



# A BLUEPRINT FOR CHANGE

OPPORTUNITIES TO EVOLVE POLICING IN WISCONSIN



WISCONSIN PROFESSIONAL  
POLICE ASSOCIATION

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## OPPORTUNITIES TO EVOLVE POLICING IN WISCONSIN

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## OPPORTUNITIES TO EVOLVE POLICING IN WISCONSIN

### INTRODUCTION

“A Blueprint for Change” outlines a detailed series of proposals that fall into one of four categories, or opportunity areas: Training & Standards, Oversight & Accountability, Community Engagement & Innovation, and Officer Wellness. As the state’s largest law enforcement group, the Wisconsin Professional Police Association (WPPA) is dedicated to contributing to the public dialogue that surrounds policing in a meaningful way.

Since the tragic death of George Floyd in Minneapolis on May 25, and other high-profile cases around the country, the topic of police reform has been elevated to the forefront of the American consciousness like never before. Following the August 23 shooting of Jacob Blake in Kenosha, the national reckoning over policing has become even more intense and polarizing. As a result, there has been very little progress made relative to the proposals that have been offered at nearly every level of government, and our collective ability to engage in a reasonable discourse on these issues appears severely impaired. This dynamic is detrimental to everyone - *including* police officers.

Addressing the systemic racial disparities that exist in society requires an effort to identify a systemic set of solutions. We firmly believe a **Governor’s Blue Ribbon Commission** should be established to examine our economic system, educational system, health care system, and our criminal justice system. But meaningful action must be the end result.

A Blueprint for Change is our attempt to compile and advance those ideas that we believe will benefit the public and law enforcement alike. We intend to utilize this document as a catalyst for discussion and action. We hope this initiative reflects our commitment to be a part of the solution to the challenges that we collectively face, and that it can help lead to the types of changes needed to lift up our communities, as well as the officers that work tirelessly to keep them safe.

### OPPORTUNITIES FOR CHANGE

- **Training & Standards**
- **Oversight & Accountability**
- **Community Engagement & Innovation**
- **Officer Wellness**

## TRAINING & STANDARDS

- ▶ **USE OF FORCE** *(page 6: #1)*  
Codify and establish uniform statewide policies on use of force.
- ▶ **DE-ESCALATION TRAINING** *(page 6: #2)*  
Establish uniform statewide policies and requirements for training in de-escalation tactics.
- ▶ **CHOKEHOLDS** *(page 7: #3)*  
Require law enforcement agencies to develop policies prohibiting their use except in “life or death” situations.
- ▶ **WHISTLEBLOWER PROTECTIONS** *(page 7: #4)*  
Establish a law against disciplining a law enforcement officer who reports a violation of use of force policies.
- ▶ **SCHOOL RESOURCE OFFICERS** *(page 7: #5)*  
Create uniform education and training standards for SROs.
- ▶ **PROFESSIONAL TRANSPARENCY** *(page 7: #6)*  
Require all use of force policies to be made available to the public online.

## OVERSIGHT & ACCOUNTABILITY

- ▶ **LAW ENFORCEMENT STANDARDS BOARD** *(page 8: #1)*  
Expand the authority to regulate the training and certification of law enforcement officers.
- ▶ **BODY-WORN CAMERAS** *(page 8: #2)*  
Establish a three-year grant program to support expansion of their use statewide.
- ▶ **“POLICE & COMMUNITY SAFETY BOARD”** *(page 8: #3)*  
Create a statewide nonpartisan professional conduct entity to research, review, and report annually on use of force incidents.
- ▶ **USE OF FORCE REPORTING** *(page 9: #4)*  
Require the DOJ to publish an annual report detailing use of force incidents including demographic information.
- ▶ **PFC: COMMUNITY INVOLVEMENT** *(page 9: #5)*  
Increase community involvement in Police and Fire Commissions (PFC), strengthen roles and responsibilities of civilian oversight.
- ▶ **DISCIPLINARY ACTIONS – DATA COLLECTION** *(page 9: #6)*  
Expand the Wisconsin Department of Justice’s (DOJ) data collection to include disciplinary complaints and outcomes.
- ▶ **“NO KNOCK” WARRANT TRACKING** *(page 9: #7)*  
Require all law enforcement agencies to submit annual reports to DOJ.

## OVERSIGHT & ACCOUNTABILITY CONTINUED

### ▶ **“RIOT” PENALTIES** *(page 10: #8)*

Establish criminal penalties for persons that intentionally participate in public violence and destruction.

### ▶ **DISCRIMINATORY CALLS FOR POLICE ACTION** *(page 10: #9)*

Develop a law to punish unnecessary, racially-motivated calls to police that are intended to humiliate, harm, or harass others.

### ▶ **“FRIVOLOUS” COMPLAINT PROTECTIONS** *(page 10: #10)*

Establish criminal penalties for knowingly filing false complaints against officers' actions.

### ▶ **BRADY LIST LEGISLATION** *(page 10: #11)*

Pursue new legislation to inject procedural justice and transparency - for both officers and the general public - to the manner in which district attorneys designate officers as untruthful.

## COMMUNITY ENGAGEMENT & INNOVATION

### ▶ **COMMUNITY POLICING** *(page 11: #1)*

Establish a funding mechanism (grant program) to expand community policing in Wisconsin.

### ▶ **CRISIS INTERVENTION TRAINING** *(page 11: #2)*

Increase state funding for crisis intervention training program and increase the number of officers who undergo that training.

### ▶ **STUDY ALTERNATIVES TO POLICING; “CRISIS MANAGEMENT TEAMS”**

*(page 11: #3)*

- a. Create a legislative study committee to develop models and alternatives to police responses (e.g. teams of police, social workers and mental health professionals)
- b. Establish a pilot program and funding source to develop, test, and evaluate the efficacy of crisis teams.

### ▶ **CIVIL COMMITMENTS** *(page 11: #4)*

Expand final care and locations options for those in need of emergency health detentions. Winnebago Mental Health Institute (Oshkosh) is only certified drop-off for patients.

## OFFICER WELLNESS

### ▶ **POST-TRAUMATIC STRESS DISORDER** *(page 12: #1)*

Provide worker's compensation coverage for public safety officers diagnosed with PTSD because of their employment.

### ▶ **STATE WELLNESS COORDINATOR** *(page 12: #2)*

Create a DOJ position dedicated to officer wellness and expand funding for wellness training and suicide prevention.

### ▶ **OFFICER CONFIDENTIALITY PROTECTIONS** *(page 12: #3)*

Create privacy protections for officers who seek assistance through “peer support” programs with certain key exceptions.

# OPPORTUNITIES TO EVOLVE POLICING IN WISCONSIN

## TRAINING AND STANDARDS

### ▶ 1. Codify and Establish Uniform Policies on the Use of Force.

Require each law enforcement agency to ensure that its publicly available policy on the use of force incorporates the following principles: that the primary duty of all law enforcement is to preserve the life of all individuals; that deadly force is to be used only as the last resort; that officers should use skills and tactics that minimize the likelihood that force will become necessary; that, if officers must use physical force, it should be the least amount of force necessary to safely address the threat; and that law enforcement officers must take reasonable action to stop or prevent any unreasonable use of force by their colleagues. [See 2017 AB 438 and 2019 LRB 6273, as supported by Gov. Evers.]

**COMMENT:** The principles set out in the above-referenced legislation are already well-established in Wisconsin.<sup>1</sup> Some of them are currently mandated by statute or the administrative code, and others are accounted for in the curriculum that governs law enforcement training in this state. Nonetheless, codifying these principles into a single statute to ensure statewide uniformity would benefit both law enforcement and the general public.

### ▶ 2. Establish Uniform De-escalation Training Requirements.

Require each law enforcement officer to annually complete a uniform amount of training on use of force options and de-escalation techniques. [See 2019 LRB 6274 and 2017 Assembly Bill 439, which would establish an eight-hour annual requirement, in addition to providing additional funding for law enforcement training.]

**COMMENT:** “De-escalation tactics” are taught all throughout Wisconsin’s law enforcement training curriculum, which are integrated within what is referred to as the “Disturbance Resolution” framework, which trains officers to apply a wide variety of tactics in considering their responsive options, including, among others, a range of verbal communication strategies, crisis assessment and intervention methods, and disengagement. The Police Executive Research Forum (PERF), an independent national police research and policy organization, has publicly recommended that agencies throughout the country utilize the type of integrated, scenario-based training that already exists in Wisconsin.<sup>2</sup> While it is our belief that the continuing law enforcement training that officers currently receive from their agencies successfully incorporates de-escalation training, *some* uniform standard (the specific amount of time to be required should receive further examination) would ensure consistency across the state.

<sup>1</sup> See Appendix A.

<sup>2</sup> Police Executive Research Forum, Guiding Principles on Use of Force, Critical Issues in Policing Series, 2016, at 9, <http://www.policeforum.org/assets/30%20guiding%20principles.pdf>.

▶ **3. Require law enforcement agencies to develop policies prohibiting the use of chokeholds, except under exigent circumstances.**

[See 2019 LRB 6338 by Sen. Wanggaard. See *also* LRB 6276, which was recently proposed by Gov. Evers, though it failed to include any considerations for officer safety.]

**COMMENT:** Chokeholds are not included within the curriculum that governs law enforcement training in Wisconsin, and some agencies in the state have adopted policies that prohibit them, except where their use is necessary to protect an officer's life. As such, and in light of the fact that such a ban was included in an executive order issued by the Trump Administration,<sup>3</sup> we support a ban on chokeholds, provided that any such restriction allows officers to use them in order to save their lives.

▶ **4. Establish protections to support an officer's duty to intervene.**

Establish a statutory prohibition against disciplining a law enforcement officer who reports a violation of a law enforcement agency's policy regarding the use of force. [See 2017 AB 438 and 2019 LRB 6273, as supported by Gov. Evers. See *also* 2019 LRB 6341 by Sen. Wanggaard, which would require each law enforcement agency to state when and how a use-of-force incident must be reported, and require that officers report when they engage in or observe use-of-force incidents. This legislation would further provide "whistleblower" protections for officers that report use-of-force policy violations.]

**COMMENT:** Currently, law enforcement officers in Wisconsin are required to intervene and report the excessive use of force by officers. This is not only generally mandated by departmental policies, but by state law as well. The excessive use of force by an officer constitutes a crime, such that an officer that witnesses another officer committing a crime has an absolute duty under the law to intervene and report the conduct. Failure to do so can result in a variety of criminal charges, including the felony of Misconduct in Office under Wis. Stat. § 946.12. Providing officers with clear and specific guidance on how to report potential misconduct related to a use-of-force incident and establishing whistleblower protections for those officers will help reinforce these existing obligations.

▶ **5. Establish uniform standards for school resource officers.**

**COMMENT:** Establishing uniform minimum standards governing the training and education of school resource officers would help ensure uniformity, promote best practices, and help enable the Office of School Safety within the Wisconsin Department of Justice to provide training resources to school resource officers and the school districts that utilize them. Ensuring consistent training would also help promote positive outcomes and reduce legal liability.

▶ **6. Require each law enforcement agencies to make its use-of-force policies publicly available online.** [See 2019 LRB 6277, which was recently proposed by Gov. Evers.]

**COMMENT:** While many agencies in Wisconsin already satisfy this requirement, a statewide uniform requirement would help advance legitimate interests in transparency.

<sup>3</sup> Exec. Order No. 13,929, 85 Fed. Reg. 37,325 (June 16, 2020).

# OVERSIGHT AND ACCOUNTABILITY

▶ 1. **Expand the authority of the Law Enforcement Standards Board to regulate the training and certification of law enforcement officers, and to require background checks of candidates for employment as law enforcement officers.**

Make certain changes to the responsibilities of the LESB, including requiring LESB to also regulate jail and juvenile detention officer training standards and regulate recruitment standards for the recruiting of new law enforcement, jail, and juvenile detention officers; require each law enforcement agency to maintain an employment file for each employee; and require each potential candidate for a position in an agency, jail, or facility that is or has been employed by a different agency, jail, or facility to authorize their previous employer to disclose his or her employment files to the hiring entity. [See SA 1 of 2017 AB 506, or 2019 LRB 6282 by Rep. Ott and Sen. Testin.]

**COMMENT:** Wisconsin’s Law Enforcement Standards Board does not possess the same decertification authority as that which is exercised by the majority of its counterparts throughout the country. In addition to increasing that authority, the legislation referenced above would require law enforcement agencies to conduct thorough background checks for individuals that have applied for law enforcement positions. While we believe this is widely done at present and that agencies in this state possess numerous resources in order to do so, this legislation would mandate it, which we believe promotes the interests of the law enforcement profession and its service to the public.

▶ 2. **Establish a three-year grant program to support law enforcement agencies in implementing and maintaining body-worn camera programs.**

▶ 3. **Create a statewide nonpartisan board to research, review, and report annually on the causes and contributing factors of certain use-of-force incidents by law enforcement officers in the course of their duties.**

Modeled after the National Transportation Safety Board (NTSB), this board would analyze and investigate use-of-force incidents and serious injuries to police in order to determine the root cause of the outcome and its contributing factors. [See 2019 LRB 2964 by Sen. Wanggaard.]

**COMMENT:** Fields such as aviation have adopted a “sentinel-events” approach to learning from error with measurable success. In these fields, a sentinel event is a significant negative outcome that signals underlying weaknesses in the system or process; that likely is the result of compound errors; and that, if properly analyzed and addressed, may provide important keys to strengthening the system and preventing future adverse events or outcomes. The research arm of the U.S. Department of Justice, the National Institute of Justice has long advocated for the application of sentinel event reviews to outcomes involving the police.<sup>4</sup> The legislation referenced above would represent a significant step in establishing this innovative type of review and help provide a platform that promotes improvements for officers and the public.

<sup>4</sup> For a discussion of this approach to learn from error more broadly in criminal justice, the National Institute of Justice Sentinel Event Initiative has issued several publications, see, e.g., NAT’L INST. OF JUSTICE, U.S. DEP’T OF JUSTICE, NIJ STRATEGIC RESEARCH AND IMPLEMENTATION PLAN: SENTINEL EVENTS INITIATIVE (2017), <https://www.ncjrs.gov/pdffiles1/nij/250472.pdf> [<https://perma.cc/KU9E-ZSMM>].

- ▶ **4. Require that DOJ publish an annual report on use of force incidents,** including incidents where there was a shooting, where a firearm was discharged in the direction of a person (even if there was no injury), and where other serious bodily harm resulted from the incident. Further require certain demographic information to be collected about each incident and reported annually by DOJ on its website. [See LRB 6283, which was recently proposed by Gov. Evers.]

**COMMENT:** Since 2014, the WPPA has been the only entity in Wisconsin to collect data relative to the officer-involved shootings that occur in this state, and to report that data publicly.<sup>5</sup> We have long-supported the broader collection of use-of-force data, which we believe can help to inform both law enforcement and the general public.

- ▶ **5. Increase community involvement in the police and fire commissions in Milwaukee and Madison and make other changes to strengthen their effectiveness.**

[See, e.g., 2019 LRB 6339 by Sen. Wanggaard and Rep. Brandjten, which would expand the size of the police and fire commissions in Milwaukee and Madison, and provide that the mayor must select appointees from recommendations by NAACP, Centro Hispano, and local police and fire associations. The measure would further provide that the commissions appoint an independent director, require two public meetings before chiefs can be appointed/reappointed, and other measures to reduce the potential for board vacancies.

**COMMENT:** Wisconsin's police and fire commissions represent one of the strongest forms of civilian oversight in the United States. The above-referenced legislation would significantly strengthen the effectiveness of the commissions in these two municipalities.

- ▶ **6. Expand DOJ's existing data collection efforts to include information related to disciplinary complaints and outcomes.**

Currently, the Wisconsin Department of Justice collects data related to the employment status of law enforcement officers, including whether an officer was terminated, forced to resign or resigned before the completion of an internal investigation. Under this proposal, DOJ would additionally collect data related to disciplinary complaints regarding specified serious misconduct, regardless of how initiated, and their outcomes. Such an effort would need to include mechanisms to allow officers to challenge the inclusion of certain records in the DOJ database, just as provided for in the comparable tracking systems for doctors and teachers.

**COMMENT:** Some law enforcement critics have asserted that the unions representing law enforcement officers help protect the employment of officers that should be fired. For a variety of reasons, including the fact that the vast majority of officers in Wisconsin cannot arbitrate their discipline, there is no basis for such an argument. The collection of additional data as outlined above would increase the level of transparency in police discipline.

- ▶ **7. Require each law enforcement agency to submit to DOJ an annual report detailing the number of search warrants issued that specifically authorized entry without knocking and the total number of search warrants issued.**

Under current law, a law enforcement officer executing a search warrant must knock before entering a building unless, at the time the warrant is executed, the law enforcement officer has a reasonable suspicion that knocking and announcing will be dangerous or futile or will inhibit the effective investigation of the crime. This proposal would require agencies to report certain data relative to the use of these warrants to DOJ.

<sup>5</sup> See, e.g., Briana Reilly, Wisconsin DOJ started collecting police use-of-force data in 2020, THE CAP TIMES, June 13, 2020 [[https://madison.com/ct/news/local/govt-and-politics/wisconsin-doj-started-collecting-police-use-of-force-data-in-2020/article\\_acb09311-1035-58a5-9c92-09b9a4b3c56b.html](https://madison.com/ct/news/local/govt-and-politics/wisconsin-doj-started-collecting-police-use-of-force-data-in-2020/article_acb09311-1035-58a5-9c92-09b9a4b3c56b.html)].

**COMMENT:** The notion of banning no-knock search warrants in Wisconsin appears to have garnered more interest and support following the tragic death of Breonna Taylor in Louisville, Kentucky on March 13, 2020. For reasons not addressed here, we question the suggestion that the law enforcement actions that resulted in Ms. Taylor’s death and the warrant that improperly supported those actions are representative of the use of such warrants in Wisconsin. The fact of the matter is that no one in the state can shed light on the usage and outcomes of no-knock search warrants. For those reasons, collecting the data relative to the use of these warrants would seem to better inform and guide the public policy considerations related to this issue.

▶ **8. Establish criminal penalties for individuals that intentionally participate in a riot.**

A “riot” means a public disturbance involving at least one of the following: (1) An intentional act of violence by one or more persons that are part of an assembly of at least three persons, that constitutes a clear and present danger of, or would result in, damage or injury to the property of any other person or to another person. (2) An intentional threat of the commission of an act of violence by one or more persons that are part of an assembly of at least three persons having, individually or collectively, the ability of immediate execution of the threat, if the performance of the threatened act of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to another person. [See AA 1 of 2017 AB 397. This bill garnered bipartisan support in the 2017-18 legislative session.]

▶ **9. Create a civil cause of action for unnecessarily summoning a law enforcement officer**

with intent to infringe upon a right of the person under the Wisconsin Constitution or the U.S. Constitution; unlawfully discriminate against the person; cause the person to feel harassed, humiliated, or embarrassed; cause the person to be expelled from a place in which the person is lawfully located; damage the person’s reputation or standing within the community; or damage the person’s financial, economic, consumer, or business prospects or interests. [See LRB 6281, which was recently proposed by Gov. Evers].

▶ **10. Establish criminal penalties for knowingly filing a false complaint against a law enforcement officer with the officer’s employer, department, or police and fire commission.**

▶ **11. Brady List Legislation.**

Throughout the United States, prosecutors maintain lists of police officers deemed not trustworthy to serve as witnesses. These lists are often referred to as “do-not-call lists” or “Brady lists,” a reference to the U.S. Supreme Court’s ruling in the 1963 case of *Brady v. Maryland* which held that prosecutors must turn over to the defense any evidence that might exonerate defendants. These lists have increasingly drawn public attention amid disputes over how officers should be added to them and the extent to which they should be accessible to the public. Brady lists have also been criticized on the basis that officers have no way to challenge being placed on them, causing significant reputational harm and damaging their advancement opportunities. We propose that lawmakers consider introducing legislation similar to a bill that was introduced in Arizona earlier this year (House Bill 2114) that would (1) require a district attorney to provide advance written notice to officers of their intent to place the officer on a Brady list, (2) require that such notices include the corroborating evidence that supports the district attorney’s designation, as well as information regarding an officer’s rights to appeal the designation, (3) provide that an officer can appeal a district attorney’s designation to a judge within five business days of their receipt of the written notice, and (4) that the officer’s name cannot be formally added to a Brady list until after the appeal process has ended or the time period to initiate such an appeal has expired. Unlike the Arizona bill, we would propose that any legislation introduced in Wisconsin specifically ensure the public’s access to those lists under the state’s Public Records law.

# COMMUNITY ENGAGEMENT & INNOVATION

## ▶ 1. **Establish a “Community Policing Development Grant Program”**

to expand the capacity of law enforcement in Wisconsin to implement community policing strategies. [See, e.g., 2019 LRB 6349 by Sen. Wanggaard, which would establish a \$600,000 grant program to municipalities with populations over 60,000 to create Community Oriented Police Houses in high crime neighborhoods.]

## ▶ 2. **Increase the state funding that currently exists under Wis. Stat. § 46.535 for crisis intervention training grants**

from \$250,000 each biennium to \$1,000,000 each biennium. [The current amount has remained the same since it was first established in 2013.]

## ▶ 3. **Study the use and application of crisis intervention alternatives to policing.**

Establish a legislative study committee to develop models for the structure and implementation of crisis intervention alternatives to policing, such as the use of response teams consisting of law enforcement officers, social workers, and mental health professionals.

## ▶ 4. **Expand law enforcement’s civil commitment options.**

When law enforcement agencies throughout Wisconsin have to make emergency mental health detentions, they are largely limited to the Winnebago Mental Health Institute near Oshkosh as the sole place in Wisconsin to take people for treatment. This causes an enormous drain on local law enforcement resources, as it typically reduces an agency’s staffing by two officers for an entire day to make the trip – and often longer. This also creates a totally inadequate response to individuals suffering from a mental health crisis. At a minimum, the Mendota Mental Health Institute in Madison should be reopened for this use, and grant funding should be secured to help hospitals establish regional mental health crisis centers to accept civil commitment patients. [See 2017 AB 815 by Rep. Spiros and Sen. Erpenbach.]

# OFFICER WELLNESS

## ▶ 1. Provide worker's compensation coverage for public safety officers diagnosed with post-traumatic stress disorder as a result of their employment.

2019 AB 569, which has been approved by DWD's Worker's Compensation Advisory Council and the State Assembly, would create specific circumstances in which post-traumatic stress disorder (PTSD) may be a covered injury under Wisconsin's Worker's Compensation Laws.

**COMMENT:** For decades, far too many first responders in Wisconsin have been significantly harmed by the fact that they could not obtain worker's compensation benefits and protections after developing Post Traumatic Stress Disorder (PTSD) as a result of the extraordinarily stressful and dangerous on-duty incidents that they have had to endure. This began in 1974 when the Wisconsin Supreme Court held that, in order for an employee with PTSD to receive worker's compensation, they "must show that the mental injury was caused by unusual stress of greater dimensions than the day-to-day emotional strain and tension experienced by similarly-situated employees." This ruling has been applied to prevent first responders from receiving worker's compensation benefits on the basis that the horrific duty-related incidents that have caused PTSD "was what they signed up for." As a result, first responders suffering from PTSD have found themselves faced with the impossible choice of either having to return to work without the ability to first get the help that they need or to leave the profession entirely. The legislation reference above would help ensure that officers can get the help they need in order to continue their public service.

## ▶ 2. Increase funding to adequately support officer wellness training and initiatives through DOJ,

including the creation of a dedicated position within DOJ to serve as a resource for law enforcement all across the state, not only on suicide prevention, but also to coordinate mental health and wellness programs for first responders (including EMTs and firefighters as well).

## ▶ 3. Create legislative privacy protections for officers who seek assistance through their departments' peer support programs.

Specifically, create the First Responder Peer Support Program Confidentiality Act, which would provide that information, omissions, confessions, or other communication obtained by a participant in a peer support program involving a peer support counselor from a law enforcement officer, public safety employee, peace officer, firefighter, or emergency services personnel shall be considered confidential information and shall not be released to any person or entity, including, but not limited to, a court, administrative agency or tribunal, or public officer or employer, unless: (1) to the extent it appears necessary to prevent the commission of an act that is likely to result in a clear imminent risk of serious physical injury or death of a person or persons; (2) when required by court order; or (3) when, after full disclosure has been provided, the person who made the confession, admission, or other communication has given specific written consent.

**COMMENT:** To varying degrees, many law enforcement agencies in Wisconsin maintain a peer support program consisting of co-workers who are trained to identify various symptoms, challenges, and aid their fellow co-workers by providing support and directing them to specialized resources. Unfortunately, no confidentiality exists between an officer in need of help and a peer support officer, creating a barrier for officers to come forward and seek assistance. To break down this barrier, the kind of legislation described above has been proposed and passed in several states throughout the country, including Illinois. In light of the prevalence of, among other things, suicides, alcoholism, and divorce for those that serve in law enforcement, this measure would help increase the chances that an officer in need of assistance will seek it out, which benefits the public and all others involved.

# APPENDIX A

2019 LRB 6273: relating to law enforcement agency policies on the use of force.

<p><b>SPECIFIC PRINCIPLES THAT THE BILL WOULD REQUIRE:</b></p>	<p><b>HOW THOSE PRINCIPLES ALREADY EXIST:</b></p>
<p>The primary duty of all members of law enforcement is to preserve human life, including the lives of individuals being placed in police custody.</p>	<p>The state’s “law enforcement code of ethics,” that is administered as an oath to all law enforcement trainees under Wis. Admin. § LES 3.01(1)(d)1. states <b>“AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve humanity; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality, and justice.”</b> Wis. Admin. § LES 3.01(1)(d)1. (Aug. 2001).</p>
<p>Deadly force shall only be used as a last resort. The necessity to use deadly force arises when all other available means of preventing immediate and grave danger to officers or other persons have failed or would likely fail.</p>	<p>Wisconsin’s uniform law enforcement training guide states: <b>“Before you can use deadly force, you must reasonably believe that all other options have been exhausted or would be ineffective. In other words, deadly force is always a last resort. This concept is called <i>preclusion</i>.”</b> <i>Defensive and Arrest Tactics: A Training Guide for Law Enforcement Officers</i>, Wisconsin Dept. of Justice Law Enforcement Standards Bd. (June 2017).</p>
<p>Law enforcement shall obtain the cooperation of the public, with minimum reliance on the use of physical force. When force is needed, it shall not exceed that needed to address the threat posed to the officer or the public.</p>	<p>Under state law, <b>a law enforcement officer’s use of force is appropriate when they reasonably believe that their actions:</b> (1) are under circumstances of “coercion,” or “necessity,” such that they are the only means of preventing imminent death or great bodily harm to themselves or another, (2) <b>involve only the amount of force necessary to protect themselves or others, or property,</b> (3) in good faith, and are apparently authorized and reasonable fulfillments of their duties, or (4) a reasonable accomplishment of a lawful arrest. Wis. Stat. § 939.45. Moreover, the U.S. Supreme Court has long-held that any law enforcement use of force must be “objectively reasonable,” in light of the severity of the crime at issue, whether the suspect poses an imminent threat to the safety of officers or others, and whether the suspect is actively resisting or attempting to evade arrest by flight. The reasonableness of an officer’s actions must be judged under the totality of the circumstances from the perspective of a reasonable officer at the scene with similar training and experience. <i>See, e.g., Graham v. Connor</i>, 490 U.S. 386, (1989). Furthermore, Wisconsin’s unified law enforcement training manual provides that <b>“[i]f voluntary compliance is not possible, you may need to use force, but only that amount that is objectively reasonable to gain control. Once control is established, you must reduce your level of force to that level needed to maintain control. This requires considerable self-control—which is part of being a professional law enforcement officer.</b> <i>Defensive and Arrest Tactics: A Training Guide for Law Enforcement Officers</i>, Wisconsin Dept. of Justice Law Enforcement Standards Bd. (June 2017).</p>

<p>De-escalation tactics to reduce the use-of-force by law enforcement officers shall be employed unless impossible.</p>	<p><b>“De-escalation tactics” are taught all throughout Wisconsin’s law enforcement training curriculum</b>, which are integrated within what is referred to as the “Disturbance Resolution” framework which trains officers to apply a wide variety of tactics in considering their responsive options, including, among others, a range of verbal communication strategies, crisis assessment and intervention methods, and disengagement. <b>The U.S. Supreme Court has held that reasonableness of any law enforcement use of force must be judged under the totality of the circumstances, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. See Tennessee v. Garner, 471 U.S. 1 (1985). Wisconsin’s model policy adds to this list of factors “the existence of alternative methods of arrest...”</b> <i>Wisconsin Law Enforcement Officers Criminal Law Handbook</i>, Wis. Dept. of Justice Training and Standards Bureau, pg. 15 (2009) [emphasis added]. Additionally, <b>all Wisconsin law enforcement officers are taught that “[y]our goal always is to get subjects to comply voluntarily. If they do, you will have achieved your objective without making the encounter unnecessarily adversarial....”</b> <i>Id.</i> at pg. 1.</p> <p>Though this legislative proposal seeks to require officers to use de-escalation tactics “unless impossible,” <b>the reasonableness of whether such tactics were impossible must be judged from the perspective of a reasonable officer</b> at the scene with similar training and experience. See <i>Graham v. Connor</i>, 490 U.S. 386, (1989).</p>
<p>Officers must take actions to intervene when witnessing a colleague’s excessive use-of-force.</p>	<p>The excessive force by an officer constitutes a crime. If one officer witnesses another officer committing a crime, they have an absolute duty under the law to intervene and report the conduct. <b>Failure to do so would bring any variety of criminal charges against the witness-officer, including the crime of Misconduct in Office under Wis. Stat. § 946.12.</b></p>