



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 40
[2005 Assembly Bill 79]

**Provision of Law Enforcement
Services to Cities and Villages by
County Sheriff**

Current law is unclear regarding the authority of cities and villages to abolish their police departments and contract with the county for law enforcement services.

Act 40 authorizes a city or village to abolish its police department if it enters into a contract with the county for the sheriff to provide law enforcement services to the entire city or village. (If a city or village is located in more than one county, it may not abolish its police department unless it enters into a contract with the county in which the greatest amount of the city's or village's equalized value, population, or territory is located. If a city or village is located in more than one county, the jurisdiction of the contracting county sheriff and deputies includes the entire territory of the city or village.)

A contract between a city or village and county under the act must address at least the following elements:

- The division, with the county, of the city's or village's police department-related assets and liabilities and the amount, if any, the county will pay for the assets.
- A description of the level of law enforcement and the number of deputies the county will provide and the amount the city or village will pay for the services in excess of the city's or village's portion of the county's law enforcement levy.
- A procedure for the city or village to request or require additional law enforcement services from the county and the costs the county may charge for those additional services.
- The term of the contract and procedures for renewing, extending, and terminating the contract.

No contract authorized under the act may take effect until:

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- The county board approves a resolution from the city or village requesting the county to provide law enforcement services.
- The governing bodies of the city or village and the county approve the contract.
- Any collective bargaining agreement between the city or village and its police department employees expires.
- The city or village and county discuss the provision of emergency “911” telephone services within the area to which the contract applies.

For a period of approximately two years after a contract under the act takes effect, if the sheriff appoints additional deputies to provide law enforcement services to the city or village the sheriff must, to the greatest extent possible, fill the additional deputy positions from the ranks of former police officers who lost their positions when their city or village police department was abolished.

Finally, the act authorizes, but does not require, a village with a population of under 5,000 to provide police protection services by any method villages with a population of at least 5,000 are required to use.

Effective Date: Act 40 takes effect September 1, 2005.

Prepared by: Don Dyke, Chief of Legal Services

August 19, 2005

DD:jal