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Testimony on Senate Bill 470 and Assembly Bill 331

Senate Committee on Judiciary and Public Safety

Thursday, October 28, 2021

Chairman Wanggaard and members,

I'd like to thank you for hearing Senate Bill 470 and Assembly Bill 331, which would require prospective law enforcement officers to complete a psychological examination prior to employment.

Earlier this year, the report of the Speaker's Task Force Subcommittee 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 subcommittee, 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.

This bill reflects the work on the subcommittee to help build further trust in our law enforcement officers. SB 470/AB 331 would require a psychological evaluation and to determine a prospective law enforcement officer's personality characteristics and suitability to perform his or her duties as an officer.

It is important to note, as a current condition to employment as a law enforcement officer, an individual must already meet several recruitment qualifications which are established by the Law Enforcement Safety Board (LESB). These qualifications ensure the applicant does not suffer from any physical, emotional or mental condition which might make affect adversely affect performance of duties as an officer. However, under current law, it does not require an individual to undergo a psychological evaluation as a condition of employment, though some agencies currently require these evaluations as a condition of hire.

Additionally, this bill would also require the LESB to promulgate administrative rules that will govern the administration and interpretation of these examinations, including the type of test administered.

Serving in law enforcement is an incredibly difficult job, and the duties of the position can often be emotionally, physically and psychologically taxing. Officers are often exposed to horrific crime scenes and forced to make difficult, split-second decisions. The primary goal of requiring a psychological evaluation is to ensure a law enforcement officer has the capacity to deal with this difficult and demanding line of work.

This is not the first time legislation requiring law enforcement officers undergo psychological evaluations has been introduced. In 2009, similar legislation received bipartisan support in both senate and assembly committees.

Senate Bill 470/Assembly Bill 331 is the direct result of the hard work and dedication put forth by the members of the Speaker's Task Force Subcommittee on Law Enforcement Policies and Standards. I am



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confident that the psychological examination does its best to shortlist candidates based on a judgement regarding their desirable and undesirable traits. Therefore, these assessments hold great value when it comes to ensuring the most-capable people are hired in a law enforcement agency.

In closing, I want to thank my task force co-chair, Representative Stubbs, for her work developing these recommendations and members of the task force for their valued input. While there is more work to be done, this and the other task force bills before you today are a great step forward in addressing racial disparities in Wisconsin.



WISCONSIN STATE REPRESENTATIVE

Shelia Stubbs

77TH ASSEMBLY DISTRICT

Thursday October 28th , 2021

Senate Bill 470/Assembly Bill 331; Relating to: requiring prospective law enforcement officers to complete a psychological examination prior to employment as a law enforcement officer and granting rule-making authority

Senate Committee on Judiciary and Public Safety

Good morning Chairman Wanggaard and Members of the Committee,

Thank you for the opportunity to testify on Senate Bill 470/Assembly Bill 331, which would mandate that all prospective law enforcement officers complete a psychological evaluation prior to employment. This legislation arose from a recommendation by the Speaker's Taskforce on Racial Disparities Subcommittee on Law Enforcement Policies and Standards. This committee came to consensus on a variety of law enforcement reforms, and was comprised of leaders in the community, experts in law enforcement, and leaders in the faith community.

Senate Bill 470/Assembly Bill 331 would ensure that the Law Enforcement Standards Board promulgates administrative rules to require all full time officers to submit to a psychological evaluation before they are employed. This common sense measure would assure that all law enforcement officers are mentally capable of performing their duties, which will protect our communities from officers that are not mentally able to handle stressful or high-pressure situations. Furthermore, this bill would also ensure that law enforcement agencies are represented by officers that can effectively carry out the duties of their department.

The profession of law enforcement needs officers that are mentally able and willing to serve their communities. As a part of their job, officers are often required to be in high-pressure situations that have the potential to change lives, for better or for worse. A mandated psychological evaluation would help to ensure that the officers policing our communities have sound judgment and are able to withstand the pressures of the profession in the long term.

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WISCONSIN STATE REPRESENTATIVE

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77TH ASSEMBLY DISTRICT

These kinds of evaluations are already used in the hiring practices of many law enforcement agencies across the nation. While this practice has been successful in those agencies, the use of such policies is not standardized or mandated by policy in Wisconsin. This legislation would empower the Law Enforcement Standards Board to create a mandated and standard evaluation that will help all departments throughout the state to hire the most mentally fit and capable officers.

In our work with the committee, we heard clearly from community leaders that the psychological state of an officer has the potential to be harmful toward the communities that they serve. All members of the taskforce agree that policing is a stressful occupation, and that excess or displaced stress can easily contribute to undesirable outcomes. This legislation is just one step we can take to ensure that our officers are able to handle the weight of the uniforms that they wear.

Thank you again to the members of the committee for reading my testimony today. I ask that you vote in favor of this legislation to promote a higher standard for our law enforcement officers and to ensure our communities are served by the most mentally fit individuals.

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STANDING COMMITTEES:

Natural Resources & Energy, Chair
Transportation & Local Government, Vice-Chair



ROBERT L. COWLES

Wisconsin State Senator
2nd Senate District

JOINT COMMITTEES:
Audit Committee, Co-Chair

Testimony on 2021 SB 470 and AB 331

Senator Robert Cowles

Senate Committee on Judiciary and Public Safety

October 28th, 2021

Thank you, Chairman Wanggaard and Committee Members, for holding a hearing and allowing me to submit testimony on 2021 Senate Bill 470 and Assembly Bill 331. This bill – which is part of the Speaker’s Task Force on Racial Disparities – will help to ensure that the officers safeguarding our streets have essential emotional and psychological traits to manage the demanding nature of law enforcement.

Serving as a law enforcement officer is an incredibly difficult job. Officers can be exposed to horrific crime scenes, challenging and emotional circumstances, and tremendous verbal or sometimes physical abuse. They are regularly tasked with making split-second decisions in the face of crisis. Through the process of this Task Force, its members recognized the challenging nature of law enforcement and recommended that a pre-employment psychological evaluation be completed for law enforcement officers.

2021 Senate Bill 470 and Assembly Bill 331 puts those recommendations into action, by requiring any individual seeking full-time employment as a law enforcement officer to submit to a psychological evaluation prior to hire. Under current law, as a condition to employment, an individual must meet several qualifications established through the Law Enforcement Standards Board (LESB), which includes ensuring the applicant is free from any physical, emotional, or mental condition which might affect the performance of their duties as an officer. This legislation requires the LESB to promulgate rules to govern the administration and examination methods of these evaluations.

While the term “Psychological Evaluation” seems self-explanatory on a face level, I want to spend a moment discussing what a psychological evaluation is and particularly what it *isn't*. The purpose of a psychological screening is to assess personality traits, general intelligence, judgement abilities, integrity, stress tolerance, and personal bias. These evaluations use a battery of tests which include several components to help a psychologist assess an applicant’s suitability for law enforcement. What these evaluations are *not* is to determine if someone is crazy or not. These evaluations are scientifically backed tools to help assess whether a candidate for law enforcement has character traits desirable to be an effective member of a police force or possibly possesses traits that could serve as an obstacle in the line of duty.

A recent survey conducted by the Wisconsin Department of Justice noted that many, but not all law enforcement agencies in Wisconsin already require psychological evaluations as a condition of employment. Were 2021 Senate Bill 470 and Assembly Bill 331 to become law, these tools would be adopted statewide to ensure that Wisconsin’s law enforcement officers have been screened in a psychological evaluation prior to an employment decision.

Assembly Bill 331 has already passed the Assembly Committee on Criminal Justice and Public Safety on a vote of 15 to 0 and the full Assembly on a voice vote during a June floor period.

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LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Written Testimony of Sen. Lena Taylor
Senate Committee on Judiciary and Public Safety
Public Hearing – SB 470/AB 331
10/28/21

Good morning Chair Wanggaard, Vice-Chair Wimberger and fellow members of the Senate Committee on Judiciary and Public Safety. Thank you for the opportunity to provide testimony on SB 470/AB 331 regarding requiring prospective law enforcement officers to complete a psychological examination prior to employment as a law enforcement officer and granting rule-making authority.

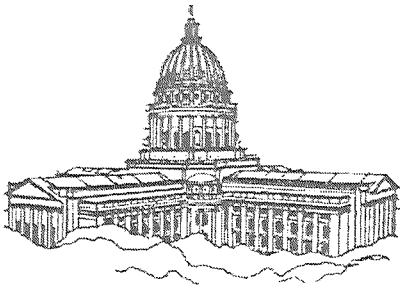
The International Association of Chiefs of Police consider an evaluation of psychological suitability is considered a best practice. According to a recent article in The Balance Careers, many police departments agree that the “police psychological exam is perhaps the most important but least understood aspects of preemployment screening for law enforcement and other criminal justice careers. It's one of the last steps in the hiring process for police officers, and it can make or break your chances for getting the job. It's estimated that more than 90% of law enforcement agencies in the U.S. require psychological screening of their applicants, either before or after receiving a conditional offer of employment.

While these exams are viewed as tools to identify or flag any personality traits or mood disorder, possible implicit or explicit bias, or significant pathologies that might be incompatible with the stress of being a police officer, these exams also can be used “to proactively identify and hire the positive—the candidates who possess the values, character traits, and capabilities that agencies are looking for in their employees” according to information in the Hiring for the 21st Century Law Enforcement Officer.

We also have to be honest about the cost of police misconduct. Two days ago, a CNBC op-ed recently discussed how settlements and lawsuits regarding police misconduct cases are handled, and said the following:

Typically, taxpayers pay for police misconduct judgments and settlements in one of three ways. If their municipality uses liability insurance (typical of smaller municipalities), they pay for them indirectly in the form of premiums. If their municipality uses money from a general or dedicated fund (typical of larger municipalities), then they pay for them directly. The same goes if their municipality issues a bond.

Bonds are particularly common for large judgments or settlements that exceed insurer liabilities or the capacity of general or dedicated funds and often result in taxpayers paying nearly double because the city or county must pay fees to financial institutions and interest to investors.



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

One recent study found that from 2008-2017, taxpayers in Chicago, IL (limited to 2010-2017); Cleveland, OH; Lake County, IN; Los Angeles, CA; and Milwaukee, WI, paid an estimated combined total of \$1.73 billion in bonds and interest payments for police misconduct.

The study was called *Police Brutality Bonds: How Wall Street Profits From Police Violence*. Two days ago was the 1 year anniversary of the George Floyd's murder at the hands of a former Minneapolis police officer. Minneapolis taxpayers paid \$27 million to settle Floyd's case with his family.

In September of 2020, a billboard across from a New York Police Department (NYPD) station in Time Square read: "Hey NYPD. It's us. NYC residents. The ones who pay your salary. We paid \$300 million to settle your lawsuits. You paid nothing. We need to talk."

In 2020, WISN 12 News obtained the details of the payouts made by the city of Milwaukee in the last 10 years in settlements for officer misconduct. Milwaukee spent over \$40 million for officer misconduct that included wrongful arrests, strip searches, excessive force and wrongful deaths.

SB 470/AB 331 is a start to remove Milwaukee, and other municipalities from these statistics. On the front end, we have a better chance to get it right. Support of this bills allows us to get closer to the goal to "proactively identify and hire the positive—the candidates who possess the values, character traits, and capabilities that agencies are looking for in their employees". I encourage your support of this bill and thank you for your time.

WISCONSIN PROFESSIONAL POLICE ASSOCIATION

Law Enforcement Employee Relations Division • Supervisory Officers Relations Division • Civilian Employees Relations Division

MEMORANDUM

DATE: October 28, 2021

TO: SENATE COMMITTEE ON JUDICIARY & PUBLIC SAFETY

FROM: Jim Palmer, Executive Director
Wisconsin Professional Police Association *JLP*

RE: Support of 2021 Senate Bill 470 (pre-employment psychological testing)
Support of 2021 Senate Bill 471 (annual crisis intervention training)
Support of 2021 Senate Bill 472 (no-knock search warrant reporting)
Support of 2021 Senate Bill 473 (grants for body-worn cameras)
Support of 2021 Senate Bill 474 (school resource officer training & standards)
Support of 2021 Senate Bill 475 (crisis program enhancement grants)
Support of 2021 Senate Bill 476 (post-critical incident drug testing)
Support of 2021 Assembly Bill 329 (no-knock search warrant reporting)
Support of 2021 Assembly Bill 330 (school resource officer training & standards)
Support of 2021 Assembly Bill 331 (pre-employment psychological testing)
Support of 2021 Assembly Bill 332 (annual crisis intervention training)
Support of 2021 Assembly Bill 333 (crisis program enhancement grants)
Support of 2021 Assembly Bill 334 (post-critical incident drug testing)
Support of 2021 Assembly Bill 335 (grants for body-worn cameras)

Representing over 10,000 members from more than 300 local association affiliates, the Wisconsin Professional Police Association (WPPA) is the state's largest law enforcement group. Our mission is to protect and promote public safety, as well as the interests of the dedicated men and women that serve to provide it. In that vein, we offer this memorandum to express our ardent **SUPPORT** of the bills before the committee today.

Earlier this year, after several months of arduous but necessary public discussions on how to strengthen the relationship between the police and the communities they serve, the Speaker's Task Force on Racial Disparities issued an array of recommendations to establish new standards and training, enhance transparency and oversight, and facilitate more effective community engagement.

As a proud member of that body, I can tell you that the recommendations were the result of an authentic, consensus-building process that included lawmakers from both parties alongside activists and advocates for communities of color, faith-based organizations and law enforcement. The recommendations are a testament to what can be achieved when people work together for a common goal.

WISCONSIN PROFESSIONAL POLICE ASSOCIATION

Law Enforcement Employee Relations Division • Supervisory Officers Relations Division • Civilian Employees Relations Division

Several recommendations issued by the Task Force have already been enacted into law, such as measures to explicitly prohibit officers from using chokeholds, to collect data on law enforcement's use of force, and to establish new financial support for community policing efforts.

Most notably, Wisconsin adopted a uniform standard for law enforcement's use of force. This new law also requires officers that witness excessive force to report it and intervene if possible, and it establishes "whistleblower protections" for these officers to safeguard them from adverse employment action, such as discipline.

The bills before the committee today were also recommended by the Task Force, and the Assembly swiftly passed them back in June. They now wait for the State Senate to push them across the finish line. The WPPA supports these measures without exception, because we believe that they will promote law enforcement transparency and accountability, enhance the training and qualifications officers need to meet the demands of their profession, and provide local governments with more resources to better serve the public.

While the passage of these lingering bills will not mark the end of the police reform dialogue, no one should be surprised when the calls for change grow louder and more radical if the Senate finds itself unable to act. In order to best serve the interests of the public and the dedicated men and women that work to keep our communities safe, the time to act is now. For those reasons, we respectfully urge the distinguished members of this committee to advance these bills as soon as possible, so that we may continue to move the ball forward in a way that is both thoughtful and meaningful.

Thank you.



To: Members, Senate Committee on Judiciary and Public Safety
From: Badger State Sheriffs' Association
Wisconsin Sheriffs and Deputy Sheriffs Association
Date: October 28, 2021
RE: **Testimony in support of**
SB 470/AB 331, SB 471/AB 332, SB 472/AB 329, SB 473/AB 335, SB 474/AB
330, SB 475/AB 333, SB 476/AB 334

Chairman Wanggaard, and members of the committee, thank you for the opportunity to testify today. My name is Nate Dreckman, and I am the Grant County Sheriff as well as the President of the Badger State Sheriffs' Association. Joining me today is Dodge County Sheriff, Dale Schmidt, who also serves as the 1st Vice President and Legislative Chair. Together with the Wisconsin Sheriffs and Deputy Sheriffs Association, our organizations represent all of Wisconsin's 72 Sheriffs and over 1,000 deputies and jail officers.

I had the opportunity to be appointed to the Task Force and on behalf of the county law enforcement community, we are grateful to Representatives Steineke and Stubbs for the opportunity to listen, contribute and find consensus on numerous critical policy items impacting law enforcement and the citizens we serve and protect. Our organizations are committed to finding and supporting policies that increase training, utilize best practices, and promote public safety transparency for all Wisconsin residents.

I want to highlight a few of the bills that the Speaker's Task Force has put forward with our support:

- SB 472/AB 329 (no-knock warrants): SB 427/AB 329 requires the Department of Justice to collect information about the use of no-knock warrants and unannounced entries by law enforcement in Wisconsin. This information, which will be reported annually, will help policymakers better understand how no-knock warrants are used in Wisconsin and if any changes need to be made to that process.
- SB 470/AB 331 – (psychological evaluation): Law enforcement is a difficult job that is not only physically taxing, but emotionally and psychologically challenging as well. SB 470/AB 331 will help ensure that law enforcement officers are of stable mental health when they are hired by requiring prospective officers to have a psychological evaluation. According to DOJ, nearly two-thirds of Wisconsin law enforcement agencies already require a psychological evaluation as a condition of employment. The Legislature has considered this policy in the past; a similar bill in 2009 had widespread legislative support but died at the end of session. This bill, as amended by the Assembly, follows best practice and streamlines paperwork.

- SB 473/AB 335 (body camera grants): While some law enforcement agencies in Wisconsin use body cameras, others are unable to afford them. Body cameras can help protect both citizens and law enforcement officers by documenting critical situations. SB 473/AB 335 will help more law enforcement agencies acquire body cameras by creating a grant program administered by DOJ. The bill requires agencies that receive a DOJ body camera grant to use and maintain the camera technology, ensuring that the grants are not wasted.

I also want to highlight two more bills from that package that deal with crisis management, an important and highly sensitive aspect of our jobs. Law enforcement officers are almost always the first to respond to urgent events where an individual is reported to be a danger to themselves or others. Our officers work hard to deal with these situations appropriately, but sometimes they result in tragic outcomes. Two bills from the package will help improve the outcome of crisis situations:

- SB 471/AB 332 (crisis training): Wisconsin law enforcement officers are required to complete 24 hours of recertification training every year. SB 471/AB 332 will make crisis management training a required part of that training. This will help law enforcement respond more effectively to crisis situations and will help officers stay up to date on best practices for dealing with individuals in crisis.
- SB 475/AB 333 (crisis program grants): SB 475/AB 333 expands an already-existing grant program that assists local governments in developing certified mental health crisis teams consisting of both trained law enforcement officers and crisis professionals. These teams will be able to respond more effectively to crisis situations involving mental health than law enforcement can do on its own.

Wisconsin's county law enforcement also supports SB 474/AB 330, which will provide specific standards and training for law enforcement officers working in schools, and SB 476/AB 334, which will ensure that officers involved in critical incidents are not compromised using alcohol or illegal drugs.

Thank you for the opportunity to testify today and I am happy to answer any questions you might have.