

Subject: Sen. Feingold's End Racial Profiling Act of 2001

WCPA Members,

Sen. Feingold last Thursday introduced Federal Legislation regarding racial profiling. Our association had been in direct contact and dealing with his office since March of this year. There had been much discussion on his bill, however, we had not seen it until last Monday. To say the least, this bill is a slap in the face to every law enforcement agency and officer in this country, and especially in Wisconsin. We have brought that to his attention on several occasions, and yet he has chosen not to change his position. It is our understanding that he now intends to be in Milwaukee next Monday, June 18th for a press conference announcing the bill. We also understand he is actively attempting to have law enforcement officials present showing support for this bill. Let me make it clear to all, THE WCPA DOES NOT SUPPORT SEN. FEINGOLD'S END OF RACIAL PROFILING ACT 2001 BILL IN IT'S PRESENT FORM. We believe that every law enforcement officer in this state should be offended by his actions and his lack of concern for our position in this matter. This needs to be expressed directly to the Senator as soon as possible.

The bill has many problems in it. I would like to identify some of them for you.

First, the opening statement of the act states, "The use by police officers of race, ethnicity, or natural origin in deciding which persons would be subject to traffic stops, stops and frisks, questioning, searches, and seizures is a PROBLEMATIC law enforcement tactic." This wording was changed from, "is a WIDESPREAD law enforcement tactic." but still holds the same meaning. We, who are professional law enforcement officers should be angered by this wording.

Second, the bill states, "Current efforts by State and local governments to eradicate racial profiling and redress the harms it causes, while laudable, have been limited in scope and insufficient to address this national problem." This is a clear attempt to circumvent the efforts made by the Governors Task Force on Racial Profiling and the efforts law enforcement agencies throughout Wisconsin have been attempting to make on this issue. The Senator is very aware of what we in law enforcement were doing in this state and to have him throw out the effort is another attempt to discredit our efforts.

Third, even as our state has passed legislation eliminating ticket or arrest quotas, the bill states that we still employ a practice of "management practices that may have the unintended effect of encouraging law enforcement agencies to engage in racial profiling." Apparently the Senator has little faith in Wisconsin law enforcement to have to adopt such language.

Fourth, the bill states, "Nature of Proof - Proof that the routine investigatory activities of law enforcement agents in a jurisdiction have a disparate impact on racial or ethnic minorities shall constitute prima facie evidence of a violation of this title." How is this proof defined and what evidence is used to make this type of determination is clearly missing.

Fifth, the bill calls for mandatory data collection in several locations. Again, we have the argument that data collection is the answer to all ills. The Senator fails to understand that data

collection does not make the answer, it's what is done with any data collected and how that data is analyzed based upon the benchmarks.

Sixth, as to those benchmarks, they are to be created by the United States Attorney General John Ashcroft at a later date. This attempt is like putting the cart before the horse. Data collection is not to drive the benchmarks. A clear and concrete procedure of how the data should be analyzed must be in place before data can be utilized, not after the fact.

Seventh, the bills calls for "independent procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents of the agency." In discussions with the Senators office, it was their intent to have an independent body monitor these types of complaints that come into your agency, removing our ability to investigate our department personnel. No trust whatsoever.

Eighth, the bill calls for those agencies receiving money from the federal government to sign a statement stating that your agency, "has ceased existing practices that encourage racial profiling." That's like answering the old defense trick on the witness stand, "Have you stopped beating your wife yet?"

The only positive part of the bill would be the ability to obtain new technology to assist your agency, i.e.. in-car video systems, establishing systems for management review.

I call upon all of you to make your voices known as soon as possible. You can contact the Senator at his Washington DC office at (202) 224-5323 or any of his local offices. I also encourage you not to endorse this bill next Monday.

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