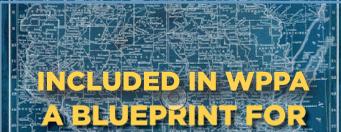


# BLUEPRINT FOR CHANGE

## LEGISLATIVE UPDATE

SEPTEMBER 2021

|  <p><b>INCLUDED IN WPPA<br/>A BLUEPRINT FOR<br/>CHANGE</b></p> <p>OPPORTUNITIES TO EVOLVE POLICING IN WISCONSIN</p> |  <p><b>LEGISLATIVE<br/>TASK FORCE<br/>RECOMMENDATIONS*</b></p> | <p><b>LEGISLATIVE<br/>ACTION</b></p>  | <p><b>WHAT IT DOES</b></p>  |
|--|---|---|---|
| <b>USE OF FORCE</b>  |   |   |   |
| <p><b>1. Duty to Report and Intervene</b></p>  | <p><b>YES</b></p>   | <ul style="list-style-type: none"> <li>• Passed Legislature</li> <li>• Signed by Governor</li> <li>• <b>Act 75</b></li> </ul> | <p>Requires officers to intervene and report excessive use of force by other officers.</p>  |
| <p><b>2. Whistleblower Protections</b></p>   | <p><b>YES</b></p>   | <ul style="list-style-type: none"> <li>• Passed Legislature</li> <li>• Signed by Governor</li> <li>• <b>Act 75</b></li> </ul> | <p>Protects officers who report excessive use of force.</p>   |
| <p><b>3. Use of Chokeholds</b></p>   | <p><b>YES</b></p>   | <ul style="list-style-type: none"> <li>• Passed Legislature</li> <li>• Signed by Governor</li> <li>• <b>Act 48</b></li> </ul> | <p>Prohibits chokeholds on a statewide basis, except in “life-threatening” situations.</p>  |
| <p><b>4. Public Access to Use-of-Force Policies</b></p>  | <p><b>YES</b></p>   | <ul style="list-style-type: none"> <li>• Passed Legislature</li> <li>• Signed by Governor</li> <li>• <b>Act 49</b></li> </ul> | <p>Requires law enforcement agencies to make its use-of-force policies publicly available on law enforcement agency websites.</p>   |
| <p><b>5. Statewide Standard for Use of Force</b></p>   | <p><b>YES</b></p>   | <ul style="list-style-type: none"> <li>• Passed Legislature</li> <li>• Signed by Governor</li> <li>• <b>Act 75</b></li> </ul> | <p>Officers are authorized to use force that is “objectively reasonable” based on the totality of circumstances – severity of crime, imminent threat, flight risk – and use “deadly force” only as a last resort.</p> |

## TRANSPARENCY & OVERSIGHT

|  |   |   |   |
|--|---|---|---|
| <b>6. Independent Use-of-Force Review Advisory Board</b> | <p style="text-align: center;"><b>NO</b></p>  | <ul style="list-style-type: none"> <li>• No consensus</li> <li>• No Action</li> </ul>   | <p>Task Force generally supported creation of a Board, but some members expressed uncertainty about the Board's role in reviewing specific incidents and the extent to which affected communities would be represented.</p> |
| <b>7. Body Cameras</b>                                   | <p style="text-align: center;"><b>YES</b></p> | <ul style="list-style-type: none"> <li>• Passed Assembly</li> <li>• <b>Waiting on Senate Action</b></li> </ul>                | <p>Recommends that all active-duty officers on patrol be equipped with body cameras.</p> <p>Supports creating a funding mechanism (Grants) to assist agencies with associated costs.</p>                                    |
| <b>8. Statewide Collection of Data on Use of Force</b>   | <p style="text-align: center;"><b>YES</b></p> | <ul style="list-style-type: none"> <li>• Passed Legislature</li> <li>• Signed by Governor</li> <li>• <b>Act 50</b></li> </ul> | <p>Requires agencies to report use-of-force incidents, including when an officer draws her firearm.</p>   |
| <b>9. Data Collection of No-Knock Search Warrants</b>    | <p style="text-align: center;"><b>YES</b></p> | <ul style="list-style-type: none"> <li>• Passed Assembly</li> <li>• <b>Waiting on Senate Action</b></li> </ul>                | <p>Would require that DOJ collect and publish data on the use of no-knock search warrants.</p> <p>No consensus was reached on a recommendation to prohibit no-knock search warrants (without more data).</p>                |
| <b>10. Employment Files of Law Enforcement Officers</b>  | <p style="text-align: center;"><b>YES</b></p> | <ul style="list-style-type: none"> <li>• Passed Assembly</li> <li>• <b>Waiting on Senate Action</b></li> </ul>                | <p>Would require agencies to maintain an "employment file" on officers - performance reviews, personnel-related claims, disciplinary actions - and make them available to other interviewing agencies.</p>                  |

## TRAINING & STANDARDS

|   |   |  |   |
|---|---|--|---|
| <b>11. Officer Drug Testing</b><br><br><small>NOT in Blueprint<br/>WPPA SUPPORTS</small>              | <p style="text-align: center;"><b>YES</b></p> | <ul style="list-style-type: none"> <li>• Passed Assembly</li> <li>• <b>Waiting on Senate Action</b></li> </ul> | <p>Would require agencies to adopt a written policy regarding drug and alcohol testing following an officer-involved critical incident as soon as practicable after the incident.</p> |
| <b>12. Officer Psychological Evaluations</b><br><br><small>NOT in Blueprint<br/>WPPA SUPPORTS</small> | <p style="text-align: center;"><b>YES</b></p> | <ul style="list-style-type: none"> <li>• Passed Assembly</li> <li>• <b>Waiting on Senate Action</b></li> </ul> | <p>Would establish, as a condition of initial employment, individuals be required to submit to a psychological exam to determine suitability to perform the duties of an officer.</p> |
| <b>13. School Resource Officer (SRO) Standards</b>  | <p style="text-align: center;"><b>YES</b></p> | <ul style="list-style-type: none"> <li>• Passed Assembly</li> <li>• <b>Waiting on Senate Action</b></li> </ul> | <p>Would establish minimum SRO certification training and standards to work in an educational environment and learn de-escalation techniques.</p>                                     |

|  |            |   |  |
|--|------------|---|--|
| <b>14. Crisis Intervention Training</b>                | <b>YES</b> | <ul style="list-style-type: none"> <li>• Passed Assembly</li> <li>• <b>Waiting on Senate Action</b></li> </ul>                | Would require that officers complete a specified number of hours of crisis management training throughout their careers, counting towards recertification.   |
| <b>15. Decertification of Law Enforcement Officers</b> | <b>YES</b> | <ul style="list-style-type: none"> <li>• Passed Assembly</li> <li>• <b>Waiting on Senate Action</b></li> </ul>                | Would establish additional grounds on which the Law Enforcement Standards Board (LESB) may decertify an officer for misconduct.  |
| <b>COMMUNITY ENGAGEMENT</b>                            |            |   |  |
| <b>16. Community Grant Programs</b>                    | <b>YES</b> | <ul style="list-style-type: none"> <li>• Passed Legislature</li> <li>• Signed by Governor</li> <li>• <b>Act 51</b></li> </ul> | <ol style="list-style-type: none"> <li>1. <b>Violence Interruption</b> grants be expanded to include faith-based organizations.</li> <li>2. <b>Community-oriented policing</b> grants be expanded to include communities of 60,000 or more residents.</li> </ol> |
| <b>17. Crisis Response Teams</b>                       | <b>YES</b> | <ul style="list-style-type: none"> <li>• Passed Assembly</li> <li>• <b>Waiting on Senate Action</b></li> </ul>                | Would support the expansion of the crisis program grants for collaborative programs between law enforcement agencies and behavioral health programs.   |
| <b>18. Unnecessary Summoning an Officer</b>            | <b>NO</b>  | <ul style="list-style-type: none"> <li>• No Action</li> </ul>   | Would create legal consequences to discourage individuals unnecessarily summoning officers based on an individual's intent to cause certain adverse outcomes.  |
| <b>19. Post-Traumatic Stress Disorder (PTSD)</b>       | <b>YES</b> | <ul style="list-style-type: none"> <li>• Passed Legislature</li> <li>• Signed by Governor</li> <li>• <b>Act 29</b></li> </ul> | <p>Officers diagnosed with PTSD no longer need to show that their mental injury is extraordinary when compared to others doing the job in order to qualify for worker's compensation benefits.</p> <p>The WPPA has pursued this legislation for 6 years.</p>     |

\* As outlined in the [“Report of the Task Force’s Subcommittee on Law enforcement Policies and Standards”](#); submitted on April 21, 2021