

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Corrections and
Courts
(AC-CC)

(Form Updated: 07/24/2009)

COMMITTEE NOTICES ...

➤ Committee Reports ... CR
**

➤ Executive Sessions ... ES
**

➤ Public Hearings ... PH
**

➤ Record of Comm. Proceedings ... RCP
**

**INFORMATION COLLECTED BY COMMITTEE
FOR AND AGAINST PROPOSAL ...**

➤ Appointments ... Appt
**

Name:

➤ Clearinghouse Rules ... CRule
**

➤ Hearing Records ... HR (bills and resolutions)
** **07hr_ab0787_AC-CC_pt01**

➤ Miscellaneous ... Misc
**

()

Assembly Committee on Corrections and the Courts

DATE _____
 Moved by Pow Seconded by Was
 AB 787 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____
 A _____ SR _____ Other _____
 A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

AB 787

Be recommended for:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |

#	Committee Member	Aye	No	Absent	Not voting
1.	Rep. Garey Bies, chair	1			
2.	Rep. Phil Montgomery, vice-chair	2			
3.	Rep. Dean Kaufert		1		
4.	Rep. Carol Owens				
5.	Rep. Steve Kestell		2		
6.	Rep. Daniel LeMahieu		3		
7.	Rep. Joe Parisi	3			
8.	Rep. Mark Pocan	4			
9.	Rep. Sheldon Wasserman	5			
10.	Rep. Sony Pope-Roberts				
11.	Rep. Donna Seidel	6			
Totals		6	3		

ARPT

MOTION CARRIED MOTION FAILED

Assembly Committee on Corrections and the Courts

DATE _____
 Moved by Puri Seconded by Bies
 AB 787 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____
 A _____ SR _____ Other _____
 A/S Amdt a1328
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence

	Committee Member	Aye	No	Absent	Not voting
1.	Rep. Garey Bies, chair	1			
2.	Rep. Phil Montgomery, vice-chair	2			
3.	Rep. Dean Kaufert	3			
4.	Rep. Carol Owens				
5.	Rep. Steve Kestell	4			
6.	Rep. Daniel LeMahieu	5			
7.	Rep. Joe Parisi	6			
8.	Rep. Mark Pocan	7			
9.	Rep. Sheldon Wasserman	8			
10.	Rep. Sondy Pope-Roberts				
11.	Rep. Donna Seidel	9			
Totals		9	0		

MOTION CARRIED MOTION FAILED

Assembly Committee on Corrections and the Courts

DATE _____
 Moved by Puti Seconded by Was
 AB 787 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____
 A _____ SR _____ Other _____
 A/S Amdt a 1329
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- | | |
|--|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input checked="" type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |

#	Committee Member	Aye	No	Absent	Not voting
1.	Rep. Garey Bies, chair	1			
2.	Rep. Phil Montgomery, vice-chair	2			
3.	Rep. Dean Kaufert		1		
4.	Rep. Carol Owens				
5.	Rep. Steve Kestell		2		
6.	Rep. Daniel LeMahieu		3		
7.	Rep. Joe Parisi	3			
8.	Rep. Mark Pocan	4			
9.	Rep. Sheldon Wasserman	5			
10.	Rep. Sody Pope-Roberts				
11.	Rep. Donna Seidel	6			
Totals					

MOTION CARRIED MOTION FAILED
 s:\comclerk\rollcall.1

Assembly Committee on Corrections and the Courts

DATE _____ Moved by Par Seconded by Sei
 AB 787 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____
 A _____ SR _____ Other _____
 A/S Amdt a1331
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrency

	Committee Member	Aye	No	Absent	Not voting
1.	Rep. Garey Bies, chair	1			
2.	Rep. Phil Montgomery, vice-chair	2			
3.	Rep. Dean Kaufert		1		
4.	Rep. Carol Owens				
5.	Rep. Steve Kestell		2		
6.	Rep. Daniel LeMahieu		3		
7.	Rep. Joe Parisi	3			
8.	Rep. Mark Pocan	4			
9.	Rep. Sheldon Wasserman	5			
10.	Rep. SONDY POPE-ROBERTS				
11.	Rep. Donna Seidel	6			
Totals					

MOTION CARRIED
 MOTION FAILED





Memorandum

To: Members, Assembly Corrections and the Courts Committee

From: Rep. Garey Bies, Chair

Date: February 20th, 2008

Re: Additional Amendments for AB 787

Attached to this memo, please find a copy of two additional amendments to AB 787 from Rep. Hraychuck.

First for Wisconsin!

Capitol: P.O. 8952, Madison, WI 53708-8952 • (608) 266-5350 • Fax: (608) 282-3601
Toll-Free: (888) 482-0001 • Rep.Bies@legis.state.wi.us

Home: 2590 Settlement Road, Sister Bay, WI 54234 • (920) 854-2811





ANN HRAYCHUCK
STATE REPRESENTATIVE

February 21, 2008

**Testimony of Rep. Ann Hraychuck
Before the Assembly Committee on Corrections and Courts
Regarding Assembly Bill 787**

Good morning, Chairman Bies and committee members. I appreciate the opportunity to provide you with information about Assembly Bill 787.

Assembly Bill 787 requires that a candidate for a full-time law enforcement position must complete a psychological evaluation prior to being hired, and directs the Law Enforcement Standards Board to determine the content of the evaluation. This 15-member board is charged with the responsibility to set the minimum qualification standards for law enforcement officers in Wisconsin.

In addition, this bill requires the Board to submit a report to the legislature that evaluates the effectiveness of the psychological evaluation requirement, and also makes a recommendation as to whether psychological evaluations should be required for part-time officers and officers assigned to special weapons or tactical units.

Per my conversation with the Department of Justice, I am amending the bill to extend the implementation timeline from January 1st, 2009 to July 1st, 2009, and give the Board until July 1st, 2011 to submit their report to the legislature. The second amendment clarifies that each time a law enforcement officer is hired by a different department or agency, a psychological evaluation must be completed. And finally the third amendment clarifies that Department of Natural Resources rangers who are authorized to carry weapons are also included in the scope of this bill. Conservation wardens were included in the original draft of the legislation.

Current law requires that to be hired as a law enforcement officer in our state the applicant shall be free from any physical, emotional or mental conditions which might adversely affect the performance of their duties. How does an administrator quantify that a candidate is free from emotional or mental conditions without the evaluation of a licensed professional? We require applicants to be examined by a physician to determine physical fitness, but we do not require a psychological evaluation. This legislation would fill this void and give law enforcement administrators another tool to assist in the hiring process.

Throughout my 32-year law enforcement career, and particularly as Polk County Sheriff, I have strongly believed that the wisest investment of taxpayers' dollars was spending time and resources on hiring and retaining the right people. This legislation is the result of months of discussion with the Department of Justice, law enforcement groups from around the state and nation, the Department of Natural Resources, and the families of the victims of the Crandon shootings.

Thank you for your consideration. I would be happy to answer any questions that you may have.



Memorandum



**To: Chair, Representative Garey Bies and
Members of the Corrections and Courts Committee**

From: Alice O'Connor on behalf of the Wisconsin Chiefs of Police Association

Re: Information Only on AB 787

Date: February 21, 2008

Thank you Chairman Bies and Members of the Corrections and Courts Committee for the opportunity to speak for information only today on behalf of the Wisconsin Chiefs of Police Association, that represents 357 Wisconsin law enforcement leaders. The Chiefs discussed this bill at length at their annual meeting which is still taking place and they formalized a position of "no position" at this point in time because they have remaining questions. They do however appreciate the efforts of the legislators to address the tragic Crandon shooting and want to convey that many law enforcement agencies across the state already conduct psychological testing on law enforcement candidates, so it is already taking place without this legislation.

Questions the Wisconsin Chiefs of Police Association still have regarding this legislation include:

1. Most law enforcement agencies already undergo psychological testing for a candidate interested in a law enforcement position. Since the evaluation requirement applies to all new hires appointed on or after January 1, 2009, is this a realistic timetable to get a system in place?
2. The bill requires local law enforcement agencies and state agencies that employ law enforcement officers to review the psychological evaluation before the individual is approved as a full-time law enforcement officer. Will this process be clarified under the promulgation of rules by the Law Enforcement Standards Board? Time will be needed to get protocols in place.
3. Since the Board has to promulgate rules for the content that is required to be covered by a psychological evaluation and submit a report to the legislature by April 1, 2010, again the Wisconsin Chiefs of Police Association are concerned that this timeframe might be unrealistic.

4. Is there a specific psychological evaluation that law enforcement should be using that will be more likely to uncover an individual's propensity to have mental health issues? Does Wisconsin have the skilled professionals who can make this assessment?
5. Will the psychological tests currently being used by law enforcement agencies with a high degree of satisfaction be acceptable?
6. In the follow up report, if psychological evaluations are required for part-time or limited term law enforcement, are there any guesstimates as to what the cost will be and who will bear those costs?
7. Is there any way to reward the many law enforcement agencies in Wisconsin who already have psychological testing programs in place?
8. What will the liability be for a local unit of government if a candidate passes a psychological testing exam but later on engages in unfitting behavior that causes harm? What role will the psychological exam play in determining liability issues?

The Wisconsin Chiefs of police look forward to working with the main authors of this legislation to clarify some of the remaining questions.

AOC:rsg
070053
AB 787 Corrections & Courts Committee 2-21-08 Mm



Good Morning Rep. Hraychuck and members of the committee.

My name is Dennis Kruger and I represent the WI Troopers Assoc. I retired from the WSP as a Trooper Sgt just over a year ago. During that time I was a Background Investigator for 17 years and assisted with the hiring process of State Troopers.

The WTA is opposed to this bill as written for several reasons. We believe that every police officer should be given psychological tests prior to hiring, not just full time officers. Many departments hire part time officers as a cost savings measure.

Another concern is how these tests are given. Will the low bid win the right to test police officers? Will anybody do a background check on the testers?

Who pays for the testing that can go as high as \$1000.00 per officer. Does the DOJ have funds for this? I don't think so.



The law provides for testing for officers assigned to a special weapons and tactics team. What if the officer has already passed a psychological exam. What happens if he fails this one? Is his job gone? What happens?

This bill needs much more work. Don't let one incident lead to the rush to pass a law that has not been thoroughly thought out.

The WTA recommends that a task force be set up to work out guidelines for the testing. The task force needs to be comprised of medical professionals, representatives from Training and Standards, Police Managers, labor organizations, Training Academies and the street level officers.

Thank you for allowing me to speak on this bill.





No
Date

**Written Testimony of Representative Garey Bies
Assembly Committee on Corrections and the Courts
Assembly Bill 787 – Psychiatric Evaluations for Law Enforcement**

Good morning fellow committee members, I will speak just briefly on Assembly 787.

As many of you know, I come from serving 30 years in the Door County Sheriff's Department. Twenty years ago, our Department began utilizing psychiatric evaluations for our new officers. I speak with first-hand experience as to the value of psychiatric evaluations for new hires. Our Department found the psychiatric evaluations very useful as another tool to make sure our new deputies were fully capable of handling the responsibilities and stresses of being law enforcement officers. It was our Department's position that these psychiatric assessments were critical before we hired a new deputy, gave them a gun and put them behind the wheel of a squad car.

When Rep. Hraychuck and I began working on this legislation, I was surprised by how many departments throughout the state *did not* utilize psychiatric evaluations. Being from a small department in Northeast Wisconsin, I assumed that if we used the evaluations that most departments throughout the state did as well. I believe these evaluations are an important tool, and while it is unfortunate that such a tragic event brought this issue to light, I think it is important that we take this opportunity to make a change and move this legislation forward.

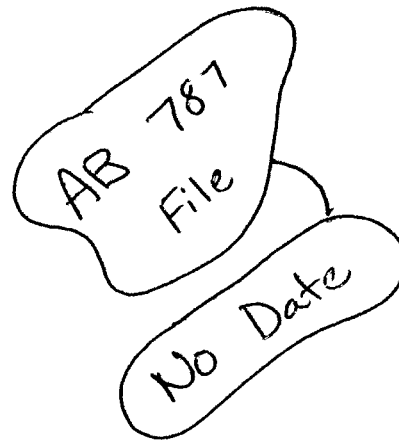
Thank you again for the opportunity to speak in support of Assembly Bill 787 and I would be happy to answer any questions that you may have.

First for Wisconsin!



The following questions were sent out on the Badger State Sheriffs Association listserv, and within two days over 30 sheriffs responded. Attached are the results.

- 1) Does your agency currently require new hires to do psychological evaluations?
- 2) Does your agency require any additional psychological evaluations after hire, like before being assigned to a special assignment?
- 3) Should employees who leave one agency be required to re-test before going to work for another agency?



Hand-drawn sticky notes with the following text:

- AB 787
- File
- No Date

County	EVALS	ADD'L EVALS POST-HIRE	RE-TEST FOR AGENCY CHANGE
Bayfield	Yes	No	Yes
Burnett	Yes	No (unless involved in shooting)	N/A
Calumet	Yes	No	Yes
Clark	Yes	No	Yes
Columbia	Yes	No	No
Dane	Yes	No	Yes
Dodge	Yes	N/A	N/A
Door County	Yes	No	No
Eau Claire	Yes	N/A	N/A
Grant	No	No	No
Iowa	Yes	No	No
Jackson	Yes	Maybe, for promotions/transfers	Yes
Juneau	Yes	Yes, if Necessary	Yes
Kenosha	Yes	No	Yes
Kewaunee	Yes	No	Yes
Langlade	Yes	No	Yes
Lincoln	Yes	No	Left to discretion of agency
Marinette	No	No	Yes
Oconto	Yes	No	Yes
Oneida	Yes	No	Yes
Pierce	Yes	No	Yes
Polk	Yes	No	Yes
Portage	Yes	N/A	N/A
Price	Yes	N/A	Yes
Racine	Yes	No	Yes
Sauk	Yes	No	Maybe
Sawyer	Yes	N/A	N/A
Shawano	Yes	No	Yes
St.Croix	Yes	No	Yes
Walworth	Yes	No	Yes
Waupaca	Yes	No	Yes
Waushara	N/A	N/A	No



Amendments

AB 787
File

- Extending Timeline
- Clarifies that an ~~new~~ officer being hired by a new dept. must undergo evaluation.
- DNR targets included.

26 other states ^{have evds.} incl mdil

Why react to this one instance

↳ react to make improvements.

↳ Many areas have this, where the incident occurred, evds where not in place.

Are these standardized evaluations?

LESB will do a study to come up with standards.

If we condition this test and another incident occurs, does it open the depts to further liability.

Unfunded Mandate

More from families

AB 787
File

From part to regular

Regular follow-ups

Following incidents of deadly force.

Never be 100% effective,
but anything that can be
done is good.

Trooper want it to apply
to all, not just full-time.

→ concern for costs