



WISCONSIN STATE REPRESENTATIVE

Shelia Stubbs

77TH ASSEMBLY DISTRICT

Tuesday, May 18th

Assembly Committee on Government Accountability and Oversight

Good morning Chairman Knodl and Members of the Committee,

The Speaker's Taskforce on Racial Disparities spent seven months coming to consensus on creating real reforms in our policing system. This taskforce was co-chaired by myself and Representative Steineke, and was comprised of community leaders, leaders of faith, and experts in law enforcement. In this time we created 18 recommendations that are now being realized through policy. The legislation in front of the committee today would improve accountability and will help heal divide between law enforcement and community.

Assembly Bill 134 will prohibit the use of chokeholds by officers except in life or death situations. In the Taskforce's discussion, it was voiced by community leaders that chokeholds constitute deadly force. This bill would ensure that the use of chokeholds will never become a standard practice in the state of Wisconsin. Representative Steineke and I introduced an amendment to include curated artery restraints into the definition of chokeholds. This improves the bill by ensuring that all restraints that cut off life sustaining processes are clearly defined in statute.

Assembly Bill 110 will ensure that use of force policies are made publically available to the community. Transparency is a key element in repairing the relationship between community and law enforcement. Making use of force policies publically available will ensure that community can oversee the policies of their local departments, and hold them accountable when needed. In addition, this measure will help law enforcement communicate their standards for use of force to the public they serve.

Assembly Bill 109 requires the Department of Justice to collect data on use of force incidents, including instances when a firearm is discharged at a person, or when serious bodily harm results from an incident. This bill is a step in the right direction because it will show through data what communities are impacted by use of force instances, and how often they occur in Wisconsin. However, the Taskforce recommends that this bill go even further, and that any instance of aiming a firearm should be reported.

All three of these bills highlight a different area of the Taskforce's recommendations, and I am proud to write in support of them today. These bipartisan bills show real promise at addressing some of the concerns in our law enforcement system. I am proud to see that this avenue of real action is open, and that real reforms can continue to be made in Wisconsin.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelia Stubbs". The signature is written in a cursive, flowing style.

Representative Shelia Stubbs



May 18, 2021

To: Chairman Knodl and Members of the Assembly Committee on Government Accountability and Oversight

From: Wisconsin Chiefs of Police Association (WCPA)

Re: Support Assembly Bill 134, Prohibiting Use of Choke Holds by Law Enforcement Officers in Use of Force Policies

Chairman Knodl, thank you for your willingness to hold a hearing on this bill. We want to thank lead Assembly authors Representatives Spiros and Armstrong for introducing this important bill. We are also grateful for our Senate authors Senator Wanggaard and Senator Taylor. Additionally, we want to thank committee members Representative Brandtjen and Representative Thiesfeldt for their co-sponsorship.

We urge support of Assembly Bill 134 and appreciate the bipartisan approach to this legislation.

Under the State of Wisconsin Defensive and Arrest Tactics (DAAT) manual, choke holds are not currently trained and have never been trained.

The Wisconsin Chiefs of Police Association is in favor of restricting the use of chokeholds, but an exception must remain for life threatening situations or in the act of self-defense. The absence of this critical exception will lead to officers using a greater amount of force than needed in certain situations.

Lastly, the Wisconsin Chiefs of Police Association appreciates the ongoing communication we have had with committee members on the issues being discussed today.



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Senator Lena Taylor's Written Testimony

Assembly Committee on Government Accountability And Oversight

Public Hearing AB 134/SB 121

May 18, 2021

Chairman Knodl, Vice-Chair Brandtjen and members of the Assembly Committee on Government Accountability and Oversight, I sincerely appreciate the opportunity to appear before you today on a bill that is both consequential and life-saving.

Assembly Bill 134 prohibits the use of choke holds by law enforcement officers in use of force policies, except in life-threatening situations or in self-defense.

First of all, let me say that I am not naïve. This bill is only as good, as those charged with enforcement. After all, a number of the nation's largest police departments banned chokeholds dating back nearly 38 years ago:

- The Los Angeles Police Department banned what they called the "bar-arm chokehold" in 1982.
- The New York Police Department banned chokeholds in 1993, except when an officer's life is in danger.
- The Chicago Police Department banned chokeholds in 2012.
- Philadelphia and Houston have similar policies, as well

In fact in a 2020 news story, NPR revealed that over the past 20 years, there has been no shortage of people who have died, after neck restraints were used in their arrest.

As a former public defender, I am familiar with complaints about chokeholds or neck restraints. I know that a chokehold, which restricts the airway when pressure is applied to the front of the neck, is only one form of a neck restraint.

The NPR story described the other form of a neck restraint: a stranglehold, which restricts blood flow to the brain when pressure is applied to the sides of the neck.



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

I remember watching the video of Eric Gardner, who died at the hands of a New York City police officer in 2014, as a result of a chokehold. Remember, I said chokeholds were banned in New York in 1993. They had been banned for 21 years, when Officer Daniel Pan-ta-LEO choked Eric Gardner to death.

In the same year of Eric Gardner's death, a New York City Civilian Complaint Review Board studied chokeholds. It found 100's of complaints a year alleging that New York police officers were still using the technique, and in fact, the use was on the rise.

In Minneapolis, a report by NBC, found that chokeholds or neck restraints, had been used by police at least 237 times since 2015 and caused 44 people to become unconscious.

I don't know the specific numbers of individuals that may have been placed in a neck restraint by law enforcement officers in Wisconsin. However, one - George Floyd, one - Eric Gardner, is one too many.

Again, I am not naïve. I don't believe that Senate Bill 121 is a cure-all. But what it represents, what it is says, is that the state of Wisconsin is definitively stating, that with the exception of a life-threatening situation or self-defense, that chokeholds are not legal in this state.

I believe that we should equip law enforcement with the necessary tools to keep them safe, but I also believe that we have to review those tools and ensure that they are used responsibly in the community.

We have a responsibility to ensure the safety of everyone and SB 121 is one way to aid in that effort. I ask you for your support for the bill and thank you for your time.



JIM STEINEKE

MAJORITY LEADER

STATE REPRESENTATIVE • 5th ASSEMBLY DISTRICT

(608) 266-2401
Toll-Free: (888) 534-0005
Rep.Steineke@legis.wi.gov

P.O. Box 8953
Madison, WI 53708-8953

Testimony on Assembly Bills 109, 110, and 134
Assembly Committee on Government Accountability and Oversight
Tuesday, May 18, 2021

Chairman Knodl and members,

I'd like to thank you for hearing these bills and discussing the issue of policing reforms and the crucial steps that have been put forward to move towards everyone in Wisconsin working together to improve the relationships between communities and law enforcement officers.

Recently, the report of the Speaker's Task Force 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 committee, 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.

I am encouraged that the legislative proposals heard today also received consensus in our subcommittee and continue to gain momentum in the Legislature. These bills aim to increase accountability and transparency with police officers, and address the following:

- Assembly Bill 109: requires the Wisconsin Department of Justice (DOJ) to publish an annual report on law enforcement use of force incidents. The task force generally supports this bill but would like to see this initiative go even farther and recommends that the DOJ collect data on other types of use-of-force incidents, such as any incident in which an officer draws his or her firearm at another person.
- Assembly Bill 110: requires use of force policies to be published online, either on the agency website or, if the agency does not have one, it may be posted on the municipality's website. The task force supports this bill as it is currently written.
- Assembly Bill 134: prohibits the use of chokeholds in a use of force policy. The task force supports this concept but would recommend that the bill be amended to include restriction of blood flow in the definition of "chokehold."

I am incredibly grateful to Representative Spiros and Senator Wanggaard who were willing to incorporate our recommendations, and make adjustments based on the consensus we found through our discussions with community leaders and law enforcement experts. I also want to thank my task force Co-chair, Representative Stubbs, for her work developing these recommendations. While there is more work to be done, these bills are a great step forward in addressing racial disparities in Wisconsin.



WISCONSIN CATHOLIC CONFERENCE

TO: Representative Daniel Knodl
Members, Assembly Committee on Government Accountability and Oversight

FROM: Barbara Sella, Associate Director, Wisconsin Catholic Conference

DATE: May 18, 2021

RE: Support for Policing Reform (Assembly Bills 108, 109, 110, and 134)

The Wisconsin Catholic Conference (WCC) appreciates the opportunity to offer testimony on behalf of the Roman Catholic bishops of Wisconsin in support of Assembly Bills 108, 109, 110, and 134.

The WCC strongly supports reporting use of force incidents, protecting those who report them, and making use of force policies and data accessible to the public (Assembly Bills 108, 109, and 110). While we would prefer a total ban on choke holds (which, as noted below, is the position of the United States Conference of Catholic Bishops or USCCB), we believe that Assembly Bill 134 is an important step forward.

Catholic teaching holds that the purpose of law and police is to promote justice. But justice can only be attained when police and other members of the law exercise self-control, mercy, and true respect for all the persons they encounter—persons made in the image and likeness of God and possessing the same inalienable rights as themselves.¹

Last year, following the unjust killing of George Floyd, the U.S. bishops wrote to the Members of the U.S. Congress that people of color are “often treated more harshly than other citizens in their encounters with the criminal justice system” such that “the racism and discrimination that continue to haunt our nation are reflected in similar ways in the criminal justice system.”²

The letter went on to support several policing reforms, including “collection of data on use-of-force, training towards de-escalation, work to end racial profiling, doing away with chokeholds, using body cameras, greater accountability and means of redress regarding those who exercise public authority, and a commission to study the issue further and make additional recommendations.”³

¹ USCCB letter to Members of Congress on Police Reform (June 24, 2020) <https://www.usccb.org/resources/2020-06-24-Letter-to-Senate-on-Police-Reform.pdf> and <https://www.usccb.org/resources/letter-house-police-reform-june-24-2020>.

² Ibid.

³ Ibid.

Our *WCC 2021 Public Policy Positions* call for addressing the root causes of racial bias and promoting racial justice and reconciliation, while continuing to support those who preserve public safety. They stress that “Law enforcement personnel have a responsibility to be peacemakers and they deserve the public’s respect and support in carrying out duties that are often dangerous and unpleasant.” At the same time, they urge that policing be transparent and accountable.⁴

These four bills, while not perfect, will make policing in Wisconsin more just, transparent, and accountable. They will encourage further reforms and help restore community trust. They demonstrate what can be accomplished through careful deliberation, stakeholder involvement, and bipartisan cooperation. We thank the authors and sponsors for introducing them and we respectfully urge this committee to pass them.

Thank you.

⁴ WCC 2021 Public Policy Positions (January 2021) <https://www.wisconsinatholic.org/wp-content/uploads/2021/01/2021-WCC-Public-Policy-Positions-FINAL.pdf>

JOHN SPIROS

State Representative • 86th Assembly District

Assembly Bills 108, 109, 110, 134

May 18, 2021

Testimony from Rep. Spiros

Thank you Chairman Knodl and members of the Assembly Committee on Government Accountability and Oversight for allowing me to submit testimony on Assembly Bills 108, 109, 110, and 134.

All four of these bills are part of the Public Safety PACT (Accountability, Community Involvement, and Transparency) legislation and are also suggestions from the Speaker's Task Force on Racial Disparities. Over this past year especially, police reform has been the topic of many conversations. I want to say right away that our officers have a very difficult job and many do an outstanding job in their fields. However, there are also some exceptions to this which has led to national media attention and a distrust of police in communities. These bills are meant to provide the public with more transparency and hold police accountable. Understanding between the police and the community is a key to bringing back trust and something all of these bills address.

Assembly Bill 108 requires law enforcement agencies to include in their use of force policies when use of force must be reported and how it should be reported. The bill also requires officers who observed a reportable use of force to report it and includes a whistleblower protection to protect the reporting employee.

Assembly Bill 109 requires DOJ to collect data and publish an annual report on use-of-force incidents. The specific data that must be collected includes: gender, ethnicity, age, time, date, location, whether the civilian was armed, reason for the initial contact with the individual, and other information to comply with the National Use-of-Force Data Collection. There will be a substitute amendment to this bill as a recommendation from the Speaker's Task Force on Racial Disparities. The substitute amendment provides a definition of "Use-of-force incident" thereby clarifying when reporting must be done.

Assembly Bill 110 requires law enforcement agencies to post their policies on use of force online. The bill also requires law enforcement to post a way to request a copy of the policy and if requested the agency must provide a copy at no charge within three business days.

Assembly Bill 134 prohibits the use of choke holds in agency use of force policies unless the officer is in a life-threatening situation or is using self-defense. Choke holds are not currently taught in Wisconsin, but this bill puts the specific requirement in statute. This bill will also have a substitute amendment from the Speaker's Task Force on Racial Disparities. The substitute amendment expands the definition of "choke hold" to include applying force to a carotid artery as to reduce blood flow to the head.

These bipartisan supported bills are a step in the right direction to provide more transparency in order to build back and continue the trust in our officers.

Thank you again for allowing me the opportunity to share testimony in support of these bills.



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON ASSEMBLY BILLS 108, 109, 110, AND 135

Thank you Mr. Chairman and members for today's hearings on Assembly Bills 108, 109, 110 and 135. I appreciate you hearing these bills, and allowing me to testify on them all at once.

The relationship between certain communities and the police did not deteriorate overnight, and it will not be fixed overnight. That's why last summer, I unveiled the PACT package of bills. PACT is an acronym standing for Police Accountability, Community Involvement and Transparency. Through the three principles of accountability, community involvement and transparency, we can rebuild the relationship between the police and the people they serve.

The bills before your committee today focus on two of those principles – accountability and transparency.

Assembly Bill 108 is one of the bills dealing with accountability. It requires law enforcement officers who witness uses of force to report the use of force incident to their department. It also requires each department to have a policy on when and how to report the use of force. Importantly, this bill also provides whistleblower protections to officers who report a use of force incident. I am currently working with Representative Steineke on defining "use of force" for the purposes of this bill, and am pleased that this bill has the blessing of the Speaker's Task Force on Racial Disparities.

Transparency is the focal point of the next two bills, Assembly Bills 109 & 110. Currently, a lot of data is collected about use of force incidents both by the state and the federal government. Unfortunately, while this data is collected, it is not often shared, and tracking the data between agencies is difficult. AB 109 takes care of this problem by requiring the state Department of Justice to collect data and publish an annual report about use of force incidents. In the Senate companion bill, an amendment was adopted after discussions with the Task Force, and I hope that the identical amendment will be adopted in the Assembly. The effect of the amended bill is to expand both the type of incident for which data is collected and the type of data collected. This will allow everyone to see what how force is used.

Similarly, AB 110 provides public access to use of force policies. It requires a police department to post their use of force policy on their website or a municipality website if the police does not

Serving Racine and Kenosha Counties - Senate District 21

have one. The posted policy must be the most recent policy and no longer than 12 months old. The police department website must also contain a link to request the most recent copy, which must be fulfilled within 3 business days.

The final bill returns to accountability. Assembly Bill 134 prohibits the authorization of the use of chokeholds except in life-threatening situations. Under the substitute amendment, authored by Representatives Steineke and Stubbs, a chokehold is defined as both blocking the windpipe, cutting off air and cutting off blood flow to the head, through a carotid hold. The Senate has already adopted this amendment, which was recommended by the task force.

The bills addressing community involvement are in different committees, one of which held a hearing today.

Knowing the rules, and knowing that people who do not follow the rules will be held responsible, is the key to building trust in an organization. That is true no matter the situation or organization – and it's not unique to policing. That means transparency and accountability. I know police officers around the state seek that, and these four bills help to deliver that.



Wisconsin State Lodge *Fraternal Order of Police*



PO Box 206 West Bend, WI 53095

Ryan Windorff
President

Shane Wrucke
Secretary

May 18, 2021

Wisconsin Fraternal Order of Police Testimony in Support of AB108, AB109, AB110, and AB134
Assembly Committee on Government Accountability and Oversight

Thank you, Chairman Knodl and fellow committee members for the opportunity to provide testimony in support of Assembly Bills 108, 109, 110, and 134. My name is Ryan Windorff, and I am the President of the Wisconsin State Lodge of the Fraternal Order of Police. The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with more than 356,000 members in more than 2,100 lodges. The Wisconsin State Lodge is made up of more than 2,300 members in 20 lodges throughout the state. We are committed to improving the working conditions of law enforcement officers and the safety of those we serve through education, legislation, information, community involvement, and employee representation.

The Fraternal Order of Police is working to bring effective, balanced, and fair improvements to policing in America. When citizens don't feel safe around police, we must rebuild community trust. These bills will increase transparency between law enforcement and the public and take needed steps to rebuild that trust.

Assembly Bills 108 and 110 expands current law that requires each law enforcement agency to have a use of force policy that is available for review by the public. The bills require these policies to be posted online, provide a means to request a copy of the policy, and mandates that the policy shall provide the instances in which a use of force must be reported, how to report a use of force, and requirement that officers who engage in or observe a reportable use of force must report it. Many departments are already doing the right things, with good policies and standards in place. These will ensure that departments stay up to date with the latest models and policies and allow the public easier access to these policies.

Assembly Bill 109 will require DOJ to collect data and publish an annual report on law enforcement use of force incidents and certain demographics of the individuals involved. The collection and analysis of data is critical to law enforcement because it guides the decision-making process with respect to deploying police assets, identifying potential problems, and improving public and officer safety. We are confident that the data will show what we as a profession already know, that law enforcement's use of force is extraordinarily rare, and that the times when force is used it is justified, legal, and reasonable under the circumstances. This data can be used to foster honest, fact-based discussions on police improvement and modernization.

Finally, Assembly Bill 134 provides that a law enforcement agency may not authorize in its use of force policy the use of choke holds by officers, except in life-threatening situations or in self-defense. The Fraternal Order of Police was a leader in the development of the National Consensus Policy on Use of Force. This document is a collaborative effort among 11 of the most significant law enforcement leadership and labor organizations in the United States. The policy reflects the best thinking of all consensus organizations and is intended to serve as a template for law enforcement agencies to compare and enhance their existing policies.



Wisconsin State Lodge *Fraternal Order of Police*



PO Box 206 West Bend, WI 53095

Ryan Windorff
President

Shane Wrucke
Secretary

The Consensus Policy recognizes that choke holds and vascular restraints are extremely dangerous maneuvers that can easily result in serious bodily injury or death. Given the inherently dangerous nature of these actions, the Consensus Policy allows their use only when deadly force is authorized. These techniques are not taught as part of Wisconsin's Defense and Arrest Tactics (DAAT) curriculum and this bill will ensure that agencies are following best practices and adhering to recognized DAAT standards.

Thank you again for the opportunity to testify in support of these four bills and I am happy to answer any questions you may have.



To: Members, Assembly Committee on Government Accountability and Oversight
From: Badger State Sheriffs' Association (BSSA)
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)
Date: May 18, 2021
RE: Testimony in Support of AB 108, 109, 110, 134

Chairman Knodl and committee members, thank you for the opportunity to testify today in support of Assembly Bills 108, 109, 110, and 134. My name is Sheriff Dale Schmidt, 1st Vice President and Legislative Chair of Badger State Sheriffs' Association. As way of background, BSSA is a statewide organization representing all of Wisconsin's 72 Sheriffs. 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.

Over the years, there have been major improvements in Wisconsin specific to the development of law governing officer conduct, the use-of-force, and officer involved deaths in the state. However, there is always room for improvement and the bills before you today are positive steps we can take as a state to enhance transparency and consistency across law enforcement agencies in this state.

Currently, Wisconsin requires all law enforcement agencies to have a use-of-force policy published and available for public scrutiny. AB 108 expands upon this policy and requires all law enforcement agencies to have a standard policy for reporting all use of force incidents and provides whistleblower protections for officers who report use of force incidents. This legislation will ensure the public clearly understand the information provided by law enforcement agencies.

Similarly, AB 110 ensures the public has easy access to the law enforcement agencies' use of form policy and requires agencies to have a link on their website to request their use of force policy; the policy must be provided to the requestor for free within three days. Law enforcement agencies continuously review and update their use of force policies, so this bill will make sure there is an available channel for the public to access this information.

AB 109 codifies reporting practices and requires the Department of Justice to publish an annual report on use of force incidents. In 2020, Wisconsin DOJ started collecting information on use-of-force instances and arrest-related deaths within law enforcement agencies' jurisdictions. In addition, law enforcement agencies also submit information to the FBI Data collection uniform crime reporting system. AB 109 synthesizes these various reporting mechanisms into a state report with required data elements on use of force incidents.

The last bill I would like to comment on today is AB 134, prohibiting the use of chokeholds in law enforcement use of force policies, except in life-threatening or self-defense situations. Currently, Wisconsin does not teach, as part of use of force any type of chokehold as a compliance alternative. AB 134 mirrors this current practice and ensures that statutorily,

Wisconsin continues to utilize best practices and follow the Defense and Arrest Tactics system training.

Thank you again for this opportunity to testify in support of these four bills.