# Wisconsin Legislative Council

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Director

TO: REPRESENTATIVES JIM STEINEKE AND SHELIA STUBBS, CO-CHAIRS, SPEAKER'S TASK FORCE ON RACIAL DISPARITIES

FROM: Legislative Council Staff

RE: Potential Law Enforcement-Related Topics for Task Force Discussion

DATE: November 4, 2020

This memorandum was prepared for you as co-chairs of the Speaker's Task Force on Racial Disparities to aid in your planning for the task force's work. The memorandum provides a brief summary of law enforcement-related policy topics that have been discussed in recent months as examples of items the task force may consider. The items summarized were identified through a review of state and federal legislation and potential changes to state law discussed publicly by various groups.

An index is provided at the end of this memorandum, with links to the page on which each topic is discussed, to assist in navigation.

## LAW ENFORCEMENT USE OF FORCE

Use of force by a law enforcement officer is governed, in part, by a use-of-force policy adopted by the officer's employing law enforcement agency. An officer is also trained on certain defensive and arrest tactics as determined by the Law Enforcement Standards Board (LESB), a governmental board responsible for establishing educational and training standards for and certifying law enforcement officers in this state.

### Content of State and Local Use-of-Force Policies

Current law requires state and local law enforcement agencies to prepare a written policy or standard regulating the use of force by law enforcement officers in the performance of their duties, but no specified content is required in the policy or standard.

Both Governor Evers and Senator Wanggaard have advanced legislation that would require law enforcement agencies to include in their use-of-force policies certain provisions governing when and how officers must report use-of-force incidents. In addition, in his special session legislative package, Governor Evers proposed requiring that each law enforcement agency's use-of-force policy include specified use-of-force principles relating to use of deadly force, preservation of life, and a duty to intervene, among others. To ensure uniformity, the Wisconsin Professional Police Association (WPPA) supports creating a statewide requirement to incorporate these principles in agency policies as part of its "Blue Print for Change."[1] At the federal level, both the George Floyd Justice in Policing Act of 2020

[1] All following mentions of WPPA proposals refer to items included within the "Blue Print for Change" document.

(Justice in Policing Act), led by the Congressional Black Caucus, and the Just and Unifying Solutions to Invigorate Communities for Everywhere Act of 2020 (JUSTICE Act), introduced by Senate Republicans, proposed to establish best practices for law enforcement officers and train officers on similar use-of-force topics.

## Public Access to Use-of-Force Policies

Current law requires each law enforcement agency to make its written use-of-force policy available for public scrutiny, but does not require a law enforcement agency to make its use-of-force policy available on a website.

Both Governor Evers and Senator Wanggaard have advanced legislation, also supported by the WPPA, that would generally require each law enforcement agency to make its use-of-force policy or standard publicly available on its website or, if the agency does not maintain its own site, on a website maintained by the municipality in which the law enforcement agency has jurisdiction. Note, however, that Senator Wanggaard's bill draft includes additional requirements regarding display of an updated policy and procedures for requesting a copy of a use-of-force policy.

## Model Use-of-Force Policy

Current law requires the LESB to establish model standards for certain law enforcement topics, such as police pursuits and handgun proficiency. While the LESB currently performs training on defensive and arrest tactics, current law does not currently require the LESB to adopt a model use-of-force policy.

Governor Evers's legislative package would require the LESB to develop a model use-of-force policy for law enforcement agencies addressing various topics, such as specific use-of-force principles, as well as interactions with and use of force against certain vulnerable populations.

## Whistleblower Protections for Reporting Use-of-Force Violations

Commonly referred to as "whistleblower protections," current law protects state employees from retaliatory action for disclosing workplace abuses. If certain steps are taken to appropriately report certain types of information, a state law enforcement officer is protected from retaliatory action, or a threat of retaliatory action, including dismissal, demotion, transfer, suspension, or other actions, and a number of curative steps may be required. Additional protections are also in place for state and local law enforcement officers through application of the "just cause" finding that is required for suspension, demotion, or discharge of a law enforcement officer.

Both Governor Evers and Senator Wanggaard advanced legislation, also supported by the WPPA, to specify that a law enforcement officer may not be discriminated against in regard to employment because the law enforcement officer reported a violation of an agency's use-of-force policy. The bill drafts do not specify the procedures that must be used to claim the protections or the curative steps that may be required.

## Officer Training on De-Escalation Tactics

Current law requires law enforcement officers to complete 24 hours of annual recertification training. The LESB has authority to recommend minimum curriculum requirements for recertification. In addition, officers are required by statute to receive recertification training on the topics of police pursuit and handgun qualification, the hours of which count toward the 24-hour annual requirement.

In his special session package, Governor Evers included a bill requiring law enforcement officers subject to the 24-hour recertification requirement to annually complete at least eight hours of scenario-based

training on use-of-force options, focusing on skills and tactics that minimize the likelihood of using force, including de-escalation tactics. The WPPA generally supports requiring officers to annually complete a uniform amount of training on use-of-force options and de-escalation techniques, but notes the specific amount of time should receive further examination. At the federal level, the Justice in Policing Act and the JUSTICE Act would direct the U.S. Attorney General to develop training on alternatives to use of force and tactics for de-escalation.

## Investigations of Use-of-Force Incidents

Current law requires that each law enforcement agency have a written policy requiring that an investigation of an "officer-involved death" be conducted by at least two investigators who work for a different agency than the involved officer. The policy may allow an internal investigation of the officer-involved death if the internal investigation does not interfere with the investigation conducted by the outside investigators. The outside investigators must provide a report to the district attorney of the county in which the officer-involved death occurred. If the district attorney determines no basis exists for criminally prosecuting the law enforcement officer, the investigators must publicly release the report.

Senator Wanggaard authored legislation that would create an Independent Use-of-Force Review Advisory Board, the purpose of which is to research and review the causes and contributing factors of use-of-force incidents by law enforcement officers in the course of their duties. The board would have authority to conduct an investigation and analysis upon the conclusion of an officer-involved death investigation or upon the conclusion of any criminal investigation, depending on the type of incident. The WPPA supports this proposal.

## Collection of Data on Use of Force

Current law requires the Department of Justice (DOJ) to collect information concerning the number and nature of offenses committed in this state, along with other information that may be useful in the study of crime and the administration of justice. The information must include data requested by the Federal Bureau of Investigation (FBI) under its uniform crime reports (UCR) program. DOJ may determine any other information to be obtained regarding crime and justice system statistics. All persons in charge of law enforcement agencies must supply DOJ with information based on forms provided by DOJ.

Both Governor Evers and Senator Wanggaard have advanced legislation, supported by the WPPA, that would require law enforcement agencies to report information about use-of-force incidents to DOJ. The information would include the people involved in, and circumstances surrounding, incidents such as those involving the discharge of a firearm or a shooting of a civilian or officer. Both bills require the same types of specific information to be reported to and collected by DOJ, and would further require that DOJ publish an annual report on the use-of-force information collected. Note, however, that the bills are not identical, in that Senator Wanggaard's bill also modifies the type of data requested by the FBI that must be reported and collected by DOJ. At the federal level, both the Justice in Policing Act and the JUSTICE Act include multiple provisions relating to federal collection of data on use of force and other matters.

# LAW ENFORCEMENT TACTICS

## No-Knock Search Warrants

Current state law allows officers to forcibly enter a person's home or other premises without knocking and announcing their presence under certain circumstances. Officers executing a search warrant must generally follow the "knock and announce" rule, which requires an officer to announce his or her identity and purpose and give occupants time to either refuse entry or open the door. However, as an exception to this general rule, an officer may obtain a "no-knock" search warrant if there is reasonable suspicion that announcing would be dangerous, futile, or would inhibit investigation of the crime (e.g., allow a suspect to destroy evidence).

Governor Evers proposed prohibiting "no-knock" search warrants as part of his special session legislation. Rather than prohibiting use of "no-knock warrants," the WPPA proposes to require law enforcement agencies to report the number of "no-knock" warrants and total search warrants issued each year. At the federal level, the Justice in Policing Act would prohibit use of "no-knock" warrants in federal drug cases, while the JUSTICE Act would require reporting on their use rather than prohibiting their use.

## Choke Holds

Current law does not specifically regulate the use of, or training on, choke holds by law enforcement officers. Pursuant to its training authority, the LESB's *Defensive and Arrest Tactics; a Training Guide for Law Enforcement Officers* ("DAAT guide") sets forth use-of-force and reporting standards on which officers are trained. The DAAT guide does not train law enforcement officers on using a choke hold. However, under the DAAT guide, a choke hold may be an appropriate use of force if it is justifiable under the circumstances, such as acting in self-defense.

Governor Evers proposed a requirement that each law enforcement agency's use-of-force policy ban the use of choke holds in his package of special session bills. Senator Wanggaard included a similar bill in his recently announced package of bills relating to law enforcement. Under Senator Wanggaard's bill, a law enforcement agency's use-of-force policy or standard may not authorize the use of choke holds by law enforcement officers, except in life threatening situations or in self-defense. The WPPA supports Senator Wanggaard's proposal.

## Use of Tear Gas and Pepper Spray

Current law generally prohibits the sale, possession, use, and transport of "any tear gas bomb, hand grenade, projectile or shell or any other container of any kind or character into which tear gas or any similar substance is used or placed." However, the prohibition does not apply to any armed forces or National Guard in the line of duty, any civil enforcement officer of the state or of any county or city, or to any person duly authorized by a sheriff or chief of police.

Current law also generally allows the sale, possession, use, and transport of any device or container that contains a combination of oleoresin of capsicum or CS gel and inert ingredients but does not contain any other gas or substance that will cause bodily discomfort ("pepper spray"), but prohibits the use of pepper spray to cause bodily harm or bodily discomfort. That prohibition does not apply to a person who uses pepper spray in self-defense or defense of another or to any peace officer acting in his or her official capacity.

Some groups have advocated for a ban or limit on the use of tear gas, pepper spray, or both, by governmental agents on citizens. Proposals range from a total ban on the use of the substances to the

creation of policies that establish conditions under which tear gas, pepper spray, or both, may be deployed.

# CHANGES TO POLICE AND FIRE COMMISSIONS

Current law requires certain municipalities to create boards of fire and police commissioners (PFCs). Very generally, a PFC appoints, suspends, or removes chiefs of the fire and police departments, has jurisdiction over the hiring and firing of subordinate police officers and firefighters, and reviews the disciplinary, discharge, and promotional actions undertaken by the chief. State law prescribes the process by which a PFC may review charges against a subordinate and the scope of any review of a PFC's disciplinary decision by a court.

In some municipalities, a PFC may be granted additional "optional powers" by the electorate. An optional powers PFC may, in addition to exercising the powers generally granted to a PFC, organize and supervise the police and fire departments, contract for and purchase necessary apparatus and supplies for the departments, and audit all bills, claims, and expenses of the departments before they are paid by the city treasurer.

Separate statutory requirements apply to a PFC in a first class city, which means they currently apply only to the City of Milwaukee. A PFC in a first class city has certain duties beyond those described above for non-first class cities. For example, among other responsibilities, a PFC in a first class city exercises oversight over the operations of the city's police and fire departments.

Senator Wanggaard's package of legislation proposes changes to PFCs, which generally impact only the cities of Milwaukee and Madison. The changes would affect how members are chosen, appointed, and trained on the Milwaukee and Madison PFCs; create the position of "Independent Monitor" for the Madison PFC; and assign certain duties to the independent monitor position and the same to the Executive Director of the Milwaukee PFC. Senator Wanggaard's proposal would also require certain steps for appointing a new police or fire chief and provide a mechanism for the PFC to initiate a review of either chief. The WPPA appears to endorse this approach, stating that this legislation "would significantly strengthen the effectiveness of the commissions in these two municipalities."

# LAW ENFORCEMENT STANDARDS BOARD

Wisconsin's LESB is a 15-member board attached to DOJ. LESB's objectives are to assist law enforcement by establishing minimum standards of recruitment and recruit training, and by encouraging and supporting other programs designed to improve law enforcement administration and performance.

## LESB Authority

LESB has various powers and duties related to its statutory objectives, such as the authority to: (1) certify or decertify law enforcement officers; (2) establish minimum educational and training standards for admission as a law enforcement officer; (3) establish curriculum requirements; (4) promulgate rules to administer its statutory authority, including the authority to require law enforcement agencies to submit reports and information; (5) conduct research designed to improve law enforcement administration and performance; and (6) make recommendations about matters within its purview.

In his package of special session bills, Governor Evers proposed expanding LESB's authority to establish all of the following: (1) minimum educational and training standards for jail and juvenile detention officers; (2) minimum recruitment standards for law enforcement, tribal law enforcement,

jail, and juvenile detention officers; (3) minimum qualification standards for admission to preparatory law enforcement, tribal law enforcement, jail, and juvenile detention officer training; and (4) administrative rules to require the submission of reports and information by jails, juvenile detention facilities, and certain preparatory training schools. Representative Ott and Senator Testin also circulated a similar bill for co-sponsorship that would provide LESB with the same additional authorities.

## Qualifications to be Certified as an Officer

Very generally, a law enforcement officer is hired by a particular law enforcement agency and then certified to serve as a law enforcement officer by LESB. An officer meets the LESB's certification requirements if the officer: (1) meets LESB's minimum employment standards; (2) is employed as an officer with an agency; and (3) successfully completes the required preparatory training for each applicable certification within 12 months of hire. A law enforcement recruit must successfully complete a minimum of 400 hours of preparatory training to be eligible for permanent appointment with a law enforcement agency. However, current law does not specify the nature of the minimum standards LESB must establish, nor does current law describe the means by which those standards are met.

In his package of special session bills, Governor Evers proposed requiring that LESB education and training standards and new recruitment and qualification standards relate to the competence and reliability of persons to work as officers. The bill also requires that LESB prescribe the means for presenting evidence of fulfillment of these requirements. Representative Ott and Senator Testin circulated a similar bill for co-sponsorship that provided for the same competency and reliability standards.

## Grounds for Decertifying Officers

Current law grants LESB the authority to decertify a law enforcement officer, the effect of which is that the officer is no longer qualified to be a law enforcement officer in Wisconsin. Statutory grounds for decertification include: (1) termination of employment; (2) violation or failure to comply with an LESB rule, policy, or order relating to curriculum or training; (3) conviction of a felony; or (4) conviction of a misdemeanor crime of domestic violence. Pursuant to LESB's policy and procedures manual, a decertified officer is ineligible to retain employment, and is ineligible for re-employment and recertification for a minimum of six months from the date of decertification.

In his package of special session bills, Governor Evers proposed additional grounds for decertification of a law enforcement officer. For example, under the bill, LESB could decertify an officer who violates its rules relating to recruitment or who enters into a deferred prosecution agreement for specified crimes. Representative Ott and Senator Testin circulated a similar bill for co-sponsorship that includes the same decertification provisions.

## Law Enforcement Training on Racism

LESB has the authority to establish curriculum requirements, and must appoint a curriculum advisory committee to advise LESB regarding the requirements. The statutes authorize LESB to conduct training on specified subjects ranging from first aid, patrolling, statutory authority, techniques of arrest, and firearms to subjects such as human relations, civil rights, and constitutional rights.

Governor Evers issued Executive Order #59 in November 2019 creating a Governor's Advisory Council on Equity and Inclusion and requiring that training to increase cultural awareness and understanding of systemic racism and disparities be developed and given to all state agency employees. At the federal level, the Justice in Policing Act contains requirements related to training for law enforcement officers

on racial profiling and implicit bias, while the JUSTICE Act provides authorization and funding for an educational curriculum for law enforcement on the history of racism in the country.

## CONFIDENTIALITY OF OFFICER FILES AND COMMUNICATIONS

### Law Enforcement Employment Files

Current law does not explicitly require an employer to maintain a personnel file for each employee. However, for state employees, a disciplinary record may not be removed from a personnel file unless ordered by a court, ordered by the reviewing authority during a grievance process, or otherwise agreed to in a settlement agreement. Current law also requires sharing of files among state agencies for state employee hiring decisions.

For both state and local law enforcement officers, LESB maintains a report of a separation from employment, including a resignation in lieu of termination, resignation prior to completion of an internal investigation, and termination for cause. The LESB report may be accessed by an employing agency while conducting a pre-hire background investigation.

Governor Evers advanced legislation that would require a law enforcement agency to maintain an "employment file" that includes all files relating to performance, discipline, and other specified records. The bill draft specifies a procedure to provide access by an employing agency to a candidate's employment file, including rendering a candidate ineligible for employment if the candidate refuses access to a file, and specifies that a nondisclosure agreement entered into after enactment may not prohibit that access. Representative Ott and Senator Testin also circulated a similar bill for co-sponsorship, supported by the WPPA, that includes identical provisions for the maintenance and sharing of employment files

### Officer-Peer Support Counselor Privilege

Current law does not create a "privilege" for communications between a law enforcement officer and the officer's mentor or peer support person. A "privilege" is a legal protection for certain communications preventing the communications from being disclosed in a court proceeding. There are a number of current privileges contained in state law, including a privilege for information a patient discloses to a physician, psychologist, or professional counselor while getting treatment. Information an officer discloses to a mentor or peer support person is not privileged or confidential under current law.

The WPPA recommends creating a privilege for communications between an officer and a peer support counselor, and additionally, prohibiting the release of these communications to any person or entity (including the officer's employer). Disclosure would still be allowed, however, to prevent serious physical injury or death, when required by court order, or when the officer gives written consent.

## OFFICERS IN SCHOOLS

### School Resource Officers

Current law does not impose training requirements or standards specific to school resource officers (SROs). SROs are not defined in state law, but are commonly understood to be law enforcement officers employed by law enforcement agencies to work within schools on a full-time or part-time basis. Whether or not a school district establishes a school resource officer program is a local decision. The specific duties of an SRO and any required training are typically governed by a memorandum of understanding (MOU) between a local police department and a school district.

Local groups have advocated for ending SRO programs within school districts, and a few districts have recently terminated or are considering termination of their contracts for SROs. The WPPA recommended creating uniform SRO training and standards.

### Interrogations of Juveniles

Current law does not give juveniles the right to have a parent or legal guardian present during a custodial interrogation by law enforcement, nor does it prohibit interrogation prior to notifying a juvenile's parent. State law does mandate that any person (including law enforcement) taking a juvenile into custody must immediately attempt to notify the juvenile's parent or guardian, but there is no clear penalty for violating this requirement.

2019 Assembly Bill 983 requires a law enforcement agency to notify a juvenile's parent or guardian prior to custodial interrogation, and prohibits officers from conducting such an interrogation until a parent receives notice. Statements made by a juvenile during an interrogation, but prior to parental notice, would be inadmissible against the juvenile in a court proceeding under the bill. 2019 Assembly Bill 1036 includes similar provisions, among various juvenile justice-related provisions.

## STATE FUNDING AND CRISIS RESPONSE

### Reduced State Aid for Decreased Local Police Funding

Current law provides for unrestricted state aid payments, commonly referred to as "shared revenue," to counties and municipalities under the county and municipal aid program.

Legislation proposed by Senator Wanggaard would generally require the Department of Administration to reduce a municipality's aid payment if the municipality decreases the amount of its municipal budget dedicated to hiring, training, and retaining law enforcement. In contrast, other groups have advocated for efforts to reallocate funding away from law enforcement agencies to other areas of government.

### New Grant Programs

The state provides numerous grants to law enforcement agencies. By way of example, DOJ administers several grant programs, such as law enforcement officer grants, beat patrol overtime grants, law enforcement drug trafficking grants, and county-tribal law enforcement grants.

In his special session package, Governor Evers included a bill that would appropriate $1 million to a new "violence interruption grant program," administered by DOJ. Under this program, DOJ would provide grants to community organizations that are utilizing evidence-based outreach and violence interruption strategies to mediate conflicts, prevent retaliation and other potentially violent situations, and connect individuals to community supports.

Senator Wanggaard also authored legislation, supported by WPPA, that would provide grants to cities with over 60,000 residents to establish community-oriented police houses. The program is intended to allow officers to build relationships with members of the community, and may include regularly scheduled community meetings and neighborhood walks, appointing a community liaison or ombudsman to hear community concerns, creating opportunities for informal hearing sessions or get-togethers between community members and law enforcement officers and agency leadership, and requiring law enforcement officers to perform community service.

In addition, the WPPA has proposed creating a three-year grant program to fund law enforcement agency efforts to implement and maintain body-worn camera programs.

The WPPA also supports increasing the funding for crisis intervention team training grants from $250,000 per biennium to $1 million per biennium.

## Crisis Intervention Teams

Current law provides grants for training law enforcement and correctional officers in mental health crisis intervention, and grants for a website and hotline providing information and referrals to community–based services, advocacy in accessing services, connection to crisis intervention, and follow–up contact.

The WPPA supports increasing grant funding for crisis intervention and studying crisis intervention alternatives to policing, such as the use of response teams consisting of law enforcement officers, social workers, and mental health professionals. Other groups advocate for response teams consisting of mental health, social work, and substance abuse treatment professionals that are authorized to respond to appropriate situations – either with law enforcement or instead of law enforcement. Certain groups also advocate local crisis hotlines and "warmlines" allowing any community member in behavioral or mental health crisis to speak with a local mental health professional.

## Emergency Detention

Wisconsin's emergency detention law permits a law enforcement officer to detain an individual in certain cases when his or her recent actions pose a risk of harm to himself, herself, or others. Under its current policy, DHS only allows the Winnebago Mental Health Institute to serve patients detained under emergency detention.

2017 Assembly Bill 815 and 2017 Senate Bill 681, companion bills, would have allowed a law enforcement officer to transport an individual being held under emergency detention to either the Winnebago Mental Health Institute or the Mendota Mental Health Institute. The bills would have also required DHS to develop a grant program to establish regional mental health crisis centers for the purpose of accepting emergency detentions. These bills have recently been endorsed by the WPPA.

# OFFICER WELLNESS

## Worker's Compensation for Officer PTSD

Current law effectively limits the ability of some law enforcement officers to receive worker's compensation for employment-related post-traumatic stress disorder (PTSD). Employment-related PTSD can be covered as an injury under current law, but an officer must prove the PTSD was caused by unusual stress of "greater dimensions" than the daily stress and tension that other similarly situated employees experience. In essence, an officer must show that he or she experienced stress beyond what other officers experience as part of their jobs in order to qualify for worker's compensation benefits.

2019 Senate Bill 511 and 2019 Assembly Bill 569, companion bills, would allow officers and firefighters to be covered by worker's compensation for employment-related PTSD diagnosed by a licensed psychiatrist or psychologist, and specifies that a diagnosis does not have to be based on unusual stress of greater dimension than experienced by other similar employees. The Senate bill was awaiting concurrence from the Senate with an Assembly substitute amendment and failed to pass. The WPPA supports the general proposal.

### State Wellness Coordinator

Current law does not provide a state coordinator responsible for supporting officer mental health and wellness initiatives.

The WPPA recommends the creation of a dedicated DOJ position to serve as a resource for officers on suicide prevention and to coordinate mental health and wellness initiatives.

## CIVIL LIABILITY

### Civil Cause of Action for Unnecessary Police Calls

Current law allows a person to bring a civil cause of action against another person for various types of intentional torts (harm). Examples of intentional torts include defamation, intentional infliction of emotional distress, and invasion of privacy. The statutes also allow a person to bring a civil cause of action for employment discrimination under the state's Fair Employment Law or housing discrimination under the Fair Housing Law.

In his package of special session bills, Governor Evers proposed creating a new civil cause of action allowing a person to seek damages from someone who knowingly summons a law enforcement officer with the intent to do any of the following: (1) infringe upon a right of the person under the Wisconsin or U.S. Constitution; (2) unlawfully discriminate against the person; (3) cause the person to feel harassed, humiliated, or embarrassed; (4) cause the person to be expelled from a place in which the person is lawfully located; (5) damage the person's reputation or standing within the community; or (6) damage the person's financial, economic, consumer, or business prospects or interests.

### Governmental Immunity

A law enforcement officer may be subject to civil liability based on his or her use of force. Under state law, a person may file a civil lawsuit against a public officer in state court. Such lawsuits typically allege negligent or tortious conduct. However, in Wisconsin, such lawsuits may be subject to the requirements and restrictions set forth in s. 893.80, Stats., known as the governmental immunity statute. Among other provisions, the governmental immunity statute grants units of government, their officers, and their employees immunity from liability for damages resulting from discretionary acts, subject to certain narrow case law exceptions.

No state legislative proposals have been introduced seeking to modify Wisconsin's governmental immunity statute, though such proposals are being discussed in other states. At least one state, Colorado, has recently enacted legislation providing that immunity is not a defense in a civil action brought by a person who alleges that an officer has infringed upon a state constitutional right. Relatedly, the federal doctrine of qualified immunity, which provides immunity from liability for government officials performing discretionary functions unless they violate "clearly established" law, has been a topic of significant debate over the last several years. Recently, the U.S. Supreme Court declined to accept several cases addressing the qualified immunity doctrine, and the Justice in Policing Act proposes limiting qualified immunity for state and local law enforcement officers in federal lawsuits under 42 U.S.C. s. 1983.

If you have any questions, please feel free to contact Katie Bender-Olson or Amber Otis directly at the Legislative Council staff offices.

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# POTENTIAL LAW ENFORCEMENT-RELATED TOPICS FOR TASK FORCE ON RACIAL DISPARITY

**Law Enforcement Use of Force** ........ 1

Content of State and Local Use-of-Force Policies ........ 1

Public Access to Use-of-Force Policies ........ 2

Model Use-of-Force Policy ........ 2

Whistleblower Protections for Reporting Use-of-Force Violations ........ 2

Officer Training on De-Escalation Tactics ........ 2

Investigations of Use-of-Force Incidents ........ 3

Collection of Data on Use of Force ........ 3

**Law Enforcement Tactics** ........ 4

No-Knock Search Warrants ........ 4

Choke Holds ........ 4

Use of Tear Gas and Pepper Spray ........ 4

**Changes to Police and Fire Commissions** ........ 5

**Law Enforcement Standards Board** ........ 5

LESB Authority ........ 5

Qualifications to be Certified as an Officer ........ 6

Grounds for Decertifying Officers ........ 6

Law Enforcement Training on Racism ........ 6

**Confidentiality of Officer Files and Communications** ........ 7

Law Enforcement Employment Files ........ 7

Officer-Peer Support Counselor Privilege ........ 7

**Officers in Schools** ........ 7

School Resource Officers ........ 7

Interrogations of Juveniles ........ 8

**State Funding and Crisis Response** ........ 8

Reduced State Aid for Decreased Local Police Funding ........ 8

New Grant Programs ........ 8

Crisis Intervention Teams ........ 9
Emergency Detention ........ 9
**Officer Wellness** ........ 9
Worker's Compensation for Officer PTSD ........ 9
State Wellness Coordinator ........ 10
**Civil Liability** ........ 10
Civil Cause of Action for Unnecessary Police Calls ........ 10
Governmental Immunity ........ 10