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Testimony on Senate Bill 476 and Assembly Bill 334

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 476 and Assembly Bill 334, which requires law enforcement agency to adopt a written policy regarding drug and alcohol testing following an officer-involved critical incident.

Earlier this session, the report of the Speaker's Task Force Subcommittee on Law Enforcement Policies and Standards was released that summarized 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 finding consensus where available and moving forward together.

One of the items that the subcommittee brought forth was a need to add accountability and further public trust of law enforcement in the event an officer-involved incident occur.

Our group discussed this topic at length and ultimately recommended legislation that would require each law enforcement agency in Wisconsin to adopt a written policy regarding drug and alcohol testing following an officer-involved critical incident. This bill defines an "officer-involved incident" as an incident that occurs in the performance of a law enforcement officer's official duties and in which any of this following occurs:

- The actions of the law enforcement officer results in death or great bodily harm; or
- The law enforcement officer discharges a firearm at a person.

The written policy would require that each law enforcement officer submit to a drug and alcohol testing following the incident, and that the testing should be completed as soon as practicable after the critical incident. At minimum, the officer must be tested for the presence of alcohol; amphetamines; cannabis or cannabinoids; opiates; cocaine; PCP; and anabolic steroids. The cost associated with administering the drug and alcohol test will be covered by the employing agency. As a note, many departments already require that officers undergo a drug and alcohol test following a critical incident including large departments like Madison and Milwaukee. While the frequency of these events is rare, they are no doubt serious and this added step will only provide additional transparency.

One of the many goals of the task force subcommittee was to seek out good ideas being used around the state and find ways to replicate at a larger level. SB 476/AB 334 will further add accountability and public trust from law enforcement officers.



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In closing, I 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 28th, 2021

Senate Bill 476/Assembly Bill 334; Relating to: drug testing of law enforcement officers involved in certain critical incidents while on duty.

Senate Committee on Judiciary and Public Safety

Good morning Chairman Wanggaard and Members of the Committee,

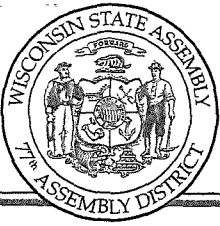
Thank you for the opportunity to testify on Senate Bill 476/Assembly Bill 334, which mandates drug and alcohol testing for officers involved in a critical incident. This legislation arose from a recommendation by the Speaker's Taskforce on Racial Disparities Subcommittee on Law Enforcement Policies and Standards. This committee came to consensus on a variety of law enforcement reforms, and was comprised of leaders in the community, experts in law enforcement, and leaders in the faith community.

A critical incident is when an officer's action causes the death or bodily harm of an individual or if an officer's firearm is fired at a person. In order to ensure that communities can heal in the wake of such incidents, it is critical to hold law enforcement officers accountable for their actions. If a critical incident occurs, it is vital that we ensure the officer was not under the influence of drugs or alcohol. This common sense proposal would require officers involved in critical incidents to exhibit that their judgment was not clouded by the use of alcohol, amphetamines, cannabis, opiates, cocaine, PCP, or anabolic steroids.

To put it simply, no officer can do their duty if they are under the influence. The profession of law enforcement obligates officers to be in high-pressure situations that require the use of sound, rational judgment. Intentionally clouding this judgment endangers the community, and cannot be tolerated.

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WISCONSIN STATE REPRESENTATIVE

Shelia Stubbs

77TH ASSEMBLY DISTRICT

Under current law, there is no standardized requirement for officers to submit to drug testing after being involved in a serious incident. This legislation will ensure every officer in Wisconsin knows that drug use while on duty is unacceptable and will be scrutinized to the highest degree. Every critical incident deserves to be thoroughly investigated, and drug testing an officer after a critical incident is a simple and reasonable first step to take in an investigation.

Thank you again members of the committee for considering my testimony today. I implore you to vote in favor of this legislation to discourage the use of drugs or alcohol by officers while on duty and to promote accountability in our law enforcement agencies.

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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 *JCP*

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.