



RON TUSLER

STATE REPRESENTATIVE • 3rd ASSEMBLY DISTRICT

**Testimony on
Assembly Bill 834
Assembly Committee on Criminal Justice and Public Safety
Public Hearing
January 12, 2022**

Chair Spiros and fellow members of the Assembly Committee on Criminal Justice and Public Safety: thank you for hearing this bill today. The bill before you is Assembly Bill 834 (AB 834) relating to: no-knock search warrants and certain expenditures of federal moneys by first class cities.

On November 18, 2021, the City of Milwaukee's Fire and Police Commission (FPC) voted unanimously to outright ban no-knock search warrants in the City of Milwaukee. No-knock search warrants have been upheld the United State Supreme Court as an exception to the Fourth Amendment as set forth in *Richards v. Wisconsin*. A no-knock warrant allows a law enforcement officer to execute a search warrant without knocking and announcing their presence if a court believes that knocking and announcing law enforcement presence would be dangerous, futile, or inhibit the investigation of a crime.

This bill prioritizes the safety of law enforcement officers and prioritizes the safety of our citizens over violent criminals. By banning no-knock search warrants, the City of Milwaukee sent a message to its citizens that the safety of known violent criminals is more important than the innocent public.

Crime is on the rise. We hear about it on the evening news every single night. According to the City of Milwaukee Police Department's Crime Data website as of 01/11/2022, there were already five homicides and eight rapes reported for 2022. If this rate continues, over 180 people could lose their lives in the City of Milwaukee and another 240 people could be victims of rape. This is unacceptable!

It is imperative that we, as lawmakers, give our law enforcement officers the right tools to keep us all safe. Which is why, I simply ask the City of Milwaukee to direct a similar portion of their Local Fiscal Recovery Fund (LFRF) under the American Rescue Plan Act (ARPA) signed by President Joe Biden to law enforcement. For reference, the City of Milwaukee received almost \$395 million.

Thank you again, members of the Assembly Committee on Criminal Justice and Public Safety for hearing my testimony and will take questions at this time.



January 12, 2022

To: Chairman Spiros and Members of the Assembly Committee on Criminal Justice and Public Safety

From: Wisconsin Chiefs of Police Association

Re: Support Assembly Bill 834, No Knock Search Warrants

Chairman Spiros, thank you for your willingness to hold a hearing on this legislation. We would also like to thank the Assembly author Representative Tusler for introducing this important bill. We are also appreciative of our lead Senate author Senator Wanggaard.

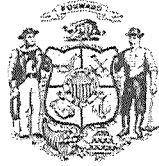
We urge support of Assembly Bill 834, as well as the full legislative package aimed at helping keep our communities safe. We are appreciative of the leadership of Speaker Vos and legislative Republicans for working with law enforcement from across the state on important policy solutions like this bill. We hope these bills can gain bipartisan support.

Cities around the country and here in Wisconsin have begun enacting policies that ban no-knock search warrants from being used. This policy change by local governments is dangerous for responding officers and citizens alike.

No-knock search warrants are an important tool for law enforcement officers to utilize when needing to enter certain dangerous situations. An all-out ban on these types of warrants being used hurts responding officer's ability to quickly enter dangerous situations without alerting criminals and giving them time to destroy evidence or arm themselves.

The Wisconsin Chiefs of Police Association supports all additional measures that help our agencies keep their communities safe from dangerous criminals. This bill is another positive change that will assist this cause, and ensure we continue to keep our communities safe.

We would be happy to take any questions regarding this legislation.



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON ASSEMBLY BILL 834

Thank you Mr. Chairman and committee members for today's hearing on Assembly Bill 834 relating to no-knock search warrants and certain expenditures of federal moneys by first class cities.

Nationally, and among certain pockets of Wisconsin, no-knock search warrants have been demonized by the anti-police mob. These opponents have willfully cast no-knocks in a bad light through misunderstanding and willful misstatements of facts. Last month, in a misguided move that will undoubtedly hamper and endanger law enforcement in Milwaukee, the Milwaukee Fire and Police Commission prohibited the use of no-knock search warrants by Milwaukee police officers. This bill corrects that bad decision.

It's important to set the facts straight on no-knock warrants. No-knocks warrants are not heavily prevalent in Wisconsin. Just like nearly every search warrant, no-knocks must be approved by a court of law. And they aren't given out like Pez candy. In fact, there is a much higher bar for no-knock warrants than a regular search warrant.

Under the unanimous Wisconsin Supreme Court decision in State v. Cleveland, authored by Justice Shirley Abrahamson, the court held that in order to approve a no-knock warrant, the warrant application must "set forth special circumstances with sufficiently particularity to show reasonable cause to believe that circumstances presently exist which justify a no-knock entry."¹ Even if this high hurdle is cleared, under the same case, the court also held that if the circumstances changes and a law enforcement has new information changing the circumstances justifying a no-knock approval, then law enforcement must follow the typical knock-and-announce rule.

Wisconsin's no-knock law is further clarified by the US Supreme Court case, Richards v Wisconsin, another unanimous case, authored by liberal stalwart Justice John Paul Stevens, and argued before the court by then-Attorney General Jim Doyle. In Richards, the US Supreme Court held that law enforcement must show "a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile, or that it would

¹ State v Cleveland, 118 Wis. 2d 615, 626 (1984)

inhibit the effective investigation of the crime, by for example, allowing the destruction of evidence.”²

This high bar protects the constitutional rights of every day citizens, while still allowing police officers to enforce the law. Despite this well-thought out balance, and the decades of practice, the Milwaukee Fire and Police Commission has prohibited its officers from using this important, live-saving, evidence preserving tool.

Simply put, no-knock warrants save lives, preserve evidence, and protect constitutional rights. This bill ensures that no community can cave to the anti-police mob and prohibit their use as Milwaukee has done.

The other part of the bill deals with the federal windfall that Milwaukee has received from COVID-funds, almost \$400 million.

As you are undoubtedly aware, Milwaukee is in the midst of a major crime wave. For the second year in a row, Milwaukee set a record for murders, had car thefts at a greater rate than Chicago, and a record number of drug overdoses. There are a lot of factors that have caused this, but primary among those causes is the consistent cutting of Milwaukee’s police department.

This bill requires Milwaukee to spend the same percentage of its ARPA funds on law enforcement as in its general budget. I think this is common sense and would help Milwaukee tackle its crime pandemic. Law enforcement is one of the few very core responsibilities of local governments, and this bill recognizes that. Let’s make Milwaukee safe again.

² 520 U.S. 385, 394 (1997)



To: Members, Assembly Committee on Criminal Justice and Public Safety
From: Badger State Sheriffs' Association
Wisconsin Sheriffs and Deputy Sheriffs Association
Date: January 12, 2022
**RE: Testimony in support of
AB 831, AB 832, AB 833, AB 834, and AB 837**

Chairman Spiros, and members of the committee, thank you for the opportunity to testify today. My name is Kurt Picknell, and I am the Walworth County Sheriff as well as an active member of both the Badger State Sheriffs' Association and the Wisconsin Sheriffs and Deputy Sheriffs Association. Our organizations represent all of Wisconsin's 72 Sheriffs and over 1,000 deputies, corrections officers (jailers) and emergency communications dispatchers.

Across the state, we are facing an extraordinary decline in individuals joining and staying in law enforcement and public safety. A June survey of nearly 200 departments by the Police Executive Research Forum shows a startling 45% increase in the retirement rate and a nearly 20% increase in resignations in 2020-21 compared to the previous year. This concerning pattern continues during an uptick in crime across the state and nation with societal rhetoric devaluing the public safety profession.

There are multiple reasons influencing qualified applicants away from a career in public safety, leaving agencies to address unprecedented vacancies that drives overtime spending and increases the demand for current staff to work more scheduled shifts. To recruit and retain quality law enforcement professionals, we must refocus our efforts to ensure officers are invested in by their communities – this includes training, incentives, and the overall reconstruction of the positive highly valued role of policing in our society.

Before I make additional comments on each of the bills, I want to make sure the committee understands the scope of the issues our agencies are facing. We support the bills put before you today, but we urge the committee to consider expanding the scope to two other important public safety positions: emergency communications dispatchers and county correctional officers (jailers). Many counties across the state have faced shortages in these areas – which provide critical support for local police, county law enforcement and overall public safety. Specifically, we ask the committee to consider amending AB 837, AB 831 and AB832, which would provide grants and other related recruiting and training costs for law enforcement officer recruiting and bonuses for law enforcement officers, to include emergency communications dispatchers and county correctional officers (jailers).

In addition to AB 837, below are other comments on the bills before you today:

- AB 831 (marketing campaign): Law enforcement agencies need additional support to recruit new employees noted above. Across the state, agencies are putting up billboards,

holding informational forums at tech colleges and seeking qualified applicants from other jurisdictions. AB 831 will support and enhance these local efforts by dedicating \$1 million in federal American Rescue Plan Act (ARPA) funds for a “Pro-Cop Wisconsin” marketing campaign.

- AB 832 (training reimbursement): Current state resources continue to be insufficient to cover all the costs associated law enforcement training. This bill directs federal funds to reimburse local and county governments for the preparatory and recertification training for their officers.
- AB 833 (part-time law enforcement): Law enforcement agencies, especially smaller agencies, will utilize part-time officers as a key element of their workforce. However, the costs to onboard, train and outfit part-time officers can be a barrier. This bill will support those smaller agencies in hiring part-time officers.
- AB 834 (search warrants): Under limited circumstances, law enforcement officers will seek judicial authority to execute no-knock search warrants. This legislation prevents local entities from abolishing this tool and ensures it can be utilized in those extremely high-risk situations.

These bills are an important step to recruit and retain quality public safety professionals. It is essential that the Wisconsin public recognizes that we must prioritize and appreciate those that risk their lives to protect the public.

On behalf of BSSA/WS&DSA, I appreciate this opportunity to speak on this critical issue. Thank you for the opportunity to testify today and I am happy to answer any questions you might have.



Department of Administration
Intergovernmental Relations Division

Tom Barrett
Mayor

Sharon Robinson
Director of Administration

Kimberly Montgomery
Director of Intergovernmental Relations

City of Milwaukee Testimony on AB 832, Relating to: increasing the law enforcement reimbursement; AB 834, Relating to: no-knock search warrants and certain expenditures of federal monies of first class cities; and AB 837 Relating to: grants for law enforcement officer recruiting and bonuses for law enforcement officers.

Thank you, Chairman Spiros, and fellow members of the Assembly Committee on Criminal Justice and Public Safety, for the opportunity to provide testimony on AB 832, AB 834, and AB 837 on behalf of the City of Milwaukee.

The City of Milwaukee Supports AB 832, relating to increasing the law enforcement reimbursement. The City of Milwaukee commits a significant amount of resources toward the training of our more than 1,600 law enforcement officers. The cost to the City for training costs far outweighs the reimbursement that the City receives from the State. The training and recertification of law enforcement officers remains an essential aspect of both enhancing the public safety of our residents as well as ensuring our officers are training in the most up-to-date techniques. The State of Wisconsin has underfunded municipalities through inadequate shared revenue for far too long. This has forced cities like Milwaukee to face difficult financial decisions to maintain essential services for our residents. By increasing the reimbursement for new law enforcement hires and recertification of current officers, this legislation will help Milwaukee afford the significant costs of ongoing law enforcement training.

The City of Milwaukee opposes AB 834, relating to no-knock search warrants and certain expenditures of federal monies of first class cities. This legislation is another prime example of supposed "local control" being overridden by the Legislature. The Milwaukee Fire and Police Commission, after significant community and law enforcement input, and public discussion, voted in a public meeting on Nov. 18th to outlaw no-knock search warrants. The intention under Wis Stat §62.50 is for cities of the first class to have a community led board of commissioners who may proscribe policies and standards for the police and fire departments. Milwaukee's independent Fire and Police Commission determined that it was appropriate to ban no-knock search warrants in the City of Milwaukee. Reversing this decision through AB 834 is a move in the wrong direction and is a direct disregard of the authority and independence of Fire and Police Commissions throughout the State.

The City of Milwaukee currently spends over \$280 million in general purpose funds on the Milwaukee Police, over 40% of the City of Milwaukee entire budget. AB 834 would require Milwaukee to spend the same percentage of our Federal relief dollars on law enforcement as well, an additional \$157.6 million of ARPA funds. This is yet again another example of the Legislature spurning the idea of "local control" by directing only the City of Milwaukee on how it should use its federal relief money. Additionally, under direction from the United States

Congress, through the American Rescue Plan Act of 2021, it is prohibited for the Wisconsin State Legislature to place an additional conditions on the City's federal relief dollars such as that proposed in AB 834.

H.R. 1319 American Rescue Plan Act of 2021 states:

31 CFR 35.12(d) **Additional conditions.** A State or Territory may not place additional conditions or requirements on distributions to nonentitlement units of local government or units of general local government beyond those required by section 603 of the Social Security Act or this subpart.

As that provision of the American Rescue Plan Act clearly states, a state may not place additional conditions or requirements on distributions to local government units. AB 834 seeks to disregard the authority of the United States Congress and place requirements upon only the City of Milwaukee as to how we choose to invest our rescue plan dollars into our own community. For all of these reasons, the City of Milwaukee is opposed to the passage of AB 834.

The City of Milwaukee would like to provide additional information on AB 837, relating to grants for law enforcement officer recruiting and bonuses for law enforcement officers. The City of Milwaukee certainly recognizes that law enforcement officer recruitment and retention have been difficult in recent history. However, AB 837 would cause significant costs to local governments that are already struggling to make ends meet under the current shared revenue system. AB 837 would require that every law enforcement agency give current law enforcement officers a one-time, \$2,000 bonus. \$1,000 would come from the Wisconsin Department of Justice while the other \$1,000 would need to be matched by local departments. The City of Milwaukee has more than 1,600 law enforcement officers, which means that AB 837 would require the City of Milwaukee to pay out over \$1,600,000 in bonuses. The City of Milwaukee already spends over \$280 million on the Milwaukee Police Department budget, by far the largest annual budget expenditure for the City of Milwaukee. The City of Milwaukee is concerned that this aspect of AB 837 may impose an unfunded mandate by the Legislature onto already strapped municipalities.

Thank you for your consideration. Please contact Jordan Primakow, Intergovernmental Relations Division, jprima@milwaukee.gov or 414-708-6433, for any questions.



Wisconsin State Lodge *Fraternal Order of Police*



PO Box 206 West Bend, WI 53095

Ryan Windorff
President

Shane Wrucke
Secretary

January 12, 2022

Wisconsin Fraternal Order of Police Testimony in Support of Assembly Bills 831, 832, 833, 834, 837

Assembly Committee on Criminal Justice and Public Safety

Thank you, Representative Spiros and fellow committee members, for the opportunity to provide testimony in support of Assembly Bills 830, 831, 832, 833, 834, 837. My name is Ryan Windorff, and I am the President of the Wisconsin State Lodge of the Fraternal Order of Police.

The law enforcement profession in many areas of our country, including Wisconsin, is at a tipping point. We are seeing record numbers of officers retiring at the first opportunity they can, officers resigning prior to retirement to enter the private sector, and the lowest number of new officers entering the profession in a decade. There are many reasons for these trends, not the least of which is the erosion of respect for law enforcement coupled with public figures promoting anti-police rhetoric and efforts to defund departments. Additionally, the starting salaries of law enforcement officers often does not reflect the increasing educational qualifications we demand of our officers. All of this with the recognition that law enforcement is an increasingly dangerous profession. This past year, violence directed at law enforcement officers surged. In 2021, 346 officers were shot in the line of duty, 63 of whom were killed by gunfire. There were 103 ambush-style attacks on law enforcement officers last year, which was an increase of 115% from 2020, and resulted in 130 officers being shot. Thirty of those officers were killed.

I have been contacted by many officers and had countless conversations about what is going on in our country, our state, and our communities. I have heard several officers that I know and respect tell me that they were considering leaving law enforcement because it is “no longer worth it”. No longer worth it to work the hours they do, no longer worth it to sacrifice time with family and friends, no longer worth it to risk their lives to help complete strangers, and no longer worth it to deal with the worst our society has to offer when the public no longer supports them or even WANTS them.

I understand why one would have these feelings, and can empathize with them, however I personally have never been MORE PROUD to be a law enforcement officer. Who else would continue doing their jobs while being screamed at, spit on, villainized in the media and by some elected officials, and called “bastards” “racists” and many more labels. It takes a special kind of person to do that and continue to hold the line, and that’s what we are.

We want officers to know that they are appreciated by the honest and law-abiding community members they



Wisconsin State Lodge *Fraternal Order of Police*



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swore to protect. We want our young people to know that law enforcement is still a noble profession and that the people of our state value and appreciate those who dedicate their lives to it. We want people with diverse backgrounds looking for career changes to be financially able to make the change by allowing them to attend a law enforcement academy. And we want to recruit the best and the brightest officers from across the country to join us in Wisconsin, where we have the best trained and highest quality law enforcement in the country.

AB831, AB832, and AB837 would make great strides in correcting this dangerous direction we are heading. This legislation will show citizens of Wisconsin young and old, existing Wisconsin officers, and out of state officers that Wisconsin values their law enforcement officers and is willing to make an investment in them.

AB833 would provide much needed funding for smaller departments to onboard and equip part-time officers. In many areas of our state part-time officers are an essential part of providing law enforcement services to the community. These officers work patrol, special events, secure our courtrooms, perform prisoner transports, and other duties the same as full-time officers, budget constraints often mean that they are equipped with outdated and inferior equipment or required to purchase their own equipment. A properly fit ballistic vest alone can cost more than \$1,000 and needs to be replaced every five years. The Wisconsin FOP has for years administered a ballistic vest program where we purchase and equip officers with custom tailored ballistic vests if their departments do not supply them. Nearly all of the recipients of ballistic vests through this program have been part-time officers. Additionally, funding in this bill can be used by agencies to pay for physical exams, drug tests, and pre-employment psychological exams to ensure that these officers are fit for duty.

AB834 would restrict a county or municipality, a board of fire and police commissioners, a sheriff or chief, or mayor or common council from restricting a law enforcement officer's ability to seek or execute an unannounced or "no-knock" search warrant. No-knock search warrants are a necessary tool for law enforcement when certain dangerous circumstances arise. As someone who has executed hundreds of search warrants in my career, including no-knock search warrants, I can assure you that the safety of civilians and law enforcement personnel is the top priority when planning these complex operations. Although it is preferable to mitigate threats that would justify a no-knock warrant, sometimes it is unavoidable to meet an immediate law enforcement objective. There has been much discussion about no-knock search warrants after recent high-profile incidents but no collective data about their use and their outcomes. We previously testified in support of AB329 that would collect data on the use of no-knock warrants throughout the state. The data collected through the passage of that bill would be instrumental in fostering an honest, fact-based discussion about their prevalence and application. Arbitrarily banning the use of no-knock warrants, as we have seen in at least one city in Wisconsin, only endangers the lives of officers and citizens. This bill is imperative to preserve this tool for officers putting their lives on the line to arrest violent criminals and maintain consistency throughout our state.

Thank you again for the opportunity to testify in support of this bill, and I am happy to answer any questions you may have.