



March 18, 2021

Comments from the ACLU of Wisconsin
In support of Senate Bill 120, 122, and 123
Opposed to Senate Bill 117 and 124
Senate Committee on Judiciary and Public Safety

Senator Van Wanggaard and Members of the Committee:

As you know, dramatic incidents of fatal force against people of color have been captured on video shining a light on long-standing problems, most notably the confrontational and racially-biased approach too many law enforcement officers take towards the communities of color they are entrusted to serve.

This crisis can be improved through the articulation and implementation of transformative police practice reforms, embodying a bold vision of humane, equitable, and constitutional policing in our society. Under this vision, police protect everyone's civil liberties and safety, and operate as members of transparent organizations fully accountable to the communities they serve.

We need to make changes to accomplish this goal.

Some of the bills being presented today improve Wisconsin's statutory requirement regarding law enforcement agencies' use-of-force policies. **Senate Bill 120, 122, and 123** are steps in the right direction, though it should not take a year to implement these measures. We also need a statewide requirement for local policies that require de-escalation, place a high value on the lives and the bodily integrity of community members, and provide clear limits on use-of-force. We must support local departments to enact good use-of-force policies and reinforce them through effective implementation, accountability, and training. We must support values and principles that place a high value on the preservation of life and dignity for all community members.

Unfortunately, **Senate Bill 117** is going in the wrong direction. The mandated changes to the composition of the Milwaukee Fire and Police Commission and Madison PFC would be a huge step backward. The Police Unions should not be able to appoint members to the organization charged with police oversight, let alone have an automatic spot on the three-member panel that decides complaints and assesses discipline against police officers. Additionally, they should not have the authority to add a representative to the Commission without Common Council or Executive oversight no matter the situation. Moreover, the proposed changes to judicial review of FPC decisions give disciplined officers an unfettered second bite at the apple. A disciplined

officer gets an opportunity to relitigate the hearing before a court under a de novo standard, while the disciplining authority cannot appeal a decision to not impose discipline. Also, the requirement that the Commission's employees be "nonpartisan" appears to be an unjustified and potentially unconstitutional intrusion on public employees' rights to political association.

We also are opposed to **Senate Bill 124**, providing grants to cities for police houses. The communities that are currently targeted by police do not need more of their physical presence in their communities. This money could be better spent by investing in strategies that get at the root causes of low-level crimes.

We need to shift resources out of police departments and into communities of color, which have historically endured the greatest harms from underinvestment in non-punitive resources, and overinvestment in policing and other tools that funnel people into the criminal legal system.

The world of law enforcement in the United States is extremely fragmented. As a result, overhauling police practices in a meaningful, comprehensive way is a complex and challenging process. In Wisconsin alone, we have over 1,700 law enforcement agencies. For precisely this reason, it is critical we enact meaningful change at the state level. You have this mandate both from your constituents and the moral imperative to do the right thing at this moment. Thank you so much for providing an opportunity to testify today. I welcome any questions you may have.