

**WI Legislative Fiscal Bureau 2009-2011 Summary of Governor's Recommendations  
Department of Justice**

**13. COLLECTION OF TRAFFIC STOP DATA**

**Governor:** Require all persons in charge of a law enforcement agency to obtain or cause to be obtained all of the following information with respect to each motor vehicle stop made on or after January 1, 2011, by law enforcement officers: (a) the name, address, gender, and race of the operator of the motor vehicle; (b) the reason that the officer stopped or detained the motor vehicle; (c) the make and year of the motor vehicle; (d) the date, time, and location of the motor vehicle stop; (e) whether or not a law enforcement officer conducted a search of the motor vehicle, the operator, or any passenger, and, if so, whether the search was by consent or by other means; (f) the name, address, gender, and race of any person searched; and (g) the name and badge number of the officer making the motor vehicle stop. Specify that if the race of the motor vehicle operator or any person searched is not available from any available electronic database or other similar source, the officer must subjectively select the person's race from the following list: (a) Caucasian; (b) African American; (c) Hispanic; (d) American Indian or Alaska Native; or (e) Asian or Pacific Islander. Specify that the traffic stop data is not subject to inspection or copying under the state's open records law.

Define the following terms: (a) "motor vehicle stop," a stop or detention of a motor vehicle that is traveling in, or the detention of an occupied motor vehicle that is already stopped in, any public or private place in a county having a population of 125,000 or more, for the purpose of investigating any alleged or suspected violation of a state or federal law or city, village, town, or county ordinance; (b) "law enforcement agency," a governmental unit of one or more persons employed full-time by the federal government, a state or local unit of government for the purpose of preventing and detecting crime and enforcing federal or state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority; and (c) "law enforcement officer," a person who is employed by a law enforcement agency for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the law or ordinances that the person is employed to enforce, whether that enforcement authority extends to all laws or ordinances or is limited to specific laws or ordinances. Currently the following counties have a population of 125,000 or more: Brown, Dane, Kenosha, Marathon, Milwaukee, Outagamie, Racine, Rock, Washington, Waukesha, and Winnebago.

Require the person in charge of a law enforcement agency to submit the information obtained for motor vehicle stops to DOJ using the form and schedule prescribed by DOJ in administrative rule. Require DOJ to compile the motor vehicle stop information submitted by law enforcement agencies and analyze the information, along with any other relevant information, to determine, both for the individual law enforcement agency submitting information and as an aggregated total for all enforcement agencies submitting information, all of the following: (a) whether the number of motor vehicle stops and searches involving racial minorities was disproportionate to the number of motor vehicle stops and searches involving non-racial minorities, based on either: (i) an

estimate of the population and characteristics of persons traveling on highways in the counties for which information is submitted; (ii) on an estimate of the populations and characteristics of persons traveling on highways in the counties for which information is submitted who are violating a law or ordinance; or (iii) on some other relevant population estimate; and (b) a determination as to whether any disproportion determined in the motor vehicle stop data is the result of racial profiling, racial stereotyping, or other race-based discrimination or selective enforcement.

Direct DOJ, on or before March 31, 2012, and on or before each March 31 thereafter, to prepare an annual report that summarizes the motor vehicle stop data for the year and describes the methods and conclusions of its analysis of the information. Require DOJ to submit the annual report to the Legislature, the Governor, and to the Director of State Courts.

Direct DOJ to promulgate rules to implement the requirements of the provision, including rules: (a) prescribing a form to use in obtaining motor vehicle stop data; and (b) establishing a schedule for submitting the information to DOJ. Require DOJ to make the form prescribed by its rules available to law enforcement agencies. Specify that DOJ may, by rule, require the collection of information in addition to the information required to be collected under this provision, if the Department determines that the information will help it to make the required determinations identified above. Require the training program developed by the Law Enforcement Standards Board to include training concerning cultural diversity, including sensitivity toward racial and ethnic differences. Require that the training be designed to prevent the use of race, racial profiling, racial stereotyping, or other race-based discrimination or selection as a basis for detaining, searching, or arresting a person or for otherwise treating a person differently from persons of other races, and emphasizing the fact that the primary purposes of enforcement of traffic regulations are safety and equal and uniform enforcement under the law.

Specify that these provisions take effect on the day after publication of the bill.  
[AB 75 Sections: 2449, 2450, and 9430(1)]