STATE SENATOR **JESSE JAMES** 23RD DISTRICT

September 17th, 2025

Senator Wanggaard, Chair

Members of the Senate Committee on Judiciary and Public Safety

Testimony on 2025 Senate Bill 227

Relating to: the law enforcement officers' bill of rights.

Thank you, Chairman Wanggaard and members of the committee, for hearing my testimony on Senate Bill 227 today.

Under current law, Wisconsin has a Law Enforcement Officers' Bill of Rights that protects certain fundamental rights of officers, including engaging in political activity and running for office, and rights when under interrogation. However, these protections apply only to law enforcement officers employed by a city, village, town, or county. State law enforcement officers are explicitly excluded under Section 164.05 of the Wisconsin Statutes. This exemption means that officers employed by the state do not enjoy the same rights and protections as their local counterparts.

This bill of rights was first enacted in 1979 to protect Milwaukee police officers, and in 1993 it was expanded to cover officers employed by municipalities and counties across the state. But state officers who also serve the public by detecting and preventing crime, enforcing our laws, and making arrests, were left out.

This disparity undermines the principles of equity and fairness that are central to the mission of law enforcement. By removing Section 164.05 and applying this bill of rights to state law enforcement officers, Wisconsin can ensure equal protections for all officers, regardless of whether they serve at the local or state level.

Eliminating the exemption will strengthen trust and foster a more unified law enforcement community, one that is better supported to serve and protect Wisconsin citizens. Thank you, and I will take any questions at this time.

Respectfully,

Senator Jesse James

23rd Senate District

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JOY GOEBEN
STATE REPRESENTATIVE • 5th ASSEMBLY DISTRICT

Senate Committee on Judiciary and Public Safety

Senate Bill 227
Representative Goeben
September 17, 2025

Thank you Chairman Wanggaard, Vice Chair James and members of the committee for the opportunity to submit testimony today in support of Senate Bill 227, legislation that corrects a longstanding inequity in Wisconsin law by extending the protections of the Law Enforcement Officers Bill of Rights to all law enforcement officers, regardless of their jurisdiction.

The Law Enforcement Officers Bill of Rights (LEOBR), codified in Chapter 164 of the Wisconsin Statutes, was enacted in 1979 to safeguard the rights of Milwaukee police officers during investigations and disciplinary proceedings. In 1993, its scope was expanded to include officers employed by a city, village, town, or county. These protections cover critical areas such as the manner in which interrogations are conducted, safeguards related to political activity and candidacy for office, and protections against employment discrimination based on the exercise of these rights.

Yet, under current law, Section 164.05 creates an exemption that denies state law enforcement officers these same protections. Senate Bill 227 remedies this imbalance by repealing Section 164.05 and ensuring that the LEOBR applies uniformly to *any person employed by the state or by a city, village, town, or county for the purpose of detecting and preventing crime and enforcing laws or ordinances, who is authorized to make arrests for violations of those laws or ordinances*.

The exclusion of state officers undermines the principles of equity and justice that are core to law enforcement's mission. Officers working at the state level face the same risks, challenges, and responsibilities as their local counterparts. They deserve the same assurances of fairness, due process, and workplace protections. By passing SB 227, Wisconsin will bring consistency to the law, reinforce confidence in disciplinary processes, and strengthen unity across all levels of law enforcement.

In conclusion, I respectfully urge the Committee to advance Senate Bill 227. By doing so, you will affirm Wisconsin's commitment to fairness, equity, and justice for those who dedicate their lives to protecting our communities.

Thank you for your time and consideration.

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Testimony in Support of Senate Bill 227
Senate Committee on Judiciary and Public Safety

September 17, 2025

Chairperson Wanggaard and Members of the Senate Committee on Judiciary and Public Safety:

My name is Ethan Rehberg, and I am the Sergeant at Arms of Wisconsin State Patrol Lodge #17 of the Wisconsin Fraternal Order of Police. The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with over 382,000 members in more than 2,200 lodges. The Wisconsin Fraternal Order of Police proudly represents more than 3,600 members in 34 lodges throughout the state. Thank you for the opportunity to testify today in strong support of Senate Bill 227.

Senate Bill 227 repeals s. 164.05, Wis. Stats., to extend the protections of Wisconsin's Law Enforcement Officers' Bill of Rights (LEOBOR) to all law enforcement officers, including those employed by the state—such as Wisconsin State Patrol Troopers, Department of Natural Resources Conservation Wardens, State Capitol Police Officers, University of Wisconsin Police Officers, and Department of Justice and Department of Revenue Special Agents. Currently, LEOBOR applies only to officers employed by cities, villages, towns, or counties, leaving state-employed officers without critical due process rights, including the right to a representative of their choice during investigatory interviews, as well as protections against political activity discrimination, regulated interrogation procedures, the right to review and respond to complaints, and protection against retaliation for exercising rights. This gap is being exploited by some state law enforcement agencies, denying officers their fundamental due process rights, especially given that law enforcement officers are frequently the subject of investigations and increased scrutiny due to the nature of their job, and deserve due process like everyone else.

A compelling example underscores this urgent need. In a recent 2023 case, a state officer was investigated for minor tardiness by a state agency that leveraged the fact that this statute does not apply to state law enforcement to deny the officer due process. The officer was initially represented by their chosen steward during an investigatory interview. However, for the subsequent pre-disciplinary meeting, management assigned a different representative due to purported scheduling issues, despite the officer's explicit request to retain their original steward, who was familiar with the case. Management denied the rescheduling request, claiming urgency, and failed to provide the new representative with the requested investigatory materials, leaving them unprepared. A second meeting was hastily scheduled to address this oversight, intensifying the officer's stress.

The union grieved this, arguing violations of the collective bargaining agreement, due process, and s. 164.02(1)(b), Wis. Stats. An arbitration hearing on October 16, 2024, resulted in an award on December 3, 2024, where the arbitrator upheld a one-day suspension for tardiness. Critically, the arbitrator acknowledged the officer's statutory right under s. 164.02(1)(b) to a representative of their choice but ruled this right unenforceable

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due to the lack of a remedy, stating, "Wis. Stat. 164.02(1)(b) does not provide for any relief when an officer is denied his or her right to select the representative of their choosing." This decision exposes a glaring loophole: state agencies can deny officers their chosen representation without consequence, a protection local officers already enjoy under LEOBOR.

Without Senate Bill 227, state officers remain at risk of such injustices, lacking not only the right to a chosen representative but also protections against political retaliation, unfair interrogations conducted at unreasonable times or without recording, the inability to review and respond to complaints before discipline, and vulnerability to retaliation for asserting rights. This bill is essential to close this exploitable gap, ensuring all officers have enforceable due process rights, reducing unfair disciplinary actions, and reinforcing trust in our law enforcement system. It imposes no undue burden on employers and aligns with Wisconsin's commitment to equitable treatment for those who serve and protect our communities under constant scrutiny.

The WFOP strongly urges the committee to advance Senate Bill 227 favorably. Thank you for your time. I am available to answer questions.