccer\\_game](http://www.gazetteextra.com/20160411/racist_tauts_mar_elkhorn_beloit_memorial_soccer_game)
11. [http://lacrossetribune.com/news/local/uw-l-investigating-racist-graffiti-scrawled-on-residence-near-campus/article\\_39b0bcb9-9602-5cfd-b2ee-0758e22c6b5d.html](http://lacrossetribune.com/news/local/uw-l-investigating-racist-graffiti-scrawled-on-residence-near-campus/article_39b0bcb9-9602-5cfd-b2ee-0758e22c6b5d.html)

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Anti-Defamation League®

April 5, 2017

The Honorable John Spiros, Chair  
The Honorable Jesse Kremer, Vice Chair  
Assembly Committee on Criminal Justice and Public Safety  
Wisconsin Assembly  
17 West Main Street, Room 401  
Madison, Wisconsin 53703

Dear Chair Spiros, Vice Chair Kremer, and Members of the Assembly Committee on Criminal Justice and Public Safety,

On behalf of the Anti-Defamation League (“ADL”), we write to urge you to oppose Assembly Bill 48 (“AB 48”), which would amend Wisconsin’s hate crimes law to add law enforcement officers.

ADL has long been at the forefront of national, state, and local efforts to deter and counteract bias-motivated criminal activity, which included drafting a model hate crimes law upon which many states’ hate crime laws are based. Although we deeply appreciate the work of law enforcement officials, AB 48 is unnecessary and risks confusing and undermining the purpose of hate crimes laws.

First, AB 48 is unnecessary. As an organization that works closely with and trains state, local, and federal law enforcement officials, ADL certainly supports laws that deter attacks against police. Yet, Wisconsin – like virtually every other state in the country – already includes laws in its penal code that explicitly address attacks against law enforcement officers. *See, e.g.,* Wis. Stat. § 940.203. If it is clear that those existing laws are not sufficient, strengthening those existing laws, rather than altering the hate crime law, would be the appropriate vehicle to address the issue.

AB 48 also risks undermining the purpose and concept of hate crime laws. “Law enforcement officer” status is not analogous to the characteristics included in the hate crime statute – race, religion, color, disability, sexual orientation, national origin, and ancestry. These categories represent immutable characteristics – core personal traits inherent to the victim that cannot or should not be changed. Additionally, historic discrimination against members of each category has demonstrated the need for inclusion in housing, workplace, and public accommodation anti-discrimination statutes, which are the civil parallels to bias-motivated crime laws. The same logic applies to bias-motivated crime laws. Crimes targeting people because of those characteristics have often been downplayed and underreported.

On the other hand, an individual’s employment as a law enforcement officer – or any other profession – is not an immutable personal characteristic. Fortunately, law

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enforcement officers have not historically required specific protection against discrimination, and there is no evidence that crimes committed against law enforcement are not already investigated and prosecuted vigorously, as they should be.

Adding law enforcement or any other professional category to the current hate crimes law is inconsistent with the purpose of hate crime laws, and could impede efforts to protect against identity-based crimes. In addition, the seminal United States Supreme Court case upholding the constitutionality of hate crimes legislation – *Wisconsin v. Mitchell* – was based on Wisconsin’s law. It would be a deep mistake to confuse the clarity and purpose of that law.

We therefore urge you to oppose AB 48. If you have any questions, please contact us anytime. Thank you for your consideration.

Sincerely,

Lonnie Nasatir  
ADL Regional Director

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