WISCONSIN STATE LEGISLATURE COMMITTEE HEARING RECORDS

2007-08
(session year)

Assembly
(Assembly, Senate or Joint)

Committee on Corrections and Courts (AC-CC)

(Form Updated: 07/24/2009)

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( )

WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE GAREY BIES

FROM: Don Dyke, Chief of Legal Services

RE: Court Review Under 2005 Assembly Bill 57

DATE: March 13, 2007

Your office asks if the above-captioned bill's provision that a law enforcement officer or firefighter who uses a collectively bargained alternative to the appeal procedure under s. 62.13 (5) (i), Stats., waives his or her right to appeal to circuit court is subject to differing interpretation.

Currently, a law enforcement officer or firefighter disciplined under s. 62.13 (5) by a PFC* may appeal the PFC's decision to circuit court. The nature of the appeal and the issues to be decided are set forth in s. 62.13 (5) (i) and case law interpreting that section. The Wisconsin Court of Appeals has held that that appeal procedure is the exclusive method of appealing a PFC disciplinary decision and is not affected by a collective bargaining agreement provision that provides a different procedure. *City of Janesville v. Wisconsin Employment Relations Commission*, 193 Wis. 2d 492, 535 N.W.2d 34 (Court of Appeals 1995).

Assembly Bill 57 authorizes an alternative appeal process under the disciplinary procedure in s. 62.13 (5). Under the bill, if an accused police officer or firefighter is subject to the terms of a collective bargaining agreement that provides an alternative to the statutory appeal to circuit court, the alternative appeal process in the collective bargaining agreement applies to the accused, unless the accused chooses to appeal the PFC's decision to circuit court. The bill further provides: "An accused person who chooses to appeal the decision of the board through a collectively bargained alternative to the appeals procedure specified in this paragraph is considered to have waived his or her right to circuit court review of the board decision." The quoted language is the subject of your inquiry; as briefly noted below, it appears it may be subject to differing interpretation.

* In some municipalities, a person or body other than a PFC issues the disciplinary order. See ss. 60.56 (1) (am), 61.65 (1) (am), and 62.13 (6m), Stats.

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Because the above-quoted sentence does not refer to the arguably narrower waiver of the accused's right "*under this paragraph* [i.e., par. (i) of sub. (5)] to *appeal* the board decision to the circuit court," or language to that effect, questions may arise concerning the application of the bill's language to:

1. Certiorari review of the PFC's decision. (Certiorari is a limited court review of another tribunal's decision where the court considers issues such as the jurisdiction of the tribunal and whether the correct law was applied. The right to certiorari can arise through statute or common law and may have constitutional dimensions as well.) Case law has held that under current law an accused has the right to certiorari review of PFC's disciplinary decision.

2. Any court review that may be included in an alternative appeals procedure in a collective bargaining agreement

You may wish to consider whether clarification is desirable to ensure that the intent of the proposal is clear.

I have also attached a copy of a July 11, 2003 letter to Representative Stephen Nass from Madison Attorney Scott Herrick concerning 2003 Assembly Bill 128 (a previous version of Assembly Bill 57), which raises some related issues for possible consideration.

If you have any questions or need additional information, please contact me directly at the Legislative Council staff offices.

DD:wu:tlu
Attachment

Herrick & Kasdorf, L.L.P.

Marsha R. Dymzarov
Scott N. Herrick *Court Commissioner*
Robert T. Kasdorf
David R. Sparer
Gretchen Twietmeyer *Court Commissioner*
Peter Zarov *also licensed in Illinois*

Law Offices
16 N. Carroll, Suite 500
Madison WI 53703

Roger Buffet *of counsel*
Robert L. Reynolds, Jr. (1930-1994)

July 11, 2003

Rep. Stephen L. Nass
State Capitol, 12 West
Box 8953
Madison WI 53708

FILE COPY

Re. AB 128: follow-up to public hearing

Dear. Rep. Nass

I deeply appreciated your committee's attentiveness, and patience, during the hearing on this bill earlier this week. I write to highlight two rather technical issues which were alluded to during the testimony but on which more complete exposition did not seem appropriate. I do not present a full legal analysis or argument here - - God forbid - - but merely make note for possible further inquiry.

Finality of appeal The advocates of AB 128 clearly intend that the bill not allow a disciplined officer to pursue judicial review in any form after exercising the proposed arbitration option. However, at least two circumstances or conditions undermine the finality of the arbitration step.

1. Under established legal and constitutional principles, judicial review by common-law writ of certiorari always remains available for certain basic aspects of governmental decisions if a statutory appeal process does not address them. I would expect over time to see litigation testing whether or not the proposed arbitration appeal process actually provided a sufficient breadth of appeal to abrogate entirely the right to certiorari review.

2. The text of the bill provides that the officer's appeal through arbitration would be final, but does not address the question of appeal by a complainant. Any given collective bargaining agreement implementing the bill might deal with this problem, or might not. Furthermore, because the statute gives no appeal right to a complainant, the full right to certiorari remains available for a chief, citizen, or complaining commissioner who is dissatisfied with a PFC decision, just as it does under current law; therefore, the legal right of a complainant to certiorari review

(608) 257-1369
fax (608) 250-4370

voicemail extension: 223
snh@herricklaw.net

under the bill, regardless of collective bargaining agreement (to which no complainants are parties, after all), would likely be the subject of interesting litigation.

Citizen complaints The bill does not address citizen complaints. Some testimony at this week's hearing seemed to assume that citizen complaints would be governed by the collective bargaining agreement. That proposition is doubtful at best. A municipality and a union very likely do not have the capacity to limit by their contract the statutory rights of a citizen. The issue arose in a slightly different context and was addressed by the Wisconsin Supreme Court in *Durkin v. Board of Police & Fire Commissioners for the City of Madison* 180 N.W.2d 1, 48 Wis. 2d 112 (1970), which held that an agreement *by the city* not to seek discipline for illegal strike activity was indeed binding on the city *but not on citizen complainants*. I conclude that citizen complaints probably would not be directly affected by the bill. As I noted in my prepared submission, this factor would contribute to a multi-track disciplinary system in place of the current single disciplinary procedure for all complainants and all respondents. If nothing else, we would have another set of issues for interesting litigation.

Of course I would welcome an opportunity to respond to any questions on these or any other points of interest.

Very truly yours,
Herrick & Kasdorf, L.L.P.

Scott Herrick

SH/hs

c Joint Legislative Council
attn. Robert Conlin
P.O. Box 2536
Madison, WI 53701-2536

(608) 257-1369
fax (608) 250-4370
voicemail extension: 223
snh@herricklaw.net


FORWARD

STATE REPRESENTATIVE
Garey Bies
1ST ASSEMBLY DISTRICT
COMMITTEE ON CORRECTIONS AND THE COURTS

Memorandum

To: Members, Assembly Corrections and the Courts Committee

From: Rep. Garey Bies, Chair

Date: March 15, 2007

Re: Additional Testimony

Nothing was Attached

Attached to this memo please find copies of additional comments submitted on Assembly Bills 57 and 121.

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Home: 2590 Settlement Road, Sister Bay, WI 54234 • (920) 854-2811

16300 W. National Avenue
New Berlin, WI 53151-0036

Non-Emergency: 262.785.6120
Fax: 262.785.6130

NEW BERLIN FIRE DEPARTMENT

Chief Edward L. Dobernig

March 8, 2007

Wisconsin State Assembly Officers- Committee on Corrections and Courts

Gary Bies- Chair,
Dean Kaufert
Mark Gundrum
Joseph Parisi
Sheldon Wasserman
Donna Seidel
Phil Montgomery-Vice Chair
Carol Owens
Daniel LeMahieu
Mark Pocan
Sondy Pope-Roberts

RE: Assembly Bill 57 (LRB-0925) and Companion Senate Bill 21 regarding disciplinary procedures for local police officers and fire fighters

Dear Committee on Corrections and Courts Members:

As a Fire Chief with twenty-six years of Wisconsin fire service experience, I strongly oppose Assembly Bill 57 and relating language in the Governor's Budget Bill. During my extensive career as a union fire fighter and as a chief officer, I have had the experience of working with two Police and Fire Commissions. I have found the decisions made by these citizens' boards fair, logical and in the best interest of the community and the protective service, based on Wisconsin Statues Section 62.13 and particularly the "Seven Steps of Just Cause." Allowing the use of third party arbitrators' to circumvent a proven honest system, illustrates the power of strong protective service unions and their relationship with arbitrators.

Wisconsin is blessed with a proven and unbiased process for the balancing the needs of the community with the rights of our local protective service employees. Assembly Bill 57 erodes a progressive impartial system that is in the finest traditions of Wisconsin; the Police and Fire Commission. I believe I have done my duty over the past twenty-six years and have today by informing you of my position on this issue.

Sincerely

Edward L. Dobernig, Fire Chief

Cc. Mary Lazich, Wisconsin State Senator


FORWARD

STATE REPRESENTATIVE
Garey Bies
1ST ASSEMBLY DISTRICT
COMMITTEE ON CORRECTIONS AND THE COURTS

Memorandum

To: Members, Assembly Corrections and the Courts Committee

From: Rep. Garey Bies, Chair

Date: May 1, 2007

Re: Materials for 5-3-07 Committee Meeting

Attached to this memo, please find a copy of a Legislative Council memo concerning Assembly Bill 57, which is scheduled for executive action on Thursday, May 3rd, 2007.

Also attached please find correspondence from the office of the Richland County District Attorney pertaining to Assembly Bill 249, which is scheduled for a public hearing on Thursday, May 3rd, 2007.

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Home: 2590 Settlement Road, Sister Bay, WI 54234 • (920) 854-2811

WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE GAREY BIES, CHAIR, AND MEMBERS OF THE ASSEMBLY COMMITTEE ON CORRECTIONS AND COURTS

FROM: Don Salm, Senior Staff Attorney

RE: 2007 Assembly Bill 57

DATE: March 26, 2007

This memorandum responds to your query on the effect of 2007 Assembly Bill 57, relating to disciplinary procedures for certain local law enforcement officers and fire fighters, on: (1) what is a mandatory, permissive, or prohibited subject of collective bargaining; and (2) current collective bargaining agreements.

Assembly Bill 57 authorizes an alternative appeal process under the current disciplinary procedure in s. 62.13 (5), Stats., that applies to law enforcement officers and fire fighters. Under the bill, if an accused police officer or fire fighter is subject to the terms of a collective bargaining agreement that provides an alternative to the statutory appeal to circuit court, the alternative appeal process in the collective bargaining agreement applies to the accused, unless the accused chooses to appeal the Police and Fire Commission's* (PFC's) decision to circuit court. The bill is a response to a Wisconsin Court of Appeals decision holding that the appeal procedure set forth in s. 62.13 (5) (i), Stats., is the exclusive method of appealing a PFC disciplinary decision and is not affected by a collective bargaining agreement provision that provides a different procedure. *City of Janesville v. Wisconsin Employment Relations Commission*, 193 Wis. 2nd 492, 535 N.W.2d 34 (Court of Appeals 1995).

Alternative Appeal Procedure in Bill: Mandatory Subject of Collective Bargaining

As a result of the above-cited court of appeals decision, the appeal procedure for a disciplinary order under s. 62.13 (5), Stats., is a prohibited subject of collective bargaining. If Assembly Bill 57 is

* In some municipalities, a person or body other than a PFC issues the disciplinary order. See ss. 60.56 (1) (am), 61.65 (1) (am), and 62.13 (am), Stats.

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enacted, an alternative to the statutory appeal process will become a mandatory subject of collective bargaining because it relates to "wages, hours, and conditions of employment." See s. 111.70 (1) (a), Stats. As a mandatory subject of collective bargaining, neither side may unilaterally refuse to bargain the issue, but there is no requirement that the collective bargaining agreement ultimately include a provision relating to an alternative appeal procedure. However, either side may include an alternative appeal procedure in its final offer under the municipal collective bargaining arbitration procedure. See, e.g., s. 111.77 (4) (b), Stats.

Effect of Bill on Existing Collective Bargaining Agreements

Testimony at the March 8, 2007 public hearing on Assembly Bill 57 indicated that many collective bargaining agreements already contain an alternative appeal process. The initial applicability clause of the bill provides: "This Act first applies to a person who is suspended, reduced, suspended and reduced, or removed on the effective date [of the Act]." Thus, if a collective bargaining agreement in effect on the bill's effective date includes an alternative appeal process, that alternative appeal process will apply to a law enforcement officer or fire fighter covered by the agreement who is suspended, reduced, suspended and reduced, or removed on or after the bill's effective date.

If you have any questions or need additional information, please contact me directly at the Legislative Council staff offices.

DLS:jb:ksm


FORWARD

STATE REPRESENTATIVE
Garey Bies
1ST ASSEMBLY DISTRICT
COMMITTEE ON CORRECTIONS AND THE COURTS

Memorandum

To: Members, Assembly Corrections and the Courts Committee

From: Rep. Garey Bies, Chair

Date: May 2, 2007

Re: Amendment to AB 57

Attached to this memo, please find an amendment to AB 57, relating to disciplinary procedures for local law enforcement. Under the attached amendment, from Rep. Parisi, local law enforcement would no longer be affected by the legislation.

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Home: 2590 Settlement Road, Sister Bay, WI 54234 • (920) 854-2811


FORWARD

STATE REPRESENTATIVE
Garey Bies
1ST ASSEMBLY DISTRICT
COMMITTEE ON CORRECTIONS AND THE COURTS

No Date

Written Testimony of Representative Garey Bies
Assembly Committee on Corrections and the Courts
Assembly Bill 57 – Disciplinary Procedures for Law Enforcement

Fellow Committee members, I appreciate the opportunity to submit my testimony in support of Assembly Bill 57, relating to disciplinary procedures for certain local law enforcement officers and fire fighters. AB 57 is a simple proposal that allows police officers or fire fighters of cities, towns, and villages a choice of an appeal process in a disciplinary proceeding if they feel the decision of the police and fire commission hear was unfair. This bill will allow the option of appealing either to arbitration or to circuit court, an option currently available to Deputy Sheriffs.

These professionals, who every day put their lives on the line deserve this choice. The service as a police officer or firefighter is a calling only a few have answered. The quality of the people in these positions is excellent and I believe they need this protection to preserve their selfless career choices.

There will be groups that disagree and will try to paint a picture of extreme situations. The truth is there are few disciplinary cases that get to this stage. Six years ago, I asked the Wisconsin Employment Relations Commission how this law would affect arbitration requests. The Commission estimated that no more than an increase of 4 to 6 cases per year would result. Further, it was indicated that most cases that reach this point are cases in which the department involved did a poor job of investigation and preparation of the case. The better the department does in handling a disciplinary case, the less likely it will ever get to this point.

It should also be noted that passing of this legislation does not grant the arbitration option to the officers, it only allows the officers to bargain for the alternative.

The bottom line to this issue is to give the opportunity to use this appeals process to the people who, by the nature of their jobs, put their lives on the line every day when they put their uniforms and badges on. These men and women act selflessly to protect others with their own lives and never think twice upon doing so.

I respectfully request your support of AB 57 in committee. I would be happy to answer any questions that you may have. Thank you.

First for Wisconsin!

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Toll-Free: (888) 482-0001 • Rep.Bies@legis.state.wi.us

Home: 2590 Settlement Road, Sister Bay, WI 54234 • (920) 854-2811


FORWARD

Gordon E. McQuillen ◊ Attorney-at-Law
822 South Gammon Road #2 ◊ Madison, WI ◊ 53719–1377
1-608-444-2436 ◊ gquillen@charter.net

No Date

LEGISLATIVE TESTIMONY RE 2007 AB 57

Good morning Representative Bies and members of this Committee. I am Gordon McQuillen, and I retired on December 31, 2006, as the Director of Legal Services for the Wisconsin Professional Police Association, headquartered here in Madison. I appear before you today as a private attorney to speak in favor of the passage of 2007 **Assembly Bill 57**. Lest there be any doubt, however, let me emphasize that I still represent law enforcement officers in discipline matters.

This measure – or others very similar to it – has been before the Legislature before. Indeed, this specific legislation has been approved by both houses, just not in the same session. The time has come to pass the substance of this bill definitively, and see it enacted into law.

As many of you know, the WPPA represents nearly 10,000 employees in counties, cities, villages and towns across this state who are employed in more than 300 municipalities. Most of you also are probably aware that law enforcement officers frequently face discipline owing in large measure to the nature of their calling: because of the unique place they hold in our communities, officers are held to higher standards of conduct than are other municipal employees, hence their conduct is subject to greater scrutiny than perhaps any other municipal employees – or even elected or appointed officials of their employers.

When this Legislature created Wisconsin Statutes Section 62.13, in the early years of the last century, the new law gave officers who were accused of wrongdoing the highest degree of due process protection in their employment among all public employees in the state. The statute assured

that law enforcement officers would be given a hearing before a presumptively independent board of police and fire commissioners prior to their employment being adversely affected by their employing municipality. Police and fire commissioners were to be appointed by mayors to staggered five year terms. The statute further required that no more than three members of those PFC's were to be from the same political party.

For many years, those statutory protections were fairly effective and acted as a check against the possibility of unfounded charges being filed against officers by their chiefs or members of the public, helping to remove politics from the disciplinary process – or at least creating a more equitably balanced political atmosphere in which to assess officers' conduct. There are, however, a number of cases in the law reporting the spotty success of the law. In the limited appeal provided by the statute, some discipline was overturned by the courts, some was sustained, and some was modified.

But times have changed. Most people in Wisconsin no longer belong to political parties, as such, despite their plain but undeclared affinity to the electoral politics of one party or another. Consequently, one significant check that was put into place in the legislation of long ago has become unhinged and mayors can bend – and most assuredly have bent – PFC's to their political goals.

In some cases that we have dealt with recently, members of PFC's have been coerced into resigning, thereby leaving vacancies which mayors have filled with appointees who were aligned politically with those mayors and against the interests of law enforcement officers. The results have been disastrous for some officers – and some who have been most seriously affected have been chiefs of police, who also are subject to the jurisdiction of PFC's.

In addition to this supposedly neutral civilian review, officers also have the right to have adverse decisions of PFC's reviewed by circuit courts. At the time that the statute was enacted, that review was absolutely the highest degree of protection against unwarranted discipline available to any public employee. However, the statute provided – and still provides – that the review by the circuit court is final – there is no right to appeal those cases to the appellate courts in Wisconsin, except on a limited *certiorari* basis. In contrast to the 75 years that predated collective bargaining for municipal employees, today no other organized public employees in the state have the limited avenues for appealing their discipline than law enforcement officers now have, because every other class of organized employees has the right to negotiate arbitration of discipline as an alternative to suing their employers in court. Thus, whereas, as noted above, in the past law enforcement officers had the highest level of due process protection in their jobs among all municipal employees, today they have the very lowest level of review available when they believe that those rights have been adversely affected.

You and your colleagues will, of course, hear from chiefs of police and from representatives of PFC's as they weigh in on this bill. They all will severely oppose this legislation. But, they will do so, not from a position of fairness and balance in the entire disciplinary process, but from narrow interests that are not based, necessarily, in the public's interest. We think that it is extremely important for this Committee – and for all other legislators – to ask those who are opposed to this bill to explain their opposition in objective terms: why do you or those whom you represent oppose affording officers the same right to impartial review of any discipline imposed on them that presently is enjoyed by all other organized municipal employees in Wisconsin? Allow me to suggest what some of their responses are likely to be.

In my experience, chiefs of police uniformly regard the possibility of having their judgment subjected to review by an arbitrator as a challenge to their authority. You will hear undoubtedly from them that they need the authority that the law now provides because they need to maintain a tight ship within their para-military organizations. In all likelihood, though, they will pose their arguments from the perspective of the rights and powers of PFC's rather from their own perspective as law enforcement agency heads. When the standards of just cause that are now found in Wis. Stats. § 62.13 (5) (em) were enacted years ago, chiefs and PFC's made the same arguments that they make today to AB 57, yet there has been no demonstrated harm to the efficiency of law enforcement or to the interests of the public since that enactment.

But that power-centric argument by chiefs overlooks the merits of AB 57. The arguments of chiefs also ignore changes made in police work and the education and investment that officers make in their careers today. Chiefs need not fear arbitral review of their determinations, if they have done their own jobs of following the just cause standards in Wis. Stats. § 62.13 and have applied the principles underlying those standards. The accuracy of that assertion can be found by reviewing arbitration awards in sheriffs' department discipline cases over the past decades, because deputy sheriffs have had the right to negotiate for the arbitration of their discipline for many years.

The opposition of PFC's to this bill is another story. It is difficult even to begin to understand their opposition to arbitral review of their decisions in discipline cases, since those decisions already are subject to circuit court review. AB 57 provides that if a municipality and its organized police officers negotiate to make a PFC decision reviewable by an arbitrator, that review will be an alternate to existing court review, but not to both. In either instance, there will be a single line of review – PFC's decisions cannot avoid scrutiny.

In this light, this Legislature – and our courts at all levels – have encouraged alternative dispute resolution in virtually all sorts of civil litigation to conserve judicial resources. Presently, the WPPA represents two officers whose discipline is being reviewed in the circuit courts. Both reviews already have involved significant work by the courts in advance of the judge's obligation to review transcripts, read briefs, hear arguments, and render decisions. One such case had been in that position for more than a year as the court tried to find time to decide the case.

Within the past few years, courts have overturned at least four police officer terminations. In each instance, the termination was overturned because the PFC's simply had not followed the requirements of Wis. Stats. § 62.13. But, each of the reviewing courts had to learn an entirely new area of the law that has a body of experts waiting to serve – labor arbitrators – and an area that the courts in question were unlikely ever to face again because of the rarity of appeals of PFC decisions.

AB 77 will allow labor organizations representing police officers to negotiate with their employers to provide for arbitration of discipline using this body of trained arbitrators. Please note that nothing in the bill will compel employers to agree to such arbitration. Instead, municipal negotiators will weigh the pros and cons of any such arbitration during negotiations with the unions representing officers, just as they do with every other proposal made by labor organizations during bargaining. Certainly, local PFC's can provide input to the city's negotiators during those bargaining sessions. Moreover, this Committee should know that many city employers already have agreed with the labor organizations representing their police officer employees to submit disputes over discipline to arbitration: such provisions exist in a number of current collective bargaining agreements. All that is needed to permit those parties to proceed to the arbitration that they already have agreed to is the authority that will be afforded to them by the passage of this bill.

PFC's continue to object to this bill for several reasons, all of them flawed. First, they argue that arbitration will strip them of their oversight of police departments. However, any arbitration of discipline will occur only after a PFC has acted. Those actions already are subject to circuit court review, and arbitration provides an alternative route for that review, if the municipality agrees with the labor organization. Accordingly, that argument of PFC's rings hollow.

In addition, recent litigations cleared the way for PFC's to use hearing examiners to conduct evidentiary hearings instead of requiring that PFC itself to sit to hear the evidence presented by the parties. The use of hearing examiners was initiated by a PFC – perfectly willing to cede that part of its role to a third party – which the PFC, alone now can choose to do, without input from the public labor organizations. A hearing examiner has no oversight, other than the PFC itself.

Furthermore, PFC members are not required to have any knowledge or training in police work, yet sit in review of officers who are accused of having violated policies concerning police work. (Ironically, in at least one instance, a mayor appointed a convicted criminal – who could not have become a police officer because of that criminal conviction – as a member of a PFC.) Can you imagine having persons with no knowledge of medicine reviewing complaints about medical care? Persons with no knowledge of pharmacology reviewing the acts of pharmacists? Persons with no knowledge of the law sitting to review allegations of violations of the Supreme Court's Rules regarding the conduct of attorneys? Yet, that lack of knowledge is exactly what faces officers who are accused of wrongdoing in the areas where they can deprive persons of their liberty or life – their conduct is reviewed not by any of their peers, but by civilians who are not required to have any knowledge of the subject area.

Additionally, PFC's are permitted to adopt their own rules for conducting hearings and those rules are dramatically inconsistent statewide. Some PFC's have no procedural rules whatsoever. Recent decisions of PFC's that were overturned by courts have demonstrated the lack of expertise by those PFC's.

This bill will accomplish several things, none of which will adversely affect the powers and duties of either chiefs of police or PFC's. First, AB 57 will restore the opportunity for arbitral review that police officers enjoyed before a court decision in Janesville removed it some years ago – prior to that decision, many cases of police discipline had gone to arbitration without any demonstrated harm to the public. Second, AB 57 will put officers in cities on an equal rights footing with their deputy sheriff colleagues throughout the state, since the Supreme Court has concluded recently that deputies can have their discipline reviewed by arbitrators if the associations representing those deputy sheriffs have negotiated that option with their employing counties.

Third, AB 77 will begin to create a body of reported cases that PFC's can examine to begin to educate themselves about their roles. Presently, PFC's operate in a vacuum about what happens in other municipalities – despite the fact that the Wis. Stats § 62.13 provides that it was enacted for statewide application – because there is no way for PFC's or the advocates of the parties who appear before them to have access to any reported cases, with the rare exception of the City of Madison's PFC, which does publish its decisions. If arbitrators begin to review PFC's decisions, those decisions will be reported and can be reviewed by other PFC's.

Fourth, the bill will provide police officers with some input into who will sit in review of their discipline. Presently, officers have absolutely no input officially into who will be appointed to sit on PFC's. By contrast, the selection of an arbitrator in a discipline case will be a bilateral

action between the municipality and the labor organization representing affected officers, thus injecting an element of neutrality that presently does not exist in the law. As with circuit court judges, arbitrators will be selected on a representative basis, rather than through the unilateral powers of mayors to appoint PFC members with no public oversight whatsoever.

We urge you when considering AB 57 to recognize what it will and will not do. It will take nothing away from the authority of chiefs of police or PFC's, since their actions already are subject to review. It will, however, afford police officers equity with their deputy colleagues.

Thank you for the opportunity to speak about this important bill. I will be happy to answer any questions that you have.


FORWARD

AB 57

3-6-07
PH

- PdFC appoint (mayor) Chiefs
- Chiefs levy discipline
- Officers apped to PdFCs
- PdFCs "If my chief say it's so, then it's so."

Court generally only considers process questions, not if the judgement/penalty was fair.

Hamstring department leadership from metting appropriate punishment.

Adds expense to communities as it can lead to another evidence presenting event.

PFCs can be beholden to a mayor, who appoints the chief.

—

police officer are the only public servants that cannot appeal beyond the circuit court except in very rare occassion that deal with specific procedural issues.

—

No county folks testifying that this system does not work.

—

WI state Fire Chiefs believe current process uphold community standard and is fair & equitable.

—

State FF Assoc

Scope of arbitration hearing would be subject to collective bargaining.

Less costly & more timely than circuit court process.