



PATRICK TESTIN

STATE SENATOR

DATE: April 7th, 2021

RE: Testimony on 2021 Assembly Bill 190

TO: The Assembly Committee on Criminal Justice and Public Safety

FROM: Senator Patrick Testin

I would like to thank Chairman Spiros and the members of the Assembly Committee on Criminal Justice and Public Safety for allowing me to testify today on Assembly Bill 190 (AB 190).

The purpose of this bill is to provide law enforcement agencies across the state with better resources to help recruit, hire, and retain the best and brightest.

Currently, law enforcement agencies are permitted to enter into non-disclosure agreements, which prevents a hiring agency from seeing all of the information in a candidate's file. Thus, these agencies are not able to receive all of the information they might need on a candidate to make a hiring decision. This bill honors current nondisclosure agreements but prohibits their use going forward. From this point forwards, AB 190 creates an employment file that is required to be transferred to any potential new law enforcement agency employer.

This file would include performance reviews, files related to job performance, internal affairs investigative files, administrative files, previous personnel applications, personnel-related claims, disciplinary actions, and all substantiated complaints and commendations. It would not include pay or benefit information, administrative data or information that does not relate to performance or conduct, or medical files unless the medical file relates to mental competency issues bearing on the person's suitability for a job in this field.

In Wisconsin, the Law Enforcement Standards Board already regulates the training of law enforcement officers. This bill expands their scope to include jail and juvenile detention officer training standards and the regulation of recruitment standards for new law enforcement, jail, and juvenile detention officers. Additionally, the bill gives the LESB the authority to decertify an officer for a variety of reasons including failure to comply with LESB rules, falsifying information, engaging in domestic abuse, and failure to pay child support.

Thank you again Chairman and members of the committee for hearing my testimony. I hope you will join the Wisconsin Association of Police Chiefs, Badger State Sheriff's Association, Wisconsin Sheriffs and Deputy Sheriffs Association, the Wisconsin Professional Police Association, and the Wisconsin DOJ in support of this bill.



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

Josh Kaul
Attorney General

Room 114 East, State Capitol
PO Box 7857
Madison WI 53707-7857
(608) 266-1221
TTY 1-800-947-3529

PREPARED TESTIMONY OF ATTORNEY GENERAL JOSH KAUL

Assembly Committee on Criminal Justice and Public Safety

Wednesday, April 7, 2021

Chairperson Spiros, Vice-Chair Horlacher, and Members of the Committee:

Thank you for holding a hearing today on Assembly Bill 190, legislation that expands the Law Enforcement Standards Board's (LESB) oversight over the recruitment and training standards for law enforcement, jail, and juvenile detention officers, and increases transparency in the hiring process by requiring the disclosure of employment files.

I would also like to thank Senators Testin and Taylor and Representatives Tusler Cabral-Guevara for introducing this legislation, as well as the Badger State Sheriffs Association, the Wisconsin Sheriffs and Deputy Sheriffs Association, the Wisconsin Chiefs of Police Association, the Wisconsin Professional Police Association, the Milwaukee Police Association, and the Wisconsin Troopers Association for supporting it.

Because law enforcement is a profession that is entrusted with maintaining public safety, it is critical that we ensure that the best and most highly qualified individuals are hired into these important positions. The LESB is tasked with overseeing the training and certification of sworn Wisconsin law enforcement personnel. In addition, the LESB has the power to decertify law enforcement officers in certain situations. This proposal would expand the authority of the LESB to also regulate training standards for jail and juvenile detention officers, as well as to regulate standards for the recruitment of new law enforcement, jail, and juvenile detention officers.

In addition, this proposal would promote a more complete and thorough background check process by requiring candidates for positions as law enforcement, jail, and juvenile detention officers to authorize their previous (or current) employer (assuming it is also a law enforcement agency, jail, or juvenile detention facility) to disclose his or her employment file to the recruiting agency, jail or facility. If the candidate refuses to authorize this disclosure, he or she cannot be considered for employment or certification by the LESB. This simple change in the law will ensure

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that employers are making more informed hiring decisions regarding applicants who will assume critical public safety functions.

This proposal is not a new one. It has been introduced in previous legislative sessions and importantly, has been supported by multiple administrations at the Department of Justice (DOJ). The last time it was introduced, this proposal passed the Senate Committee on Judiciary and Public Safety unanimously, and was ultimately passed by the Wisconsin State Senate on a voice vote. It also passed the Assembly Committee on Criminal Justice and Public Safety unanimously but unfortunately was not taken up by the Wisconsin State Assembly prior to the end of the legislative session. I hope this proposal will be signed into law this session.

Again, thank you for holding a hearing on this legislation. If you have any questions or require any additional information, please do not hesitate to contact Chris McKinny, DOJ's Government Affairs Director, at 608-224-9207 or McKinnyCJ@doj.state.wi.us.



To: Members, Assembly Committee on Criminal Justice and Public Safety
From: Badger State Sheriffs' Association (BSSA)
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)
Date: April 7, 2021
RE: Support for Assembly Bill 190, relating to the responsibilities of the Law Enforcement Standards Board

Our organizations submit these comments in support for Senate Bill 165, which will update practices of the Law Enforcement Standards Board (LESB) and streamline hiring practices for law enforcement.

Badger State Sheriffs' Association (BSSA) is a statewide organization representing all of Wisconsin's 72 Sheriffs and Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA) is a statewide organization representing over 1,000 members, including Sheriffs, Deputies, and jail officers. BSSA and WS&DSA have a joint legislative committee and work closely on public safety issues of concern to our members.

Under current law, the Wisconsin LESB sets standards for recruitment, education, and training for law enforcement. LESB also can certify and decertify law enforcement, tribal law enforcement, jail, or juvenile detention officers. LESB is an important regulatory body for law enforcement, ensuring minimum standards and developing valuable curriculum. SB 403 extends LESB oversight to also regulate jail and juvenile detention officer training standards, thereby further unifying minimum standards across law enforcement fields.

The bill also enhances the recruitment process for law enforcement. SB 403 will allow law enforcement hiring agencies to conduct more thorough background checks on candidates who currently hold, or have held law enforcement, jail, and/or juvenile detention officer positions elsewhere in the state.

The bill creates an "employment file" for law enforcement, tribal law enforcement, jail, or juvenile detention officers and requires that files can be inspected after the interviewing candidate signs a written waiver authorization to disclose the candidate's employment files. Complete with job performance and disciplinary information, these files will ensure that the hiring agency has accurate information about the candidate. If the candidate refuses to sign the waiver authorizing access to their current or past employment files, they become ineligible for employment as a law enforcement or jail officer. This process ensures that information is shared and officers with a problematic history cannot hide behind non-disclosure agreements.

BSSA and WS&DSA fully support this legislation and encourage committee approval.



April 7, 2021

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

From: Bernie Coughlin, Verona Police Chief, Member of the Wisconsin Chiefs of Police Association

Re: Support Assembly Bill 190, Transparency of Officer Employment Files

Chairman Spiros, thank you for your willingness to hold a hearing on this important bill. I also want to thank the Assembly authors, Representative Tusler and Representative Cabral-Guevara, for introducing this important bill. I am also appreciative for our lead Senate authors Senator Testin and Senator Taylor.

I urge support of Assembly Bill 190 and appreciate the bipartisan approach and support of this legislation.

The Wisconsin Chiefs of Police Association supports all additional transparency measures that help our agencies employ the best and most qualified officers. This bill is another positive change that will assist this cause.

Assembly Bill 190 makes it easier for agencies hiring individuals to track the records of applicants by requiring an employment file be maintained by their current employer that will then transfer to the employee's new department. Additionally, the bill assists our departments and communities by requiring statewide uniform training standards for law enforcement officers, helping new officers receive the most up-to-date training.

This bill is a meaningful reform that will assist all Police Chiefs and departments across the state. I am grateful to the authors for their desire to work with law enforcement throughout this process, and for their willingness to lead on this issue.

I appreciate being able to testify before the committee today. I look forward to taking any questions you may have.