

1979 Senate Bill 128

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## CHAPTER 351, Laws of 1979

AN ACT to amend 62.50 (18); and to create 62.50 (28) and (29) and chapter 166 of the statutes, relating to rights of law enforcement officers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 62.50 (18) of the statutes is amended to read:

62.50 (18) SALARY DURING SUSPENSION. No chief officer ~~or member~~ of either department ~~or member of the fire department~~ may be deprived of any salary or wages for the period of time suspended preceding an investigation or trial, unless the charge is sustained. No member of the police force may be suspended or discharged under sub. (11) or (13) without pay or benefits until the matter that is the subject of the suspension or discharge is disposed of by the board or the time for appeal under sub. (13) passes without an appeal being made.

SECTION 2. 62.50 (28) and (29) of the statutes are created to read:

62.50 (28) ENGAGING IN POLITICAL ACTIVITY. Subject to the requirements of ch. 166, the common council of any 1st class city may enact an ordinance which regulates the political activities of its law enforcement officers, as defined in s. 165.85 (2) (c), includ-

ing, but not limited to, providing for leaves of absence for members who are candidates for or who are elected to public office.

(29) OFFICERS' RIGHTS. In case of a conflict with ch. 166, the provisions of ch. 166 supersede the provisions of this section.

SECTION 4. Chapter 166 of the statutes is created to read:

CHAPTER 166

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

**166.01 Definition.** In this chapter "law enforcement officer" has the meaning designated in s. 165.85 (2) (c).

**166.015 Engaging in political activity.** No law enforcement officer may be prohibited from engaging in political activity when not on duty or not otherwise acting in an official capacity, or be denied the right to refrain from engaging in political activity.

**166.02 Interrogation.** (1) If a law enforcement officer is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal or criminal charges, the interrogation shall comply with the following requirements:

(a) The law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation.

(b) At the request of any law enforcement officer under interrogation, he or she may be represented by a representative of his or her choice who, at the discretion of the officer, may be present at all times during the interrogation.

(2) Evidence obtained during the course of any interrogation not conducted in accordance with sub. (1) may not be utilized in any subsequent disciplinary proceeding against the law enforcement officer.

**166.03 Recrimination.** No law enforcement officer may be discharged, disciplined, demoted or denied promotion, transfer or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, by reason of the exercise of the rights under this chapter.

**166.04 Rights not to be diminished.** The rights under this chapter shall not be diminished or abridged by any ordinance or provision of any collective bargaining agreement. These rights may be supplemented and expanded by ordinance or collective bargaining agreement in any manner not inconsistent with this chapter.

**166.05 Applicability.** This chapter applies only to law enforcement officers employed by 1st class cities.

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