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THE LEAGUE OF WOMEN VOTERS OF WISCONSIN

STATEMENT IN OPPOSITION TO SB25 AND AB34

SB25/AB34 is legislation restricting a court's ability to issue criminal complaints and hindering the ability for victims' families to see justice. Wis. Stat. 968.02(3) states that "if a district attorney refuses or is unavailable to issue a complaint, a circuit judge may permit the filing of a complaint if the judge finds there is probable cause to believe that the person to be charged has committed an offense after conducting a hearing." Hence, effectively Wis. Stat. 968.02(3) provides for judicial discretion in conducting a hearing as to whether a criminal complaint should be permitted in cases involving officer-involved fatalities and no further changes are needed from the current law.

The League of Women Voters of Wisconsin has a long-standing tradition of supporting judicial discretion, as it allows judges the power to evaluate the individual needs of each case, whereas the proposed legislation would prevent judges from being independent arbiters of the law and remove judicial discretion.

Furthermore, this pending legislation may erode the rights of victims' family members. In situations involving the most egregious violent act, ending someone's life, this legislation could bar family members from seeking justice if a district attorney refuses to charge an officer.

While many police associations support this bill, the ACLU of Wisconsin and the Civil Rights and Liberties Section of the State Bar of Wisconsin opposes this legislation on the basis of the separation-of-powers doctrine. The judiciary and the prosecution are two distinct entities with separate roles, and this legislation conflates these roles to protect the accused officer, thus providing an insurmountable roadblock for victims' families to see justice.

For all these reasons, the League of Women Voters of Wisconsin opposes this legislation.