



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

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| 2003 Assembly Bill 658 | Assembly Amendments 1 and 2 |
| <i>Memo published:</i> February 27, 2004 | <i>Contact:</i> Don Dyke, Chief of Legal Services (266-0292) |

Assembly Amendment 1

- Items 1. and 2. of Assembly Amendment 1, by revising terminology and adding an internal cross-reference, more accurately reflect the role of the sheriff concerning deputies under current s. 59.26 (2), Stats. Under that provision, the sheriff “appoints” deputies (the deputies technically are “hired” by the county).
- Item 3. of the amendment clarifies that villages with a population of under 5,000 will also expressly have the option of abolishing their police department and contracting with a county as authorized for other villages under the bill. Currently, s. 61.65, Stats., only applies to villages with a population of 5,000 or more. The amendment also has the effect of extending to villages with a population under 5,000 all the options to provide for police protection services currently available under s. 61.65 (1), Stats., to villages with a population of 5,000 or more.
- Items 4. and 5. of the amendment revise the provisions of the bill concerning cities and villages that are located in more than one county. Under the bill, such cities and villages may abolish their police departments if they enter into a contract with each county in which the city or village is located. Under the amendment, such cities and villages may abolish their police department if they enter 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. That county would then furnish law enforcement services for the entire city or village.

Assembly Amendment 2

Assembly Amendment 2 requires the initial city or village resolution requesting the county to provide law enforcement services to include an estimate of the savings the city or village will realize as a result of the contract with the county.

Assembly Amendment 1 was offered by Representative Musser. Assembly Amendment 2 was offered by Representatives Albers and Seratti. Both amendments were adopted by the Assembly by a voice vote.

DD:rv:ksm

Wisconsin Chiefs of Police Association, Inc.

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Senator Ron Brown
31st Senate District
Rm. 104 South, Capitol Building
Madison, WI 53702

February 25, 2004

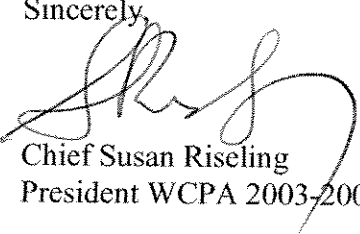
Dear Senator Brown:

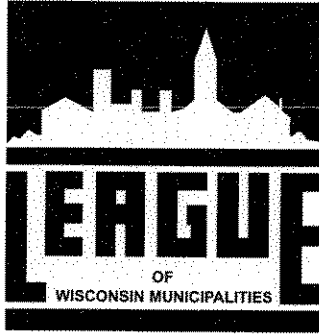
I write to you today regarding AB 658. The Wisconsin Chiefs of Police Association strongly opposes this Bill. We believe the Bill allows municipalities to abdicate their responsibility to provide appropriate law enforcement services to its population.

The founders of this state were wise in establishing local control for policing services. This Senate Bill goes against this fundamental principle. Current Wisconsin provides the police and fire commissions additional levels of local and citizen control and oversight of their policing services. In particular, it gives police and fire commissions the ability to hire, discipline, and fire police officers and police chiefs. Allowing municipalities to shift their responsibility will result in a loss of control of how they are policed and reduce how accountable the police are to the citizenry. There is also a potential for reduction of services as priorities shift from a local to a county level. Services may be politicized because the head law enforcement officer would not be appointed. Moving away from municipal based policing moves away from community policing philosophy that has worked so effectively to reduce crime and keep our communities safer. In addition, contracting for services may not be the cost saving measure envisioned and should be examined carefully.

We respectfully request you vote against this measure. Thank you.

Sincerely,


Chief Susan Riseling
President WCPA 2003-2004



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To: Members of the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform

From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities

Date: March 3, 2004

Re: Support for AB 658, Allowing Municipalities to Disband their Police Departments and Contract for Law Enforcement Services with the County

This legislative session the League of Wisconsin Municipalities has worked with legislators to remove statutory impediments to intergovernmental cooperation and consolidation. AB 658, introduced by Rep. Terry Musser at our request, advances this goal by expressly authorizing cities and villages to abolish their police departments and contract with the county for law enforcement services.

The purpose of AB 658 is to eliminate any legal obstacles to consolidation of municipal and county law enforcement services that might exist in current law and to provide a road map for communities to follow. Several cities around the state are seriously exploring the possibility of disbanding their police departments and contracting with the county for law enforcement services. Yet, it is not clear under current law whether cities can take such action. Indeed, the Attorney General concluded at one time that current law prohibits cities over 4,000 in population from creating with the county a joint county-city law enforcement agency. See 60 Op. Att'y Gen. 85 (1971).

AB 658 eliminates any ambiguity in the law by expressly authorizing any city or village to abolish its police department and enter into a contract with a county for law enforcement services.

Under the bill, a municipality cannot disband its police department without the county first agreeing to provide law enforcement services to the community. Also, the contract that the municipality and the county enter into must, at a minimum, address certain issues, including: (1) the division of the municipality's assets and liabilities relating to the municipal police department; (2) the term of the agreement, and (3) a description of the level of services the county will provide and the amount the municipality will pay for those services.

The bill also provides that if a municipality and a county enter into a contract for law enforcement services, a sheriff is required, for two years after the contract takes effect and "to the greatest extent possible," to hire any additional deputies that are needed from the ranks of the former police officers who lost their positions when the department was abolished.

Municipalities seeking to consolidate law enforcement services with the county should be able to do so without having to litigate the legality of doing so. AB 658 removes any legal obstacles to such a consolidation of services. For this reason, the League of Wisconsin Municipalities urges you to recommend passage of AB 658. Thanks for considering our comments on this important legislation.

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as of Tuesday, March 02, 2004

2003-2004 legislative session

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Assembly Bill 658

authorizing a city or a village to abolish its police department and contract for law enforcement services with a county. (FE)

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