File No. 20-527

By Supervisors Rolland, Clancy, Czarnezki, Martin, Sumner, and Johnson Jr.

**A RESOLUTION**

Proposing practical reforms to Wisconsin hate crimes statutes and giving false information to police officers on the basis of race, religion, color, disability, sexual orientation, national origin, or ancestry of a person; proposing additional guidelines to the National Neighborhood Watch Program to mitigate instances of unconscious racial bias, and proposing efforts to enable police departments are able to screen for and reduce “living while Black” racially-motivated calls for police service

WHEREAS, the murder of George Floyd on May 25, 2020, a Black man in Minneapolis, due to the actions of four police officers who have since been criminally charged, has galvanized racial tension and festered the wounds of America’s racial divide and police-community relations; and

WHEREAS, in today’s parlance, many persons of color would say while going about their business they have been stopped by police for “living while Black,” particularly in predominantly White neighborhoods and commercial areas; and

WHEREAS, on May 25, 2020, in New York City’s Central Park, a White woman was recorded on camera falsely alleging Christian Cooper, a Black man, was threatening her life, emphasizing his race and playing to racial stereotypes, something which potentially threatened the life of an innocent man by weaponizing the police, subsequently galvanized the nation; and

WHEREAS, in a June 6, 2020 letter, Wauwatosa Police Chief Barry Weber wrote, “Police officers do not choose which service calls they respond to,” noting police officers must respond to every call for service; and

WHEREAS, on May 1, 2019, the Milwaukee Journal Sentinel reported in an article titled, “We’ve got the Bucks. The NFL draft. ‘Hamilton’ on the way. Wauwatosa alderman questions need for inclusion commission,” former Wauwatosa East High School Student Isiah Holmes told the City of Wauwatosa’s Government Affairs Committee that he had been stopped by Wauwatosa police 23 times during one summer vacation, and further testified that residents report to police about ‘suspicious activity’ when persons of color walk or drive by when in actuality they are doing nothing wrong; the Journal Sentinel reported Holmes testified, “I felt hunted.”; and

WHEREAS, citizens who contact police to report a “suspicious person of color” instead of “suspicious behavior” harm our neighbors, divide our community, set police and innocent members of minority groups on a negative collision course, waste law enforcement’s time by drawing officers to nonissues, and remove law enforcement from its strategic role to protect and serve; and

WHEREAS, police dispatchers must be empowered and required to independently determine when to authorize a police response due to reportedly suspicious behavior and when to deny a police response based on racial bias alone; should a police response be deemed warranted, dispatchers should be required to provide all relevant context to responding officers in advance; and

WHEREAS, in November 2014, a Cleveland police dispatcher sent officers to investigate a report of “a man with a gun” on a playground without sharing vital context that the individual was likely a juvenile and the weapon was likely fake, resulting in the fatal shooting of 12-year-old Tamir Rice; and

WHEREAS, the National Sheriffs’ Association sponsors the National Neighborhood Watch program, which has approximately 40 chapters in Milwaukee County, and in its “Neighborhood Watch Manual” defines “suspicious activity” as “[a]nything that feels uncomfortable or looks out of place,” which to an individual unaware of his or her unconscious bias who is not accustomed to seeing persons of color in his or her neighborhood, may construe the mere lawful presence of a person of color in the area as “suspicious”; and

WHEREAS, Wis. Stat. § 946.41(2m)(a) specifies the criteria by which someone providing false information to a law enforcement officer is guilty of a Class H Felony should, “The violator [give] false information or [place] physical evidence with intent to mislead an officer”; and

WHEREAS, Wis. Stat. § 939.645 outlays criminal penalties for hate crimes, or “crimes committed against certain people or property” based “in whole or in part because of the actor’s belief or perception regarding the race, religion, color, disability, sexual orientation, national origin, or ancestry of that person…”; and

WHEREAS, giving false information to a law enforcement officer under Wis. Stat. Wis. Stat. § 946.41 on the individual basis of race, religion, color, disability, sexual orientation, national origin, or ancestry of a person may be charged as a hate crime under Wis. Stat. § 939.645, Wis. Stat. § 946.41 could further specify the criteria of Chapter 939 in its subsections; and

WHEREAS, while there is more work to do, Milwaukee County has made strides toward improved race relations and outcomes, for example, through the:

* Creation of the Office of African American Affairs to provide “recommendations for changes in programs and laws that disparately impact African Americans; [develop] and [implement]…policies, plans, and programs related to the special needs of African Americans; and [promote]…equal opportunities for African Americans (File No. 15-636)
* Declaration of racism as a public health crisis and commitment to combatting racism and achieving racial equality (File No. 19-397)
* Co-creation of the Milwaukee City-County Joint Taskforce on Climate and Economic Equity (File No. 19-582)
* Creation of a racial equity ordinance to orient County policy toward equity objectives (File No. 20-174 and Milwaukee County General Ordinances Chapter 108)

; and

WHEREAS, Milwaukee County is striving for racial equity to become the healthiest county in Wisconsin; now, therefore,

BE IT RESOLVED, Milwaukee County reiterates its condemnation of racism, and that Black lives do matter; and

BE IT FURTHER RESOLVED, Milwaukee County calls upon the Wisconsin Legislature and Governor Evers to pass into law a provision which adds to Wis. Stat. § 946.41(2m) which specifies someone who is guilty of violating Wis. Stat. § 946.41(2m) consistent with Wis. Stat. § 939.645, has committed a hate crime due to the actor’s belief or perception regarding the race, religion, color, disability, sexual orientation, national origin, or ancestry of another; and

BE IT FURTHER RESOLVED, Milwaukee County also calls upon the National Sheriffs’ Association, Milwaukee County Intergovernmental Cooperation Council, and Milwaukee County police departments and their police and fire commissions to ensure the implementation of unconscious bias trainings to launch an unprecedented community outreach campaign to educate local Neighborhood Watch groups and others that the mere presence of a person of color is not by itself inherently suspicious; and

BE IT FURTHER RESOLVED, Milwaukee County further calls upon the Milwaukee County Intergovernmental Cooperation Council, Milwaukee County police departments and their police and fire commissions, to ensure implementation of a credible approach to demographically track police response data, and annually create measurable goals relating to reducing “living while Black” police responses; and

BE IT FURTHER RESOLVED, Milwaukee County calls for the Milwaukee County Intergovernmental Cooperation Council, Milwaukee County police departments and their police and fire commissions, to ensure implementation of systems and procedures empowering police dispatchers to screen for, mitigate, and inform police response to calls for service instigated by racial bias when in actuality there is no incident to respond to; and

BE IT FURTHER RESOLVED, Office of Government Affairs staff is authorized and requested to communicate the contents of this resolution to the National Sheriffs’ Association, all Milwaukee County police departments, all Milwaukee County police and fire commissions, and State policymakers, and support legislation that achieves the criteria outlined in this resolution; and

BE IT FURTHER RESOLVED, Milwaukee County requests the County Clerk provide this resolution to the National Sheriffs’ Association, all Milwaukee County police departments and police and fire commissions, Governor Evers, legislative leadership, and State policymakers who represent any part of Milwaukee County.