

# ROB HUTTON

## WISCONSIN STATE SENATOR

April 5, 2024

### **Column: A Missed Opportunity to Support Police**

Last month [Senate Bill 517](#) went to Governor Evers' desk. I authored this legislation with Rep. Clint Moses as the result of some eye-opening discussions with local police about the challenges they face.

Many people would be surprised to learn that there is an obscure, archaic law on Wisconsin's books dating to before statehood that allows limitless and secretive investigations into any citizen, even those who have been determined not to have committed any crime.

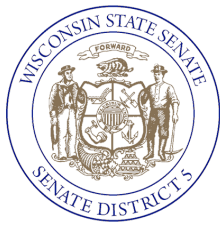
This obscure law allows any person or group with an axe to grind to venue shop for a sympathetic judge and persuade him or her to open anonymous investigations into fellow citizens. That includes a person who was forced to defend themselves against the threat of immediate harm.

It is commonly understood that people are not guilty of a crime if there is robust evidence that their actions were in self-defense and a district attorney declines to press charges as a result.

This law has become particularly relevant to law enforcement, who are constantly put in high-stakes encounters. Every day, officers demonstrate impressive professionalism in de-escalating the most dangerous situations imaginable, but the risk of being forced to use force in self-defense or the defense of others is always present.

Under this law, however, an unlimited number of new investigations can be opened, one after another, even without any new evidence refuting the self-defense argument. Even after multiple investigations verify the person's use of force was justifiable. Even after a DA refuses to file charges.

This process was used by political activist groups against former Wauwatosa Police Officer Joseph Mensah, who was cleared multiple times after multiple investigations and Milwaukee County DA John Chisholm declining to issue charges. It was also used against Madison Police Officer Matt Kenny after Dane County DA Ismael Ozanne declined to issue charges.



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This "punishment by process" is exactly the point for groups who target police and have figured out this law is the ideal vehicle for such persecutions. It can also be used against any other citizen that some group decides to go after.

Just like anyone else, police officers must pay for these legal defenses out of their own pockets. They live in constant fear that any of the encounters they experience every day could lead to professional and financial ruin and years upon years of unimaginable stress on their families.

I learned the depth of this problem on a ride-along with Milwaukee police last year. I witnessed officers navigate some very high-stakes encounters, including a domestic violence situation and an armed family member holding up another family member.

The officers' professionalism in de-escalating those situations was extraordinary. However, the threat that even a completely justifiable use of force will ruin their lives is constantly hanging over them.

Law enforcement throughout the state has told me clearly that this is one of the top reasons officers leave the force and are hard to replace.

SB 517 simply required that, before a judge can open a new investigation under this law, new evidence must be presented that disputes the self-defense argument. Robust protections remain and thorough investigations will continue to be conducted to ensure justice is always served.

Unfortunately, Governor Evers sided with the anti-law enforcement activists who pushed to "defund the police" and vetoed the bill last Friday.

Evers' veto is a missed opportunity to support law enforcement. It is also a missed opportunity to prevent political harassment of any citizen that the justice system has determined is not guilty of a crime.

*Rob Hutton, R-Brookfield, represents Wisconsin's 5th Senate District, including Brookfield, New Berlin, Elm Grove and parts of Waukesha, Wauwatosa and West Allis: [Sen.Hutton@legis.wisconsin.gov](mailto:Sen.Hutton@legis.wisconsin.gov).*