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Testimony on Senate Bill 472 and Assembly Bill 329

Senate Committee on Judiciary and Public Safety

Thursday, October 28, 2021

Chairman Wanggaard and members,

I'd like to thank you for holding a hearing on Senate Bill 472 and Assembly Bill 329, which would provide important information about the use of no-knock warrants in our state.

Earlier this session, the report of the Speaker's Task Force Subcommittee on Law Enforcement Policies and Standards was released summarizing the activities and topics of consensus identified through multiple meetings and discussions. As co-chair of the subcommittee, I am incredibly proud of the bipartisan work we've done to have the hard conversations that will make a difference in the lives of people of color in Wisconsin. As we all know, these issues can be incredibly polarizing, yet we have succeeded in bringing the community and law enforcement voices to the table to find consensus and move forward together.

This bill reflects the work on the subcommittee in evaluating the effectiveness and general use of no-knock warrants.

As you likely know, generally speaking, a law enforcement officer must identify themselves and state their purpose when executing a search warrant on a person's home or property. However, an exception to this law exists if there is a reasonable suspicion that an announcement of this sort would be dangerous or would inhibit the investigation of the crime. This exception is generally referred to as a "no-knock warrant."

As our group maneuvered conversation on this topic, there were some who called for full-on bans of these types of warrants, whereas there were many others who expressed concerns about a total prohibition of this practice. However, there was near universal agreement that there was simply not enough known about how often these types of warrants were served.

To better understand just how frequently this type of warrant is issued or utilized, SB 472/AB 329 would require that the state Department of Justice collect data from law enforcement agencies and prepare an annual report summarizing key statistics. In an effort to provide further transparency, this report will provide data down to the jurisdictional level to better inform policy makers and members of the public about key issues, like:

- How often are no-knock warrants applied for, granted, and executed, as compared to the number of traditional warrants;
- Which types of suspected crimes are no-knock warrants sought for, granted, and executed;
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- What were the outcomes of the no-knock warrants granted in terms of evidence gathered or harm or death occurring to any person; and
- Demographics related to the race, age, or gender of the primary suspect identified in the warrant's application.

Senate Bill 472/Assembly Bill 329 is the direct result of the hard work and dedication put forth by the members of the Speaker's Task Force Subcommittee on Law Enforcement Policies and Standards. Too often we see legislation or government orders that try to fix a problem without stopping to examine the root cause of the issue. I'm proud to say that this legislation does the opposite. When enacted, SB 472/AB 329 will provide immensely important data to help better understand the use of no-knock warrants in our state.

I also want to thank my task force co-chair, Representative Stubbs, for her work developing these recommendations and members of the task force for their valued input. While there is more work to be done, this and the other task force bills before you today are a great step forward in addressing racial disparities in Wisconsin.



WISCONSIN STATE REPRESENTATIVE

Shelia Stubbs

77TH ASSEMBLY DISTRICT

Thursday October 28, 2021

Senate Bill 472/Assembly Bill 329; Relating to: reporting the use of no-knock entry in the execution of a search warrant

Senate Committee on Judiciary and Public Safety

Good morning Chairman Wanggaard and Members of the Committee,

Thank you for the opportunity to testify on Senate Bill 472/Assembly Bill 329, which would mandate the Wisconsin Department of Justice to report the use of no-knock search warrants. This legislation promotes transparency and will show, in detail, how these warrants are used in Wisconsin.

The use of no knock search warrants has been a contentious issue for law enforcement and for members of our community. Breonna Taylor's killing in Louisville, Kentucky shows that we must reconsider how these warrants are used, and the threats they pose to community safety. This legislation would allow for the use of these warrants to be scrutinized by elected officials and members of the public.

The Speaker's Taskforce on Racial Disparities Subcommittee on Law Enforcement Policies and Standards spent several meetings discussing the topic of no knock warrants. We heard from law enforcement experts that outright banning this practice would be ill-informed policy. However, we heard from community leaders that no-knock warrants needlessly jeopardize safety. From these opposing bills, members were able to come to a consensus, and ask that the use of these warrants be studied and analyzed.

Under this legislation, the Department of Justice would be required to report to the legislature the number of no-knock warrants that were authorized, the number that were executed, and who was impacted by these entries. This crucial data can help



WISCONSIN STATE REPRESENTATIVE

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77TH ASSEMBLY DISTRICT

guide meaningful policy in the future, and will give us a better understanding of how no-knock warrants are utilized in our policing system.

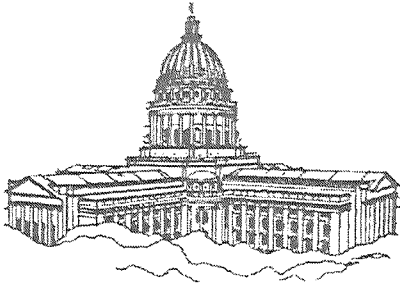
Passing this legislation would be a step forward for the community, the profession of law enforcement, and for the people of Wisconsin. We deserve to know more about how our police execute their duties, and who is impacted by their actions. Collecting this data will show if no-knock warrants are truly needed in the practice of law enforcement, or if they are ineffective at making our communities safer.

This recommendation by the Speaker's Taskforce shows a consensus that both law enforcement and the community have agreed upon. We need to learn more to do more. More information about how agencies in Wisconsin use these warrants will guide informed and effective policy in the future.

Thank you again to the members of the committee considering my testimony today. I ask that you vote in favor of this legislation to promote transparency in our law enforcement system.

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LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Written Testimony of Sen. Lena Taylor

Senate Committee on Judiciary and Public Safety

Public Hearing – SB 472/AB 329

October 28, 2021

Chair Wanggaard, Vice-Chair Wimberger and members of the committee, thank you for today's public hearing on SB 472/AB 329 regarding: reporting the use of no-knock entry in the execution of a search warrant.

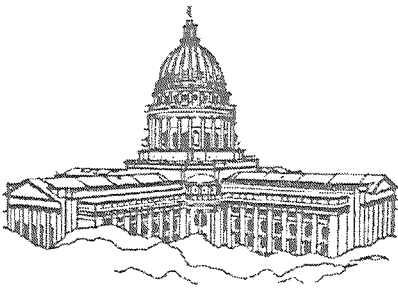
"Say her name, Breonna Taylor" has become a chant that is etched in my memory. It was the tragic death of this 26-year-old young woman that required the nation to further examine our use of No-Knock warrants in policing. Like many, I was jolted by the news that this first responder, who had been on the front lines of engaging Louisville residents battling COVID-19, would lose her own life, while sleeping in her own home. Shot 8 times, in the course of a process that went terribly wrong, Breonna's horrific death demands we do things differently.

It was also because of Breonna Taylor that I actually began to explore the origins of the practice of No-Knock warrants. I was stunned, when I came across a June 12, 2020 NPR interview with Radley Balko, an investigative journalist who had studied this issue of these warrants and policing for more than 15 years. In the interview, Balko was asked when did no-knock warrants begin to be used widely. This was his response:

"Well, they were kind of a construction of the Nixon administration. The origin is pretty interesting. It wasn't something that police chiefs were asking for or sheriffs were asking for. It was actually the brainchild of a 28-year-old Senate staffer who became a campaign aide. And it was this idea of just showing, you know, how tough we were on crime and drugs by letting cops just sort of kick down doors without announcing themselves first. That aide has, you know, since said that he regrets this. And it's one of the biggest mistakes of his political career. But it became sort of widespread - really widespread in the 1980s in police departments across the country as we kind of, you know, really militarized and ramped up the war on drugs.

The interviewer then asked whether no-knock warrants were controversial at its inception or did it just kind of slide into the national scene. Balko replied:

"No, it actually was very controversial. It was implemented at the federal level, you know, shortly after Nixon was elected. And there were a lot of botched drug raids and mistaken drug raids across the



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Wisconsin State Senator • 4th District

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country. And some people were even killed because of them. What was really interesting is Congress held hearings about these. And they actually ended up repealing the federal no-knock raid law a few years later. It then comes back in the '80s. And, you know, Congress hasn't been particularly concerned about mistaken raids or people who end up being the victims of those raids. But there was a time, you know, shortly after it was passed that there was some concern about this at the federal level.”

If Balko’s account of the creation of no-knock warrants is correct, this is something the legislators created and this is something legislators can fix. I agree with those that have said that SB 472 doesn’t go far enough. No-knock warrants have become embedded in policing toolkits and it is difficult to convince many in law enforcement that their use should be banned. Yet, we know that both innocent civilians and officers have been injured or lost their lives, as a result of this practice. While some will argue it is safer for police, someone has to argue for the safety of residents who may be wrongfully targeted with this practice.

With this bill, we can better track these warrants, gather data and make more informed decisions. SB 472/AB 329 moves us in the right direction. While it’s not the reform many of us want, doing nothing is not an option. I hope you will join us in supporting this proposal and thank you for your time.

WISCONSIN PROFESSIONAL POLICE ASSOCIATION

Law Enforcement Employee Relations Division • Supervisory Officers Relations Division • Civilian Employees Relations Division

MEMORANDUM

DATE: October 28, 2021

TO: SENATE COMMITTEE ON JUDICIARY & PUBLIC SAFETY

FROM: Jim Palmer, Executive Director
Wisconsin Professional Police Association *JLP*

RE: Support of 2021 Senate Bill 470 (pre-employment psychological testing)
Support of 2021 Senate Bill 471 (annual crisis intervention training)
Support of 2021 Senate Bill 472 (no-knock search warrant reporting)
Support of 2021 Senate Bill 473 (grants for body-worn cameras)
Support of 2021 Senate Bill 474 (school resource officer training & standards)
Support of 2021 Senate Bill 475 (crisis program enhancement grants)
Support of 2021 Senate Bill 476 (post-critical incident drug testing)
Support of 2021 Assembly Bill 329 (no-knock search warrant reporting)
Support of 2021 Assembly Bill 330 (school resource officer training & standards)
Support of 2021 Assembly Bill 331 (pre-employment psychological testing)
Support of 2021 Assembly Bill 332 (annual crisis intervention training)
Support of 2021 Assembly Bill 333 (crisis program enhancement grants)
Support of 2021 Assembly Bill 334 (post-critical incident drug testing)
Support of 2021 Assembly Bill 335 (grants for body-worn cameras)

Representing over 10,000 members from more than 300 local association affiliates, the Wisconsin Professional Police Association (WPPA) is the state's largest law enforcement group. Our mission is to protect and promote public safety, as well as the interests of the dedicated men and women that serve to provide it. In that vein, we offer this memorandum to express our ardent **SUPPORT** of the bills before the committee today.

Earlier this year, after several months of arduous but necessary public discussions on how to strengthen the relationship between the police and the communities they serve, the Speaker's Task Force on Racial Disparities issued an array of recommendations to establish new standards and training, enhance transparency and oversight, and facilitate more effective community engagement.

As a proud member of that body, I can tell you that the recommendations were the result of an authentic, consensus-building process that included lawmakers from both parties alongside activists and advocates for communities of color, faith-based organizations and law enforcement. The recommendations are a testament to what can be achieved when people work together for a common goal.

WISCONSIN PROFESSIONAL POLICE ASSOCIATION

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Several recommendations issued by the Task Force have already been enacted into law, such as measures to explicitly prohibit officers from using chokeholds, to collect data on law enforcement's use of force, and to establish new financial support for community policing efforts.

Most notably, Wisconsin adopted a uniform standard for law enforcement's use of force. This new law also requires officers that witness excessive force to report it and intervene if possible, and it establishes "whistleblower protections" for these officers to safeguard them from adverse employment action, such as discipline.

The bills before the committee today were also recommended by the Task Force, and the Assembly swiftly passed them back in June. They now wait for the State Senate to push them across the finish line. The WPPA supports these measures without exception, because we believe that they will promote law enforcement transparency and accountability, enhance the training and qualifications officers need to meet the demands of their profession, and provide local governments with more resources to better serve the public.

While the passage of these lingering bills will not mark the end of the police reform dialogue, no one should be surprised when the calls for change grow louder and more radical if the Senate finds itself unable to act. In order to best serve the interests of the public and the dedicated men and women that work to keep our communities safe, the time to act is now. For those reasons, we respectfully urge the distinguished members of this committee to advance these bills as soon as possible, so that we may continue to move the ball forward in a way that is both thoughtful and meaningful.

Thank you.



To: Members, Senate Committee on Judiciary and Public Safety
From: Badger State Sheriffs' Association
Wisconsin Sheriffs and Deputy Sheriffs Association
Date: October 28, 2021
**RE: Testimony in support of
SB 470/AB 331, SB 471/AB 332, SB 472/AB 329, SB 473/AB 335, SB 474/AB
330, SB 475/AB 333, SB 476/AB 334**

Chairman Wanggaard, and members of the committee, thank you for the opportunity to testify today. My name is Nate Dreckman, and I am the Grant County Sheriff as well as the President of the Badger State Sheriffs' Association. Joining me today is Dodge County Sheriff, Dale Schmidt, who also serves as the 1st Vice President and Legislative Chair. Together with the Wisconsin Sheriffs and Deputy Sheriffs Association, our organizations represent all of Wisconsin's 72 Sheriffs and over 1,000 deputies and jail officers.

I had the opportunity to be appointed to the Task Force and on behalf of the county law enforcement community, we are grateful to Representatives Steineke and Stubbs for the opportunity to listen, contribute and find consensus on numerous critical policy items impacting law enforcement and the citizens we serve and protect. Our organizations are committed to finding and supporting policies that increase training, utilize best practices, and promote public safety transparency for all Wisconsin residents.

I want to highlight a few of the bills that the Speaker's Task Force has put forward with our support:

- SB 472/AB 329 (no-knock warrants): SB 427/AB 329 requires the Department of Justice to collect information about the use of no-knock warrants and unannounced entries by law enforcement in Wisconsin. This information, which will be reported annually, will help policymakers better understand how no-knock warrants are used in Wisconsin and if any changes need to be made to that process.
- SB 470/AB 331 – (psychological evaluation): Law enforcement is a difficult job that is not only physically taxing, but emotionally and psychologically challenging as well. SB 470/AB 331 will help ensure that law enforcement officers are of stable mental health when they are hired by requiring prospective officers to have a psychological evaluation. According to DOJ, nearly two-thirds of Wisconsin law enforcement agencies already require a psychological evaluation as a condition of employment. The Legislature has considered this policy in the past; a similar bill in 2009 had widespread legislative support but died at the end of session. This bill, as amended by the Assembly, follows best practice and streamlines paperwork.

- SB 473/AB 335 (body camera grants): While some law enforcement agencies in Wisconsin use body cameras, others are unable to afford them. Body cameras can help protect both citizens and law enforcement officers by documenting critical situations. SB 473/AB 335 will help more law enforcement agencies acquire body cameras by creating a grant program administered by DOJ. The bill requires agencies that receive a DOJ body camera grant to use and maintain the camera technology, ensuring that the grants are not wasted.

I also want to highlight two more bills from that package that deal with crisis management, an important and highly sensitive aspect of our jobs. Law enforcement officers are almost always the first to respond to urgent events where an individual is reported to be a danger to themselves or others. Our officers work hard to deal with these situations appropriately, but sometimes they result in tragic outcomes. Two bills from the package will help improve the outcome of crisis situations:

- SB 471/AB 332 (crisis training): Wisconsin law enforcement officers are required to complete 24 hours of recertification training every year. SB 471/AB 332 will make crisis management training a required part of that training. This will help law enforcement respond more effectively to crisis situations and will help officers stay up to date on best practices for dealing with individuals in crisis.
- SB 475/AB 333 (crisis program grants): SB 475/AB 333 expands an already-existing grant program that assists local governments in developing certified mental health crisis teams consisting of both trained law enforcement officers and crisis professionals. These teams will be able to respond more effectively to crisis situations involving mental health than law enforcement can do on its own.

Wisconsin's county law enforcement also supports SB 474/AB 330, which will provide specific standards and training for law enforcement officers working in schools, and SB 476/AB 334, which will ensure that officers involved in critical incidents are not compromised using alcohol or illegal drugs.

Thank you for the opportunity to testify today and I am happy to answer any questions you might have.