
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 50
[2021 Senate Bill 123]

Use-of-Force Data Collection

BACKGROUND

State 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. In addition, DOJ may determine any other information to collect regarding crime and justice system statistics.

State law further requires that all persons in charge of law enforcement agencies supply DOJ with the information that DOJ collects. Under prior law, DOJ must furnish all reporting officials with forms or instructions, or both, that specify the nature of the information required, the time it is to be forwarded, the method of classifying it, and any other matters that facilitate collection and compilation.

2021 WISCONSIN ACT 50

2021 Wisconsin Act 50 generally maintains these state law provisions, but further requires collection of information regarding use-of-force incidents. Specifically, the act requires law enforcement agencies to report, and DOJ to collect, specified information about the people involved in, and the circumstances surrounding, the following types of use-of-force incidents:

- Any incident involving the discharge of a firearm by a law enforcement officer at or in the direction of a civilian.
- Any incident involving the discharge of a firearm by a civilian at or in the direction of a law enforcement officer.
- Any incident in which an action taken by a law enforcement officer as a response to an act of resistance results in great bodily harm or death.
- Any incident in which an act of resistance taken by a civilian against a law enforcement officer results in great bodily harm or death.

Specifically, for any of these use-of-force incidents, the act requires DOJ to collect, and law enforcement agencies to report, the following information concerning the incident:

- The gender, race, ethnicity, and age of each person who was shot at, injured, or killed.
- The date, time, and location of the incident.
- The reason for the law enforcement officer's initial contact with the civilian.
- Whether any civilian involved in the incident was armed and, if armed, the type of weapon that the civilian had.

- The type of resistance used against the law enforcement officer by the civilian, the type of action taken in response by the officer, and if applicable, the types of weapons used.
- The number of law enforcement officers and civilians involved in the incident.
- A brief description regarding any acts of resistance that precipitated the incident and the circumstances surrounding the incident, including perceptions on behavior or mental disorders.
- Any other information that is required to comply with the reporting standards of the FBI's National Use-of-Force Data Collection system.

The act also eliminates DOJ's obligation to furnish all reporting officials with forms and instead requires that DOJ provide a simple format for submitting information that minimizes the time required by each law enforcement officer to submit the required information, to the greatest extent feasible.

Finally, the act requires DOJ to publish an annual report that includes, at a minimum, all of the information that DOJ is required to collect, and agencies are required to report, concerning use-of-force incidents, as described above. The act authorizes DOJ to publish the annual reports electronically on its website in an interactive format.

Effective date: June 24, 2021

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