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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Elections and Urban Affairs (SC-LEUA)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Multi-Dates

Packet

AB 308
?

SB 176
?

FIRED OFFICERS

MAY '07

Let's join the real world

Unique in the nation, Milwaukee is required to keep paying fired cops. The Legislature must stand up to the police union and rescind this absurd law.

The Legislature must at last end a perk the state mandates for fired Milwaukee police officers: their pay.

Even cops convicted of crimes keep drawing their salaries until they've exhausted their appeals to the Fire and Police Commission. In no other city in the nation do dismissed officers keep getting paid.

The persistence of this ridiculous requirement, which encourages officers to string out their appeals, testifies to the strength of the Milwaukee Police Association. But lawmakers must do what's right for public policy, the city and its taxpayers, not for a narrow interest.

Around the world, to be fired almost always means to be taken off the payroll. Why should Milwaukee police be any different?

MPA President John Balcerzak pointed to the cases of two officers fired because of rules violations but

reinstated months later on appeal. Without the state law in question, the officers would have gone broke, he argued.

We don't mean to sound heartless, but so? They should be happy they got their jobs back. The average Milwaukee worker wouldn't have gotten that; cops have stronger appeal rights than does the average worker. What's more, under proposed legislation, reinstated officers would get back pay.

Balcerzak has an alternate proposal. He would cut off pay only to fired officers who are charged with felonies. That's nowhere near good enough. "Fired" should mean "fired."

The Legislature must stand up to the union and can this awful requirement, as a bill sponsored by Rep. Barbara Toles and Sen. Spencer Coggs, both Milwaukee Democrats, would do.

To read Assembly Bill 308, go to www.legis.state.wi.us/2007/data/AB-308.pdf

Police association supports changing oversight system

5-30-05

The revision would give police and firefighters an option of taking disciplinary grievances to arbitration.

By MATTHEW DeFOUR
mdefour@madison.com
608-252-6144

A proposal that would diminish citizen oversight of police and firefighter discipline by offering them the same system as other public employees will be considered today by the Legislature's budget committee.

Proponents of the change note that sheriff's deputies and prison guards, among others, are allowed to negotiate into their contracts arbitration as an option in the disciplinary process.

"This is our No. 1 priority because it's something that deals with fairness for our members,"

said Jim Palmer, director of governmental affairs for the Wisconsin Professional Police Association.

Critics of the measure, which has failed to pass the Legislature three times since 2001 but was included for the first time this year in Gov. Jim Doyle's budget, say it would effectively destroy the existing police and fire commission (PFC) system — a century-old process of citizen oversight that ensures accountability for people who carry our guns, said Scott Herrick, an attorney representing Madison's PFC since 1981.

Under the PFC system, citizens can file complaints against police officers and firefighters with their local PFC.

Typically, a police or fire chief will investigate the claim and recommend discipline. If the officer disagrees, the PFC, a citizen panel appointed by the mayor, conducts a hearing. The officer

Please see POLICE, Page B2

Police and firefighter discipline*

Current system

Police officers and firefighters can be suspended, demoted or discharged only by a city or village's police and fire commission (PFC) unless the officer agrees to the punishment. Citizen complaints are often referred to a police or fire chief, who investigates the claim and recommends a punishment. If the citizen or officer disagrees, the PFC conducts a hearing. The commission's decision then can be appealed to circuit court.

Proposed change

Gov. Jim Doyle wants to allow police and fire unions to negotiate into their contracts the option of going to an arbitrator appointed by the Wisconsin Employment Relations Commission rather than the PFC. Another proposal by Rep. Gary Bies, R-Sister Bay, would permit arbitration as an alternative to the circuit court appeals process.

The arguments

Neither proposal would dissolve PFCs, though critics worry the citizen panels would atrophy. The changes are meant to give police officers and firefighters the same options as other public employees, including sheriff's deputies.

* The changes would only apply outside Milwaukee, which has its own disciplinary system.

Police

Continued from Page B1

then can appeal the panel's decision in circuit court.

About half a dozen cases come before PFCs each year in Wisconsin outside Milwaukee, Herrick said.

In his budget proposal, Doyle wants to change the system by allowing police and firefighter unions to negotiate into their contracts the ability to request an arbitration hearing conducted by the Wisconsin Employment Relations Commission. The arbitration hearing wouldn't replace the PFC hearing but provide an alternative.

The PFC system has been tweaked only twice since it was enacted in the 1890s, said Herrick, who wonders if the tradition of citizen oversight makes proponents of the bill skittish about dismantling commissions entirely or dealing with the issue outside the budget process.

"The advocates (of the changes) are not willing to risk a direct, explicit challenge to the PFC system," Herrick said. "It's a way to atrophy the PFC, rather than directly correct or challenge or critique it."

Herrick would prefer that a legislative committee review any problems with the current law and recommend changes. A committee was formed in 1997, when a bill was introduced to change the system after a 1995 Court of Appeals ruling concluded that state law does not allow police officers and firefighters to seek arbitration in disciplinary cases. The committee met once and never reconvened, Herrick said.

Other supporters of the status quo, which include organizations representing police and fire chiefs and those representing cities and villages, worry how an arbitrator employed by the state would reflect community oversight.

"When you go to arbitration, what's lost is the public's voice," said Ed Huck, executive director of the Wisconsin Alliance of Cities.

A wrinkle in Doyle's budget proposal also has PFC advocates concerned because they don't know the exact language of how the measure would appear in the final budget bill.

Originally, Doyle's budget included the same language found in Assembly Bill 57, which was submitted for the fourth consecutive session by Rep. Gary Bies, R-Sister Bay. The Bies bill would establish arbitration as an alternative to the circuit court appeal.

"From my experience ... there are situations where there is too close of a relationship between the chief and the PFC," Bies said. "If the officer is in that type of situation, he deserves another opportunity."

But a state Department of Administration memo indicates Doyle wants to establish arbitration as an alternative to the PFC hearing. An officer could still appeal the arbitration decision to the circuit court.

Today, the Joint Finance Committee will consider three options: accepting the budget bill as originally written; altering it to adopt Doyle's intent, which would require nine out of 16 votes; or deleting the provision from the budget.

The committee's decision could add momentum to the push to change the system. Last session, the Bies bill passed the Assembly on a vote of 69-25 but stalled in the Senate.

In 2002, the Bies bill was added to the budget late in the process but was vetoed by Republican Gov. Scott McCallum. Palmer said his union endorsed Doyle over McCallum in the election that year partially because of that issue.

In 2006, both Doyle and opponent Mark Green stated support for change, Palmer said.

Firefighters, but not cops, may gain new rights

By **MATTHEW DEFOUR**
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608-252-6144

Firefighters — but not police officers — should have the same disciplinary options as other public employees, the Legislature's budget committee decided Wednesday.

The decision came as a surprise to Rep. Gary Bies, R-Sister Bay, who has pushed for changing the disciplinary system for years.

"It leaves the police officers sitting out there looking like the stepchild," said Bies, a former police officer. "What did we do that makes us different than everyone else?"

Rick Gale, state president of the Professional Fire Fighters of Wisconsin, also said he wasn't satisfied with the result and would work to include police officers in a final budget bill.

"Our nature is, if we see an injustice and we're safe, we don't just say, 'Too bad for those people,'" Gale said.

The committee was considering a provision in Gov. Jim Doyle's proposed budget that would allow police and firefighter unions to negotiate into their contracts the right to pursue an arbitration hearing conducted by the Wisconsin Employment Relations Commission in disciplinary cases.

Current state law outside Milwaukee directs police and firefighter disciplinary matters to local police and fire commissions (PFCs). Those decisions can be appealed to a circuit court.

By a 12-4 vote, the Joint Finance Committee approved the original language in the governor's budget — which reflects legislation that Bies has introduced in four consecutive sessions — but amended it to give only firefighters the option of having their disciplinary cases heard before an arbitrator after going through the PFC process.

Doyle included the provision in his budget in order to give police officers and firefighters the same

rights as other public employees, including sheriff's deputies, spokesman Matt Canter said.

Critics of Doyle's proposal, who said it would undermine a 100-year-old system of public oversight of police and firefighter discipline, viewed Wednesday's decision as a victory.

Scott Herrick, an attorney representing Madison's PFC, said the decision "preserves the tradition of civilian accountability for police conduct" while sacrificing the tradition for firefighters.

The details of how the system would work "is still a puzzle box," Herrick noted, adding that the matter still should be removed from the budget process.

The Joint Finance Committee failed to remove the changes from the budget by a 7-9 vote, two short of what was needed. Sen. Alberta Darling, R-Menomonee Falls, joined the eight Democrats on the committee on that vote.

The compromise motion, made by Rep. Mark Pocan, D-Madison, passed with Darling and three Democrats — Sen. Dave Hansen of Green Bay, Sen. John Lehman of Racine and Rep. Pedro Colon of Milwaukee — voting in opposition.

The Assembly and Senate still have to pass their versions of the budget bill with differences ironed out in a conference committee later this year.



Tom Barrett
Mayor, City of Milwaukee

For Immediate Release:
May 7, 2007

Media contact: Eileen Force
(414) 286-8504

Mayor Tom Barrett today released the following statement after the Milwaukee Police Association announced their "compromise" on changing the state law that requires the City to pay fired police officers charged with crimes:

"At a time when I've been doing everything in my power to add more officers to the Police Department, it is beyond me why anyone would want to continue to pay thousands and thousands of dollars to ex-cops who have been charged with crimes. Crimes that include such serious misdemeanor charges as: battery, domestic violence, hit and run and sexual assault.

No public official should seek to condone this type of behavior, especially from those who are sworn to serve and protect. This has cost taxpayers millions of dollars and it is time to stop the practice once and for all.

Additionally, the idea that disciplinary issues should be heard by an arbitrator rather than the Fire and Police Commission runs counter to my plan to strengthen the Commission and its oversight authority and responsibility under state statutes. Citizens want increased accountability and more effective oversight.

I will continue to work with the MPA, the Legislature and the Council to bring about an end to this egregious practice and protect the City's residents and taxpayers."

FIRED COPS; A sham of a bill on police pay; [Final Edition]

STANFORD. *Milwaukee Journal Sentinel*. Milwaukee, Wis.: Mar 13, 2006. pg. A.14

People: Gard, John
Author(s): STANFORD
Section: News
Publication title: Milwaukee Journal Sentinel. Milwaukee, Wis.: Mar 13, 2006. pg. A.14
Source type: Newspaper
ISSN: 10828850
ProQuest document ID: 1002087561
Text Word Count 510
Document URL: <http://proquest.umi.com/pqdweb?did=1002087561&sid=3&Fmt=3&clientId=17733&RQT=309&VName=PQD>

Abstract (Document Summary)

Does the Republican-controlled state Assembly hate Milwaukee and its taxpayers? How else do you explain its insistence that Milwaukee residents keep paying the salaries of dismissed cops charged with crimes perhaps the only taxpayers in America required to do so?

First, the new version exempts officers charged with misdemeanors. Patrick Curley, chief of staff to Milwaukee Mayor Tom Barrett, notes: "In the last five years, 10 police officers have been charged with misdemeanors. All appealed and continued or continue to be paid. The offenses included: battery, encouraging a parolee to violate parole, filing fraudulent insurance claims, obstructing (lying to an officer), disorderly conduct, disorderly conduct while armed." Cops guilty of misdemeanors generally should be drummed out of the force without pay.

Full Text (510 words)

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Does the Republican-controlled state Assembly hate Milwaukee and its taxpayers? How else do you explain its insistence that Milwaukee residents keep paying the salaries of dismissed cops charged with crimes perhaps the only taxpayers in America required to do so?

Maybe Speaker John Gard (R-Peshtigo) and his colleagues felt a bit of shame. They apparently felt a need to pass something. They took a bill designed to end the mandate keeping fired and jailed cops on the city payroll, reworded the legislation and approved it. Passage gives the appearance of easing the mandate. Trouble is nothing really changes. For all practical purposes, dismissed officers will still get paychecks as long as they are appealing their terminations.

If this piece of garbage makes it to Gov. Jim Doyle's desk, he should veto it. Better yet, the Senate should do the right thing and pass the earlier version and send it back to the Assembly for approval. That version is worth Doyle's signature.

First, the new version exempts officers charged with misdemeanors. Patrick Curley, chief of staff to Milwaukee Mayor Tom Barrett, notes: "In the last five years, 10 police officers have been charged with misdemeanors. All appealed and continued or continue to be paid. The offenses included: battery, encouraging a parolee to violate parole, filing fraudulent insurance claims, obstructing (lying to an officer), disorderly conduct, disorderly conduct while armed." Cops guilty of misdemeanors generally should be drummed out of the force without pay.

Second, the version has wording to the effect that if an officer charged with a felony loses an appeal,

he or she must reimburse the city for the pay the officer received since being discharged.

Trouble is the bill specifies no enforcement mechanism. It also states that the officer may pay a lesser amount or nothing at all if the city agrees to that arrangement. In short, the wording amounts to unenforceable gobbledeygook.

The most logical way to proceed is to withhold the pay for fired officers charged with crimes and to give them back pay in the event they are reinstated.

Why Gard felt compelled to involve the Milwaukee Police Association in negotiations over this bill is a mystery that is, if you take him at his word that donations from that organization don't influence his stances. Unburdening taxpayers with the requirement to pay dismissed, criminally charged officers is simply the right thing to do. There's nothing to negotiate.

Surely, Senate Majority Leader Dale Schultz (R-Richland Center) wants to do right by Milwaukee taxpayers which means ushering the earlier version of the bill through that chamber.

Some years back, while trying to sell a Milwaukee Brewers stadium tax outstate, Gov. Tommy Thompson noted that the Milwaukee area would bear the brunt of the burden. "Stick it to Milwaukee," he said, forgetting that news travels. Well, the Assembly is following his advice. The Senate now must do the right thing.

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Police Arbitration – Letter to Editor - WSJ

Copyright Madison Newspapers, Inc. Apr 14, 2007

Today, if a Madison **police** officer wants to appeal a disciplinary decision of the **police** and fire commission, his or her only option for doing so is the circuit court. This process is costly and time-consuming for the officer and the city.

Assembly Bill 57, before the Legislature, would allow an officer to appeal discipline to an arbitrator, if the city agreed in the contract with its officers. If it became law, commissions would operate just as they do now.

All other organized public employee groups can already negotiate with their employers for the right to arbitrate their discipline, including county deputy sheriffs. The dedicated men and women of Wisconsin's law enforcement community should be treated equally.

And for as long as these other groups have enjoyed this right, no legislation has been introduced to curtail it. That speaks volumes about the effectiveness and efficiency of the arbitration process in discipline.

Madison wouldn't have to agree to allow for arbitration if it didn't want to, but cities all across the state have argued for more flexibility when bargaining. Since a local **police** union would likely give something up in the collective bargaining process to obtain arbitration, this bill makes good sense.

AB 57 would improve the disciplinary process, allow municipalities more bargaining flexibility, treat all law enforcement officers the same, and likely save public employers, **police** officers and taxpayers money.

- Jim Palmer, assistant executive director, Wisconsin Professional **Police** Association



Department of Administration
Intergovernmental Relations Division

Tom Barrett
Mayor

Sharon Robinson
Director of Administration

Sharon Cook
Director of Intergovernmental Relations

To: Wisconsin State Senate
Wisconsin State Assembly

From: Maria Monteagudo, Employee Relations Director

RE: LRB 0630- Relating to payment of a 1st class city police officer's salary after termination.

Last week you may have received a letter from the Milwaukee Police Association (MPA) regarding LRB 0630 authored by State Representative Barbara Toles. This proposed legislation is currently circulating for co-sponsorship and the deadline to sign on is 5:00 pm today. We would appreciate your support.

Some of the statements and/or allegations made by the MPA are inaccurate and we feel it is important for you and your colleagues to fully understand the City's efforts and position on this matter as you consider whether to support this legislation.

Milwaukee residents and leaders greatly respect and value the job undertaken by the majority of our Milwaukee Police Officers. We admire the dedication and commitment they display on a daily basis to protect the lives and property of the residents of this community. By no means is this legislation intended to harm all hard working police officers and their families. We recognize that our Police Department does a very good job with the resources available to them under very challenging circumstances.

The bottom line is that Milwaukee's public safety needs are great and our resources are severely limited. We appear to have a fundamental disagreement with the Milwaukee Police Association about where these limited funds should be spent. We believe our residents prefer their property tax dollars be spent paying officers who will actually be working on the street defending our citizens from criminals, rather than paying the salaries and benefits for the few who have been discharged for breaking the very laws they have sworn to uphold.

Since last legislative session, city representatives have met with the MPA on multiple occasions to discuss changes to state statutes that require discharged Milwaukee police officers to continue to receive pay and benefits pending disciplinary appeal trials. We have also discussed changes to the statute aimed at creating more streamlined disciplinary appeal procedures and adding city resources to staff those activities.

The City's 2007 Budget restored the FPC as a separate and independent agency and delegated recruitment and testing functions to the Department of Employee Relations to allow the Commission to focus on citizen oversight and policy issues. In addition, the Budget enhanced the Commission's ability to exercise its authority under 62.50 by:

- Providing the necessary funding for additional FPC Commissioners pending legislative changes aimed at expanding the size of the Commission;

- Creating a Paralegal position to assist in streamlining and expediting pre-trial and post-trial procedures and alleviate the citizen complaint backlog;
- Creating a Community Outreach Manager position to increase the Commission's visibility and credibility in the community and strengthen conciliation process for citizen complaints;
- Contracting with additional hearing examiners dedicated to citizen complaint trials in 2006 and 2007;
- Securing a commitment from the City Attorney's office to assign increased resources to expedite the scheduling of trials.
- Funding a pilot program of Community Safety Officers who will respond to non-emergency calls for police services.

Throughout our discussion with the MPA, it is apparent that we have reached consensus on the issues related to expanding the size of the Commission, changing the timeline for scheduling disciplinary trials and eliminating provisions that allow for automatic adjournment of trials. However, many critical differences still exist between the MPA and the City. Please see the attached chart summarizing those other issues.

Another misleading area of the letter from MPA pertains to why the City continues to pay convicted felons. The answer is simple; it is required under state law. Police Officers hold a "public office" for purposes of section 17.03(5) of the state statutes. This section states that a public office is vacant when an incumbent is convicted *and sentenced* by a state or federal court for treason, felony or other crime of whatsoever nature punishable by imprisonment in any jail or prison for one year or more, or for any offense involving a violation of the incumbent's official oath.

In summary, while only 2 of the 3 provisions in Representative Toles' proposal reflect "agreement" between the City of Milwaukee and the Milwaukee Police Association, we believe LRB 0630 is a good stepping stone for further discussion in the legislature. While we have been hopeful we could present a united front to the legislature, the MPA refuses to drop the issue of whether the arbitration process for discipline should be expanded in a manner similar to that proposed for the rest of the state in Assembly Bill 57. This issue is not germane to this legislation and needs to remain a separate area of discussion. Therefore, we feel there is only one remaining area of contention that is relevant to the statutes and this legislation.

Thank you for your time and consideration of our response. We look forward to working with you on this very important legislative proposal and would appreciate your support as it moves forward.

Issue	MPA's Position	City's Position
Police Pay	An officer's pay should stop when he/she is charged with a felony, bound over for trial and is discharged by the Chief as a result of the same act(s) which constituted the felonious criminal charge.	<p>An officer's pay and benefits should stop when he/she is fired for conduct which also results in criminal charges (felonies AND misdemeanors).</p> <p>When an officer is fired for conduct that results in a serious misdemeanor charge, it is the City's position that salary and benefits should stop pending appeal. Example of serious misdemeanor charges include: battery, resisting/obstructing an officer, endangering safety by use of a weapon, criminal damage to property, 4th degree sexual assault, and aiding/encouraging parolee to violate parole.</p>
FPC's Rule Making Authority	The Fire and Police Commission has "rule making authority".	The City is arguing the Commission's rule-making authority provided for under 62.50 in Court.
Arbitration as a choice for all disciplinary issues	<p>Expand the current arbitration process for discipline by allowing an officer the ability to choose between arbitration or the FPC for all discipline <u>other than</u> those where the officer is also charged with a felony, bound over for trial and is discharged for the same acts which constituted the felonious charge.</p> <p>Historically, arbitration is faster than the normal FPC process. If the Officer chooses arbitration, it would be concluded within 90 days, with the costs being shared equally between the City and the MPA (as per the collective bargaining agreement.)</p> <p>This would enable the Commission to maintain control over the outcome of discharge cases that are truly "high profile," and preserve "citizen oversight" as to the type of discharge cases that most concern the public.</p>	<p>Many disciplinary actions within the MPD involve high profile cases. The FPC should be the sole body responsible for appeals involving serious discipline of personnel to ensure consistency and uniformity in determining the appropriate consequence for employee misconduct. This system enhances the Board's ability to identify areas of concerns including the ability to assess the Chief's performance when dealing with serious disciplinary issues and other employment matters.</p> <p>Under the current system the "public" has the ability to let the FPC know what their concerns are in relation to matters involving police personnel. Allowing members to have their appeals heard by an arbitrator decreases the "transparency" of the process and the public's perception of how they can be heard.</p> <p>In consideration to the argument that this proposal would alleviate the workload of the Commission and its ability to "focus" on serious big picture/policy issues, the City has offered increasing the threshold of</p>

		discipline that can be grieved through arbitration from 5 days or less to 10 days or less.
Standard for appealing arbitral decision	<p>An Officer should be able to appeal an arbitral decision to Circuit Court, under the same standard as is currently applied to Circuit Court appeals from the FPC under Wis. Stat. 62.50 (21)</p> <p>The standard being: “under the evidence, was there just cause to sustain the charge(s) against the accused,” and “was the decision reasonable.”</p>	<p>The standard used to review FPC dispositions by the courts is broader than that used in reviewing arbitral decisions. The standard in essence determines if under the evidence there was just cause to sustain the charges against the accused. The court may require additional evidence and may require the board to take additional testimony to make part of the record. As a result, this standard may result in a new “trial” of the charges.</p> <p>The circuit court review of an arbitral decision is more limited. The review is confined to whether the award was procured by corruption or fraud, whether there was evident partiality on the part of the arbitrator, whether the arbitrator was guilty of certain specified misconduct, or whether the arbitrator exceeded his/her power.</p>
Evidence to be provided when member is served with disciplinary charges.	The Chief of Police must provide all exculpatory evidence, as well as all evidence relied upon in the determination of guilt and discipline, at the time the Officer is served with disciplinary charges.	<p>Rule XV Section 6(a) of the FPC rules requires the Police Department to give the appellant within 10 days after the appeal is filed a list of: witnesses to be called to prove the allegations, copies of all reports, summaries of reports, witness statements and summaries of witness statements which the MPD intends to rely upon to support its case, AND, all documents which are <i>exculpatory in nature</i>.</p> <p><u>This is a procedural issue addressed in the rules of the Fire and Police Commission, not under the statute.</u> If the MPA is arguing that the Department is not in compliance with this requirement, the Fire and Police Commission should be notified for appropriate action.</p>

From: Jennifer Gonda [JGONDA@milwaukee.gov]
Sent: Tuesday, January 30, 2007 3:35 PM
To: de Felice, David Patrick; Rep.Toles
Subject: Police Pay Estimates

Attachments: police pay \$ and dispositions for public use.xls

Good afternoon-

I thought I would pass along a copy of our most recent estimate. It is a little higher than those quoted in Sunday's paper due to the addition of special pays back to 1999 - about \$3.75 million since 1990.

Please let me know if you have any questions,
Jennifer

Jennifer C. Gonda
Senior Legislative Fiscal Manager
Intergovernmental Relations Division
City of Milwaukee, Wisconsin
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From: Grosz, Scott
Sent: Friday, December 01, 2006 12:06 PM
To: de Felice, David Patrick
Cc: Letzing, Rachel
Subject: Police Chief termination authority
Dave,

Rachel Letzing and I have contacted various police departments across the U.S. to determine whether chiefs of police in these cities have the unilateral authority to discharge officers. The responses we received are summarized below.

Indianapolis

In the city of Indianapolis, the chief of police has the authority to discipline any member of the department, except that the chief does not have discharge authority.

If discharge is the sought-after method of discipline, the chief may recommend discharge to the Merit Board. Following a discharge recommendation, the board conducts a de novo administrative hearing to determine whether to uphold the recommendation for dismissal.

Minneapolis

In the city of Minneapolis, the chief of police has the authority to suspend or terminate members of the police department. The chief's authority exists via delegation from the Mayor of Minneapolis.

A terminated officer has up to three appeal options. Discharged officers may pursue appeals with the Minneapolis Civil Service Commission or under grievance procedures pursuant to the applicable collective bargaining agreement. Additionally, qualified officers may appeal termination to the Minnesota Veteran's Preference Board.

Cincinnati

In Cincinnati, the City Manager has sole authority to suspend and terminate police officers.

St. Louis

In the city of St. Louis, the chief of police does not have the authority to terminate an officer. If discharge is the sought-after method of discipline, the chief may recommend discharge to the St. Louis Board of Police Commissioners. The involved officer then has a right to a board trial.

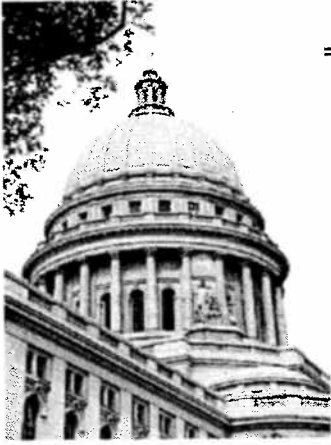
Boston

In the city of Boston, the police commissioner has the authority to terminate officers without first recommending the charge to a board or commission. The Boston police commissioner may designate hearing officers to determine whether an officer should be discharged. The police commissioner reviews recommendations for discharge made by the hearing officers. When the commissioner agrees with the recommendations of the hearing officer, the officer recommended for discharge is eligible for a hearing. However, the commissioner determines whether that hearing will be before the hearing officer, the commissioner, or a Trial Board. Accordingly, if a hearing is before the hearing officer or commissioner, it is possible for an officer to be discharged without a board determination.

Despite subsequent follow-up, our information request to the city of Chicago has not yet been answered.

Please feel free to contact us if you have additional questions. Rachel's number is 266-3370. I can be reached at 266-1307.

Scott Grosz
Staff Attorney
Wisconsin Legislative Council
ph. (608) 266-1307



SEN. SPENCER COGGS

SENATE DISTRICT 6

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Room 123-South

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Wednesday, May 9, 2007

News Release
For Immediate Release

Sen. Coggs responds to MPA on Police Pay Bill

I was greatly disappointed to see recent statements from the Milwaukee Police Association (MPA) regarding the Fired/NoPay bill introduced by Rep. Toles and myself to end the multi-million dollar rip-off of taxpayer's dollars in the City of Milwaukee.

It is beyond my comprehension that the union should want to continue pay and benefits for police officers who've been charged with a serious crime and subsequently fired.

I strongly disagree with the union's statement on Monday, starting with the headline on the news release that indicates the MPA is agreeing to "Concessions." There is no "give" in their concessions, only "take."

To be clear: The history of this legislation shows that the MPA has reneged on its agreement to work towards eliminating the "Fired with Pay" practice. We have sought to end pay and benefits for police officers charged with misdemeanors and felonies, the MPA has "conceded" to offering a loss of pay and benefits for felons only.

Perhaps the union does not remember the misdemeanor charges in the past brought against Milwaukee police officers. They include: Battery; Resisting/Obstructing an Officer; Hit and Run of an Occupied Vehicle; Endangering Safety by Use of a Weapon; Violation of Harassment/Domestic Abuse Injunction; Criminal Damage to Property; 4th Degree Sexual Assault; and Aiding/Encouraging a Parolee to Violate Parole.

I agree with Mayor Tom Barrett's statement that cops should not draw pay and benefits if they are charged with either felonies or serious misdemeanors. The cost is scandalous in both dollars and the police department's integrity. These cases can run for years. More than **\$3 million** has been paid to fired officers since 1990, and this happens only in the City of Milwaukee, nowhere else in the state.

Another of MPA's fictitious "concessions" published in the media would insert arbitration into the process of disciplining officers. We already have such a process. It's called the Fire and Police Commission (FPC), a citizen panel that weighs disciplinary actions. Sending these kinds of cases to arbitration would be a step backwards, and once again single out the Milwaukee Police Department for policies and privileges that exist nowhere else in the state, except Milwaukee.

Finally, one local elected official asserted yesterday that our Fired No/Pay "may" not move forward. Those with experience with the legislative process know better. The two-year session of the Legislature has just begun. The bill was introduced only yesterday. I find it curious that we are just getting started and the MPA is already holding a news conference. Keep in mind that the "spoils" MPA seeks would require legislation, too.

Stop posturing and get to work.

###



Milwaukee Journal Sentinel January 28, 2007

Police pay on state agenda

End of wages for fired officers sought

By JOHN DIEDRICH and STACY FORSTER
jdiedrich@journal sentinel.com

The issue of pay for fired Milwaukee police officers will surface again in the Legislature this session, but the newest proposal will likely include changes to the city's Fire and Police Commission.

Although the players in the debate — including the powerful po-

lice union — are coming to the table to negotiate, they haven't shown all their cards yet.

"Let's look at the whole thing and fix what needs to be fixed. If you fix something, let's fix it right," said John Balcerzak, president of the Milwaukee Police Association, the union that represents officers.

Fired Milwaukee officers are paid while they appeal to the commission, under a state law that applies just to the city. Only Milwaukee's chief has the power to fire. Elsewhere in the state, chiefs can

recommend officers be dismissed, but the local commission does the firing.

State lawmakers said they intend to bring back legislation similar to that introduced last session, which would have ended the pay for fired Milwaukee police officers.

"We hope we can reason with MPA, but the real bottom line is we're going to introduce a bill, and hopefully they can see the efficacy of it," said Sen. Spencer Cogg (D-

Milwaukee), who expects a bill to be introduced in the coming weeks. "Nobody believes that once you get fired you should still collect pay."

Assembly Speaker Mike Huebsch (R-West Salem) said a solution will have to come from Rep. Barbara Toles (D-Milwaukee), the bill's lead



"If you fix something, let's fix it right."

John Balcerzak, Milwaukee Police Association president

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sponsor in the Assembly; the city; the police union; and other interested parties.

"This is something that truly is a Milwaukee city issue, and while the Legislature will ultimately have to deal with it, the answer should come from the city of Milwaukee, the representatives there and those who are directly influenced," Huebsch said.

Toles said it is a challenge to broker a compromise because there isn't agreement on how to handle the matter.

Push falls short so far

A push to change the law gathered momentum in recent years as a steady string of Milwaukee officers charged with crimes and accused of other misconduct were fired by Chief Nannette Hegerty. The city said it has paid about \$3.3 million in pay and benefits to fired officers since 1990 — \$800,000 since

March.

A version of the bill passed the Assembly last session, but its sponsors and city officials said it had been changed too much to be effective. It would have required only fired officers convicted of felonies to repay the city for wages since their firing.

Coggs and Toles objected to the changes, and the bill never came up in the Senate. With Democrats now in control of the Senate, the police union might be more willing to negotiate, Coggs said.

Toles is guarded because of efforts last session to scuttle the bill.

"Right now there are some people who don't want the legislation even brought forward, let alone passed," Toles said.

All sides agree that the commission, which hears termination appeals, can resolve cases more quickly. The law calls for cases to come to

an end in a matter of weeks, but they always take months and sometimes years.

To fix that, the city is prepared to push for a larger commission, from five to seven, while keeping the panels that hear appeals at three commissioners, meaning two panels could hear cases at the same time, said Patrick Curley, chief of staff to Mayor Tom Barrett. The city also agrees with the union that there should be more realistic deadlines for hearings in the law and that they should be followed.

Toles said it takes Milwaukee's firefighters half as long as police officers to move through appeals because they aren't being paid after termination.

"People have been taking advantage," Toles said, adding that everyone would benefit from a faster process.

Curley also predicted both sides would accept getting rid

of the so-called free adjournment that allowed either side, but most often used by the fired officer, to delay the case. Adjournments would be granted only for a good reason.

The sticking point will be pay for fired officers, Curley said. He wouldn't commit to what the city will accept, but there will have to be a change in the law, he said.

"The pay and benefit of discharged officers I think, frankly, is going to be more difficult to come to agreement on unless the MPA is willing to come our way a little bit more," Curley said.

Balcerzak said he wasn't willing to talk about the union's position until union officials talked more with the city.

Steven Walters of the Journal Sentinel staff contributed to this report.

Milwaukee Journal Sentinel April 19, 2006

Pay for fired cops should end

If ever a law were unnecessary, this is it: Some African-American pastors in Milwaukee propose that the state require police to be fired if they see but don't report a cop committing a crime.

What a dirty shame that so unnecessary a law is apparently necessary.

It seems basic that if your profession is enforcing the law, you enforce it. That Frank Jude Jr. ended up looking like roadkill and that the law could not see to it that his assailants were identified to the satisfaction of a jury — this all suggests some basics got missed.

The Jude affair is a scandal, an act that discredits belief. People start flinching around Officer Friendly, which is the longer-lasting crime here. More power, then, to U.S. Attorney Steven Bis-kupic, who said Monday he'd investigate. The trial that just ended in acquittals was about someone beating up Jude. A federal case would be about someone maiming citizens' trust in the law.

But as long as we're rethinking basic propositions, let's revisit the one underlying the argument over pay for officers who have been fired. It has some bearing.

A Milwaukee officer can be fired by the police chief, but he can — and most do — and the Fire and Police Commission. Until the commission agrees with the chief, the officer earns pay and benefits. A bill to end this has been amended until its sponsor, Rep. Barbara Toles (D-Milwaukee) said she couldn't recognize it. It awaits action in the Senate.

Under the present arrangement, Milwaukeeans have paid more than \$2 million in salary and benefits to 30 officers fired since 1994, on average for 268 days, while they appealed.

Do you have a job like that? Most places, if you're fired, you're off the clock.

Even other police departments — this paper surveyed some big cities last spring — don't pay fired police. We're different because we



Patrick **McILHERAN**

had Harold Breier, for 20 years Milwaukee's hard-guy police chief and antenna for the rage of those who like to say they're progressive. The police union didn't like his rules, either, so it convinced lawmakers the chief was arbitrary and in need of a leash; lawmakers obliged.

"We were all suspicious of Breier," says Mordecai Lee, who was a Democratic Milwaukee member of the Assembly at the time and voted for the law. "There wasn't enough of a self-critical atmosphere."

John Balcerzak, who heads the police union, says the post-firing pay is justified in that cops deal regularly with crooks and liars who will make up vindictive nonsense to torpedo an arresting cop's career.

Not to be callous, but having to deal with crooks and liars should not surprise a police officer. Nor would the officer's superiors, all the way up to his uniform-wearing chief, be unaware that drug dealers are given to lying. If anyone can be expected to give an officer informed sympathy, it would be the police who lead him.

The pay issue is about more than pay. By standing on its head the usual situation that being fired means you're fired, the practice of paying police while they argue that the chief was wrong presumes that the chief was wrong.

In practice, it makes it more costly for the city to fire officers who aren't doing the job, reason enough to change the law. But the money carries with it the message that the city might as well go on paying officers the chief wants dismissed since you know darn well that chiefs have a capricious authoritarian streak and maybe

the state should help an officer standing up to The Man.

Perhaps Breier was authoritarian. So? If anything was missing from the Ellen St. mob that set upon Jude, it was deference to authority — that first of the law, which specifies that you arrest suspects rather than crotch-kick them into the hospital and second, the authority of a chief and her internal investigators who needed to get to the bottom of disreputable behavior.

Jurors say it was the weak investigation that sowed reasonable doubt. People blame this on a "code of silence" among police, a got-your-back solidarity. I'm not so sure. Lots of fields have a clannish reaction to outsiders' attacks — my own profession is infamously prickly — but the corollary is an internal contempt for bad apples.

Balcerzak says it's not so much a code of silence as self-preservation amid what he says are too many internal investigations. Again, not to sound cold, but when you carry a gun and the legal discretion to use it, you should expect heavy oversight. Investigating is what police do, and if they don't see it as legitimate that their superiors learn exactly who did exactly what, they need to rethink first principles.

The 1980 pay law came after a decade-long spasm of mistrust in authority, and it lives on the natural sympathy good citizens have for police. But it's less about supporting police than about presuming the boss is wrong. That's why it should go.

If parts of our city suffer occasional anarchy, our defense is the authority of the law, delegated to the police chief and her officers. If some fraction of the force is confused about just where the lines of authority run, then a restored normality about pay and dismissal could be usefully clarifying.

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Milwaukee Journal Sentinel March 13, 2006

EDITORIALS

A sham of a bill on police pay

Does the Republican-controlled state Assembly hate Milwaukee and its taxpayers? How else do you explain its insistence that

FIRED COPS

Milwaukee residents keep paying the salaries of dismissed cops charged with crimes — perhaps the only taxpayers in America required to do so?

Maybe Speaker John Gard (R-Peshtigo) and his colleagues felt a bit of shame. They apparently felt a need to pass something. They took a bill designed to end the mandate keeping fired and jailed cops on the city payroll, reworded the legislation and approved it. Passage gives the appearance of easing the mandate. Trouble is nothing really changes. For all practical purposes, dismissed officers will still get paychecks as long as they are appealing their terminations.

If this piece of garbage makes it to Gov. Jim Doyle's desk, he should veto it. Better yet, the Senate should do the right thing and pass the earlier version and send it back to the Assembly for approval. That version is worth Doyle's signature.

First, the new version exempts officers charged with misdemeanors. Patrick Curley, chief of staff to Milwaukee Mayor Tom Barrett, notes: "In the last five years, 10 police officers have been charged with misdemeanors. All appealed and continued or continue to be paid. The offenses included: battery, encouraging a parolee to violate parole, filing fraudulent insurance claims, obstructing (lying to an officer), disorderly conduct, disorderly conduct while armed." Cops guilty of misdemeanors generally should be drummed

out of the force without pay.

Second, the version has wording to the effect that if an officer charged with a felony loses an appeal, he or she must reimburse the city for the pay the officer received since being discharged.

Trouble is the bill specifies no enforcement mechanism. It also states that the officer may pay a lesser amount or nothing at all if the city agrees to that arrangement. In short, the wording amounts to unenforceable gobbledygook.

The most logical way to proceed is to withhold the pay for fired officers charged with

crimes and to give them back pay in the event they are reinstated.

Why Gard felt compelled to involve the Milwaukee Police Association in negotiations over this bill is a mystery — that is, if you take him at his word that donations from that organization don't influence his stances. Unburdening taxpayers with the requirement

to pay dismissed, criminally charged officers is simply the right thing to do. There's nothing to negotiate.

Surely, Senate Majority Leader Dale Schultz (R-Richland Center) wants to do right by Milwaukee taxpayers — which means ushering the earlier version of the bill through that chamber.

Some years back, while trying to sell a Milwaukee Brewers stadium tax outstate, Gov. Tommy Thompson noted that the Milwaukee area would bear the brunt of the burden. "Stick it to Milwaukee," he said, forgetting that news travels. Well, the Assembly is following his advice. The Senate now must do the right thing.



Assembly Speaker John Gard (R-Peshtigo) (from left), Senate Majority Leader Dale Schultz (R-Richland Center) and Gov. Jim Doyle shouldn't make Milwaukee taxpayers continue to shoulder an unfair burden.

Milwaukee Journal Sentinel March 5, 2006

Many fired cops drop appeals at 11th hour

They collect pay, then quit MPD days before job hearings

By JOHN DIEDRICH
jdiedrich@journalsentinel.com

Byron Andrews was fired as a Milwaukee police detective in September 2004 as he sat in jail on battery and drunken driving charges.

But he continued to collect his \$65,000-a-year salary.

His taxpayer-funded wages continued to roll in even after Andrews was convicted and sent to jail. From behind bars, he drew out his appeal before the Fire and Police Commission for months, using provisions under a state law unique to Milwaukee police.

Four months later, Andrews' appeal was finally set.

Two days before the hearing, he quit.

Andrews' case is among several in which fired officers appealed their terminations as long as possible and continued to be paid, only to quit days before the appeal hearing, according to the Fire and Police Commission.

Nearly 40% of the 18 officers fired in the last two years who appealed — and whose appeals are no longer pending — either quit or retired shortly before their appeal hearing. Salaries for those seven officers cost city taxpayers nearly \$170,000, commission records show.

City officials and supporters of an Assembly

bill to change the 26-year-old law label the last-minute resignations evidence that the state-mandated system rewards fired officers who drag out their appeals.

"This is a case of officers playing the system, clearly doing what they can get away

with, and they know they will get paid," said Rep. Barbara Toles (D-Milwaukee), who sponsored a bill to change the law requiring payment to fired Milwaukee officers.

"They are guilty and they know it, so they resign just before their hearing date," she said.

Union head defends process

The police union president defended the resignations, saying officers must file appeals to get a full picture of the city's case against them. He said officers also need time to make a decision that will change their lives.

"What other choice do they have?" said John Balcerzak, president of the Milwaukee Police Association, which is lobbying against Toles' bill. Balcerzak and another officer, Joseph Gabrish, were fired in 1991 after they turned a 14-year-old boy over to serial killer Jeffrey Dahmer months before police discovered Dahmer's crimes. Dahmer killed the boy. A judge later overturned the terminations, and they were reinstated in 1994.

Balcerzak said the union has its own bill to be considered by the Legislature next year. He declined to give details.

Toles' bill calls for ending pay

"This is a case of officers playing the system, clearly doing what they can get away with, and they know they will get paid."

State Rep. Barbara Toles,
(D-Milwaukee), who sponsored a bill to change the law requiring payment to fired Milwaukee officers

to fired Milwaukee officers charged with crimes, speeding up the appeal process and making fired officers who lose their appeals reimburse the city for wages and benefits paid after termination. It is a compromise from an earlier bill that would have stopped pay to all fired MPD officers. It passed a committee 8-1 but has not gone to the full Assembly.

Assembly Speaker John Gard (R-Peshtigo) has refused to bring the bill to a vote, saying Toles needs to do more work to guarantee it will pass. He also said the city and police union need to come to a compromise. The current legislative session ends Thursday.

Gard also expressed concerns that the bill will hurt good officers who face trumped up disciplinary actions. However,

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"Right now there is every incentive in place to drag out this process, particularly when the person knows the inevitable will occur."

Mayor Tom Barrett

er, when told so many fired officers appeal then quit when their hearings are imminent, Gard said that needed to change.

"That is an abuse of the law," Gard said. "That's the kind of thing that they can sit down and work through on this."

The Milwaukee police union is a politically powerful player in Madison, giving endorsements and contributions. The union gave Gard's Congressional campaign \$5,000 last year. Gard said that has not influenced his position on the bill.

Perhaps the union's biggest victory in Madison was the 1980 law that, among other things, required the city to pay fired officers until their appeals are exhausted with the commission, a process that takes an average of nine months.

Since 1990, the city has paid more than \$2.5 million in wages and benefits to fired officers, according to city records. Officers who lose appeals do not have to repay the salary they've earned since termination.

Police officers elsewhere in Wisconsin don't get paid after they're fired, though outside Milwaukee, fire and police commissions, not chiefs, do the firing.

Mayor backs legislation

In response to Gard's call for a compromise, Mayor Tom Barrett said Toles' bill is a com-

promise, one that addresses the worst cases: fired officers who also are charged with crimes.

Barrett pointed out that since at least 1994, no Milwaukee officer who has been fired and charged with a crime has ever been reinstated. Thirty-two officers were fired and charged with crimes, and none of them got their jobs back, he said.

"It tells me if you are fired and charged with a crime, you are not coming back to the Milwaukee Police Department, and to continue to pay them is only costing taxpayers more money," Barrett said. "This is the most glaring problem and we are trying to address it."

Speeding the process

Barrett acknowledged that city staff will have to move appeals along faster. The practice of dragging out an appeal and quitting at the end would be addressed by the bill, he said.

"Right now there is every incentive in place to drag out this process, particularly when the person knows the inevitable will occur," Barrett said.

Three of the officers who quit shortly before their hearings were among the nine officers fired for their roles in the beating of Frank Jude Jr. at an off-duty officer party in October 2004.

Each officer filed appeals and took a "free" adjournment, also provided under the law, which allowed them to delay the proceedings against them without reason. The bill would

"What other choice do they have?"

John Balcerzak,

president of the Milwaukee Police Association, who defended the process, saying officers must file appeals to get a full picture of the city's case against them, and that they need time to make a decision that will change their lives

remove the right to such an adjournment.

Each of the three officers agreed to resign — two will do so later this month and one will step down in April.

Balcerzak said those officers would not have been able to resign without an agreement from the city and Chief Nannette Hegerty.

"Any agreement takes two parties," he said.

Bill targets charged officers

Rep. Garey Bies (R-Sister Bay), who opposed the first version of Toles' bill and helped author the compromise, said he is concerned about treating all officers like criminals. That is why the new bill targets officers who are fired and charged, he said.

Bies was troubled by the practice of fired officers dragging out an appeal.

"They carry it out like, 'This is my last act of being vindictive, in your face and I will run it out to the last day,'" he said. "That (bill) will make officers make decisions a lot quicker."

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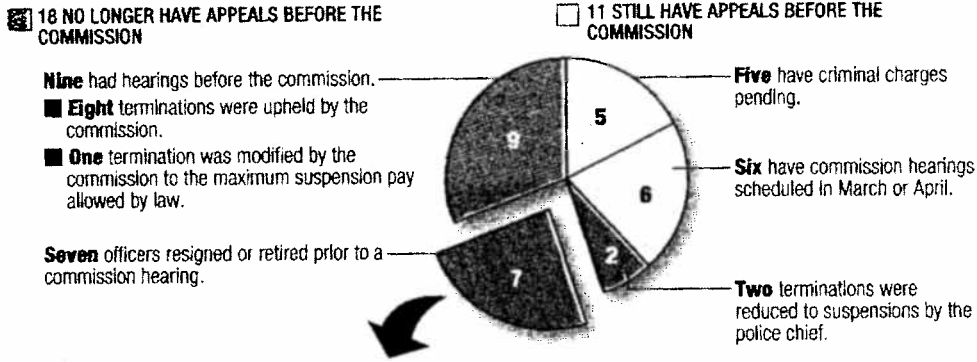
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FIRED POLICE OFFICERS: RUNNING OUT THE CLOCK ON PAY

Seven Milwaukee police officers fired in the last two years collected nearly \$170,000 in pay while they appealed their terminations to the city Fire and Police Commission, then resigned or retired before their scheduled hearings.

HERE IS A LOOK AT 29 OFFICERS WHO HAVE BEEN FIRED BY CHIEF NANNETTE HEGERTY AND WHO HAVE APPEALED THEIR TERMINATIONS TO THE FIRE AND POLICE COMMISSION.



HOW MANY DAYS THEY GOT PAID AFTER THEIR TERMINATIONS

Of those seven fired officers, five drew out their appeals as long as allowable under a state law, while they continued to be paid. Six of them quit between 2 and 12 days before their scheduled hearings.

HEARING	RESIGNATION/RETIREMENT	Days Paid						
0 days	50	100	150	200	250	300	350	
Officer 1		[Bar chart showing 132 days]						132 days
Officer 2		[Bar chart showing 145 days]						145
Officer 3		[Bar chart showing 64 days]						64
Officer 4		[Bar chart showing 236 days]						236
*Officer 5		[Bar chart showing 323 days]						323
*Officer 6		[Bar chart showing 309 days]						309
*Officer 7		[Bar chart showing 342 days]						342

* These three officers were fired for their roles in the beating of Frank Jude Jr. in October 2004; their resignations have not yet taken effect, and the dates of resignations are subject to change.

Source: Fire and Police Commission, as of Feb. 23, 2006

RIKA KANAOKA/rkanaoka@journalsentinel.com

Milwaukee Journal Sentinel March 3, 2006

EDITORIALS

Allow a vote on police pay bill

State Sen. Glenn Grothman (R-West Bend) posed an interesting proposition the other day.

"It may take another couple Lelinskis over the next year to get the bill to pass," he said. He was referring to Milwaukee police officer

FIRED OFFICERS

Steven J. Lelinski, charged with sex crimes, and to a bill he co-sponsored that would remove Milwaukee as the only city in Wisconsin required by state law to provide officers like him salary and benefits while they appeal their terminations.

Fired officers have used this Milwaukee-only law to milk the system for years.

How many more will it take? Three, four, five, six or more? We suspect the answer is: enough to overcome some other specific numbers in the eyes of the GOP-controlled Legislature. One of those numbers would be 1,700 — the number of members in the powerful Milwaukee Police Association — and the other numbers are however much the group has given in campaign contributions. Given, by the way, three times as much to Republicans since 1993 as to Democrats.

On Tuesday, Assembly Speaker John Gard (R-Peshtigo) said the bill would not come to the floor for a vote unless the two sides would compromise. On Wednesday, he reiterated that he was holding up the bill because sponsors hadn't lined up the votes.

On compromise: There is virtually no incentive for the police association to bend, and the other side has already compromised. A previous bill would have prevented salaries and benefits paid to all fired officers. This newest version affects only those officers fired *and* criminally charged.

On lack of votes: The gauge shouldn't be whether the speaker can count votes but whether the bill has merit. This one has it in abundance. Let's see if Assembly members count as well as the speaker.

If he doesn't relent, Gard has essentially killed the bill for this session. And the meter for Milwaukee is running.

Since 1990, the city has paid more than \$2.5 million in wages and benefits to fired officers. In addition to Lelinski, two other Milwaukee officers were charged with felonies in just one week last month. Nine officers fired for their roles in the beating of Frank Jude Jr. have collected \$585,000 since the October 2004 incident, and three of these face criminal charges.

Many in Wisconsin are fond of accusing Democratic Gov. Jim Doyle of being in the pocket of the Wisconsin Education Association Council, which represents the state's teachers. Given how quickly the GOP leadership has folded on this bipartisan bill after a lobbying blitz by the police association, it appears this is one vulnerable glass house over at the Legislature. No one should be casting stones.

What they should be casting is votes. So unjust is the way state law singles out Milwaukee in paying fired officers, Gard should allow this bill to come to the floor.

This way, however, Milwaukeeans don't know whom to hold accountable except perhaps Gard, who won't be in the Legislature because he is running for Congress this year. Convenient. Is that really the point?

Gard on Wednesday slammed Milwaukee Mayor Tom Barrett for supporting the bill and "picking on cops." Gard added, "Some people want to be tougher on cops than the criminals." Mr. Speaker, what about criminals who are cops?

To our knowledge, Barrett is merely backing a policy change on officers who have been fired and criminally charged. Any officer exonerated and who wins on appeal on the termination gets back pay. How, precisely, is this picking on cops?

It seems to us, Gard and the Assembly are picking on Milwaukee taxpayers.

Milwaukee Journal Sentinel February 23, 2006

Bill to cut off fired officers' pay advances

Criminal charges would halt salary

By JOHN DIEDRICH
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Madison — A bill that would cut off pay and benefits to fired Milwaukee police officers who are also charged with crimes easily cleared a state committee Wednesday, although the committee had voted down an earlier bill on the issue.

Meanwhile, a new city report was released showing that Milwaukee taxpayers have paid nine officers fired for their role in the beating of Frank Jude Jr. a collective \$585,000 from the time of the October 2004 beating to Wednesday.

The Assembly Committee on Corrections and Courts voted, 8-1, in favor of the bill, which also would require all fired officers whose terminations are upheld to pay back the city any pay they received after their firing and speed up the appeal process.

Rep. Carol Owens (R-Oshkosh), voted against the bill, and Rep. Scott Suder (R-Abbotsford) was absent.

The vote comes after three Milwaukee officers were charged with felonies in one week in unrelated cases for an alleged sexual assault, bribery and drug dealing. Those cases were raised several times in Wednesday's hearing.

"We are very disturbed by the number of individuals who have chosen to violate some of the laws they have taken an oath to

"We are very disturbed by the number of individuals who have chosen to violate some of the laws they have taken an oath to enforce."

Maria Monteagudo,
Department of Employee
Relations

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Milwaukee Journal Sentinel February 23, 2006
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enforce," said Maria Monteaudo, director of the city Department of Employee Relations.

The bill has a long way to go in a short time to become law this session, which is expected to end early next month. The bill would need to pass the full Assembly, go through committee and the full Senate.

Gov. Jim Doyle said Wednesday he looked forward to signing a "good bipartisan bill."

"I've generally believed, I guess like most people, that police officers all across the state ought to be treated the same," Doyle said at a separate event. "This idea that you carve out one whole that you get for Milwaukee has proven to be somewhat problematic."

John Balcerzak, president of the Milwaukee Police Association, which represents roughly 1,700 officers, said the union is drafting a compromise bill for the next legislative session, but didn't provide details.

Balcerzak said the bill voted on Wednesday is in conflict with a U.S. Court of Appeals ruling that essentially says officers don't have to fight criminal charges and a termination at the same time.

"That would put the officer in a box and force them to make a career-altering decision," said Balcerzak, who added that if the bill passes in its current form, the union likely would challenge it in court.

City Attorney Grant Langley, who attended the hearing, said it was his opinion that the new bill is not in conflict with the ruling.

The Republican-controlled committee voted late last year, 6-4, along party lines, to defeat the more sweeping original bill, which would have cut off pay to all fired officers. Those who voted against it expressed concern that it would give Milwaukee's chief too much power. The chairman, Rep. Garey Bies (R-Sister Bay), said the earlier vote was not a partisan vote.

Rep. Mark Gundrum (R-New Berlin) who opposed the first bill, said this one protects officers who might be fired by the chief for political reasons.

"They won't have to worry about making a split-second decision and then wondering whether they will be able to feed their children in two weeks," he said.

Law affects only Milwaukee

A 26-year-old law that applies only to Milwaukee police says fired officers must receive pay and benefits until their appeal is exhausted with the Fire and Police Commission. Since 1990, the city has paid more than \$2.5 million to 82 fired officers who appealed, city officials said.

The law also grants both the city and fired officer one "free" adjournment of the appeals hearing, which can further delay the process. In 90% of the cases, the officers use that adjournment, city officials said. In roughly one-third of cases, officers appeal but quit the department just days before their hearings are set to begin, collecting pay until then, officials said. The appeals have taken an average of nine months.

The bill would cut off pay to

criminally charged, fired officers, eliminate the free adjournment, require trials in 30 to 60 days and force all officers who lose appeals or resign to pay back the city.

In the past 11 months, at least 12 Milwaukee officers have been criminally charged, eight of them with felonies.

Other police officers in Wisconsin lose pay at the time of termination. Elsewhere, however, local fire and police commissions fire officers, not the chief.

Mayor Tom Barrett, who spoke at the hearing, said it was a good compromise that would help taxpayers and ultimately benefit the "vast majority" of good officers.

"In the long run, certainly this kind of legislation will increase respect for the Milwaukee Police Department," he said.

The newly released analysis, requested by Ald. Mike D'Amato, shows the \$585,000 paid to the nine officers in pay, benefits and pension contributions by the city since Oct. 24, 2004.

D'Amato said he asked for numbers going back to the beating to show the city paid the officers even as the chief was considering the case. Chief Nannette Hegerty fired the nine officers in May. Two have gotten their jobs back.

"I think this number indicates why it is so important to get state law changed," D'Amato said. "Milwaukee taxpayers are paying daily for this unfair and special treatment of Milwaukee officers."

Patrick Marley of the Journal Sentinel staff contributed to this report.

Racine Journal Times February 20, 2006

OUR PERSPECTIVE

Legislature must end Milwaukee police perk

Perhaps now, with a parade of three new Milwaukee police officers charged with felonies in the past three weeks, the Legislature will undo its special treatment legislation that made sure the boys in blue ended up with an extra share of green.

Lawmakers last week introduced a compromise bill that will strip Milwaukee police officers of a special perk that kept them on the payroll while they appeal their firings.

Milwaukee police were singled out in a piece of legislation passed 26 years ago that allowed them to keep collecting paychecks and benefits when they were fired by the police chief until a final ruling on the dismissal was made by the city Police and Fire Commission.

The natural inclination with such a policy, of course, was to appeal. ... and to extend that appeal as long as possible to make sure those checks kept getting cut.

And they did: In 96 percent of the firings over the past quarter century the fired officer appealed. The reviews on police firings average nine months — double the time the commission takes to review firefighter dismissals. Even if the firing was upheld, the police officer didn't have to pony up the cash he or she collected while the review was in progress.

By some estimates that cost the city of Milwaukee taxpayers an extra \$2.1 million in salary and benefits for 30 officers who were fired and whose dismissals were ultimately upheld.

That would end under new legislation introduced last week by state Rep. Garey Bies, R-Sister Bay. Under the bill, officers who are charged with a crime would immediately be taken off the city payroll. Fired officers who appeal and lose their appeal would have to repay the city for the wages and benefits they have collected after their dismissals.

The proposed law also puts some pressure on the Police and Fire Commission — giving it 60 days to hear appeals.

Our guess would be that won't be as much a problem if the Legislature passes this bill and the meter stops running on those paychecks.

The original bill, all perfumed up as one part of a package of legislation called the "Law Enforcement Officers Bill of Rights", turned out to be a sad piece of legislation that gave bad officers the legal right to keep on stealing from the public.

In doing so they put an undeserved taint on the vast majority of good police officers that serve the city every day.

We would urge the Legislature to act quickly on this overdue correction.

Milwaukee Journal Sentinel December 3, 2005

EDITORIALS

State meddles on police pay

What do some state lawmakers have against Milwaukee taxpayers? An unfair state law forces the city to keep paying fired officers while they are appealing their dismissals — a statute that

FIRED OFFICERS

appears to make Milwaukee unique among Wisconsin cities and the nation's big cities. A bill emerged in the Assembly to strike down that nonsensical requirement. Instead, an Assembly committee struck down the bill the other day.

The six Republicans on the Committee on Corrections and the Courts — Garey Bies of Sister Bay, Mark Gundrum of New Berlin, Scott Suder of Abbotsford, Daniel LeMahieu of Oostburg and Gregg Underheim and Carol Owens, both of Oshkosh — voted in favor of killing the bill and thus keeping the mandate that the likes of Jon Bartlett, fired from the Milwaukee Police Department in connection with the Frank Jude Jr. beating, remain on the city payroll. Bartlett, who faces criminal charges in the beating case, was arrested anew on Friday on suspicion of making a bomb threat to a police station — a charge his lawyer denies.

It should be noted, however, that Republicans are among the bill's sponsors.

The three committee Democrats who were present — Sody Pope-Roberts of Verona, Donna Seidel of Wausau and Joe Parisi of Madison — voted in favor of the bill.

So it stands to reason that the committee members stopping this bill will now require

that the state pay the wages of fired officers — \$500,000 this year, according to city officials. No? We thought not. The statute is yet another unfunded mandate.

No other Wisconsin city must pay fired officers, but opponents of the bill note that police and fire commissions authorize the dismissals elsewhere around the state, whereas in Milwaukee the chief does the firing and the Fire and Police Commission handles appeals.

But in a big city, where crime is a major issue and law enforcement is complicated, the chief must have the authority to dismiss officers for cause. And the firing should be real, not a paid vacation. Should the firing be overturned, then — and only then — should officers get back pay for the days they missed. The requirement to pay officers while appealing in fact encourages appeals.

Incomprehensibly, committee chairman Bies remarked that the pay rules were a local, not a state, issue. He added: "The ball is back in Mayor Barrett's court. They can make it work without the state coming in and mandating."

But the problem is that the state *has* come in and mandated. Pay ought to be a local issue, but the state has meddled, dictating pay for dismissed officers. Bies helped spike the bill that would have made pay a local issue again.

The Legislature must stop punishing Milwaukee taxpayers. It must dump the mandate of pay for fired officers in Milwaukee.

Original URL: <http://www.jsonline.com/news/state/aug05/351810.asp>

Bill would halt pay for fired officers

Milwaukee cops in appeal process still get checks

By JOHN DIEDRICH
jdiedrich@journalsentinel.com

Posted: Aug. 29, 2005

Milwaukee police officers fired by the chief would no longer be paid while they appeal their termination under a new bill up for hearing next week in the Legislature.

Two Milwaukee lawmakers have authored a bill to abolish a 25-year-old, narrowly crafted law that guarantees fired Milwaukee officers are paid until their appeals are exhausted with the Fire and Police Commission.

The law does not apply to other police officers in the state, who are fired by local commissions on a recommendation from their chiefs. Milwaukee firefighters lose pay when they are fired but get back pay if they are reinstated.

"This is both a moral and economic issue," said Sen. Spencer Coggs (D-Milwaukee), author of the Senate version of the bill. "It seems unfair that Milwaukee police get a benefit that is not available to other police officers in the state or even to their counterparts in the Milwaukee Fire Department. And it is charged to the taxpayers."

John Balcerzak, president of the Milwaukee Police Association, the officers' union, called the bill an attack on officers. He said cutting off pay would make Milwaukee's police chief "judge, jury and executioner."

"Now you would have a police chief who has the ability to order investigations, review those investigations and orders discipline. Where is the impartiality? Where is the outside review before that officer's pay and benefits are taken away?" he said.

\$2.1 million from taxpayers

Since 1994, Milwaukee taxpayers paid more than \$2.1 million in pay and benefits to 32 fired officers who were not reinstated, according to figures compiled in April by the Journal Sentinel. The officers were paid for an average of nine months as they appealed, the newspaper found.

In a new analysis detailed Monday, commission Executive Director David Heard said that since 1990, all but two of 81 officers who have been fired appealed. Eleven officers won their jobs back from either the commission or in court, he said. The rest either lost their appeal or retired or resigned before the appeal hearing, he said.

Fifteen cases are pending appeal, including those of nine officers fired for alleged wrongdoing in the incident that left Frank Jude Jr. severely beaten in October.

Applies only in Milwaukee

Paying Fired Police Officers

Background

- 5/25/05: Editorial: No pay during police appeals
- 5/3/05: Police suspensions costly to taxpayers
- 4/25/05: End to post-termination pay sought
- 4/23/05: Fired officers collect millions

Quotable

“ This is both a moral and economic issue. ”

- Sen. Spencer Coggs
 (D-Milwaukee),
 author of the Senate
 version of the bill

Archive Coverage

- Archive: Previous coverage of the Frank Jude, Jr. beating case
- Section: State Politics

The pay provision dates back to a 1980 "Law Enforcement Officers' Bill of Rights," sparked by perceived abuses of power by then-Chief Harold Brier. The law guaranteed all officers in the state rights during investigations. The pay-after-termination clause was written to apply to Milwaukee officers alone.

State Rep. Barbara Toles (D-Milwaukee), sponsor of the Assembly version of the bill, said it isn't an attack on officers, but a savings to taxpayers.

"This is money that the city can spend elsewhere," she said.

Mayor Tom Barrett, who supports changing the law, has called for a study comparing Milwaukee's Fire and Police Commission to those in other cities to find ways to improve it. Balcerzak said that study should be done before anything is changed.

Balcerzak added that the system in Milwaukee is essentially the same as the rest of the state, where a chief can recommend termination, but the local commission makes the decision.

The officer is generally paid until the commission rules.

"You are asking an officer on the street, asking him to be vigilant and do the job and have no safeguard to protect his livelihood if he is falsely accused of wrongdoing and then fired," Balcerzak said.

Coggs said Milwaukee's chief has to have just cause to fire, which is a safeguard. He noted officers here are paid while suspended and then paid after being fired.

"The officers of the city of Milwaukee get a second kick at the cat while being paid," he said. "What it amounts to is a pay extension for fired police officers."

The hearing is set for Sept. 7 in front of the Assembly Committee on Corrections and the Courts.

From the Aug. 30, 2005, editions of the Milwaukee Journal Sentinel
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SB176
Folder

Editorial: Convicted - and paid

Republicans must stop making Milwaukee taxpayers foot the wages of fired police officers. Ridiculously, even rogue cops convicted of crimes keep getting salaries.

From the Journal Sentinel

Posted: Aug. 5, 2007

Two rogue Milwaukee cops - Andrew Spengler and Daniel Masarik, convicted July 26 in the ruthless beating of Frank Jude Jr. and fired more than two years ago - are still collecting their police paychecks. They should send Assembly Republicans thank-you notes. GOP legislators have lavished Milwaukee taxpayers' money on fired officers.

A state law forces the city to keep paying dismissed cops until they have exhausted their appeals. Spengler has gotten \$195,000 in pay and benefits since he was let go; Masarik has collected almost \$176,000. Mayor Tom Barrett wants the Fire and Police Commission to promptly hold hearings to terminate payments, which are now slated to end on Nov. 29, when the two are scheduled to be sentenced.

But the real solution is for the Legislature to repeal this ridiculous law. In no other city in the nation and perhaps the world do fired officers keep getting paid. Defenders of the status quo point out that Milwaukee is the only Wisconsin city where the chief fires cops. In other cities, the Police and Fire Commission does so, on the recommendation of the chief.

We fail to see the point. Milwaukee is *not* West Bend. The comparison should be to other big cities, like Minneapolis, Chicago and Indianapolis. The chief must have the power to fire on a major police force with hundreds of officers. And to mean anything, the firing must entail termination of pay.

Yes, officers do deserve the right to appeal. And if they win the appeal, they deserve to receive back pay for the days missed. But fired officers don't deserve the right to sit behind bars and collect their wages, as Spengler and Masarik are doing.

Democrats have pushed to repeal the law. The version of the state budget passed by the Democratic-controlled Senate includes such a repeal. But while cutting revenue sharing to Milwaukee and instructing the city to live within its means, the Republican-controlled Assembly has blocked the repeal. The Legislature must end this absurdity.

Should the Legislature repeal the state law that makes Milwaukee pay fired cops? Why or why not? E-mail jsedit@journalsentinel.com





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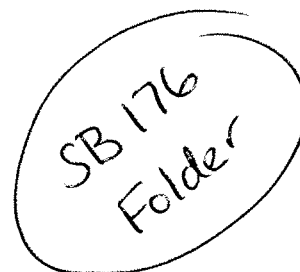
<http://www.jsonline.com/story/index.aspx?id=691263>

Halt in fired officers' pay near Senate vote

But Assembly might mandate MPD hearings

By STACY FORSTER
sforster@journalsentinel.com

Posted: Nov. 28, 2007



Madison - Lawmakers from both houses are moving forward with legislation to address when to cut off pay for fired Milwaukee police officers, but they are heading in different directions.

The original bill to end pay for all fired Milwaukee police officers at the time of termination by the chief was the subject of a hearing of the state Senate's Committee on Labor, Elections and Urban Affairs on Wednesday, and is expected to receive a Senate vote next month.

But under a new version of the bill being drafted in the Assembly, officers fighting termination would get the chance to defend themselves in a hearing before the Fire and Police Commission before losing their pay.

Rep. Garey Bies (R-Sister Bay) said the bill would require Milwaukee's police chief to present a case against an officer to the commission, which would then make the decision about termination.

Currently, Milwaukee's police chief has the ability to fire officers. In other cities, police chiefs can recommend firing, but a local commission makes the final call. In Milwaukee, fired officers are paid while their appeals are pending, a process that can take months or years.

Also under the Assembly bill, officers would lose their pay if they were charged with felonies, Bies said - a position that has been supported by the Milwaukee Police Association, the union that represents the city's police officers.

Milwaukee Mayor Tom Barrett and Milwaukee lawmakers who back the original bill have opposed changes that stop short of cutting off pay for all fired officers.

Urgency to change the law has grown as a slew of officers have been fired for crimes, including sexual assault, bribery and drug dealing.

The Senate hearing was held on the eve of sentencing in federal court today for three former Milwaukee officers - Jon Bartlett, Andrew Spengler and Daniel Masarik - for their role in the October 2004 beating of Frank Jude Jr., who was assaulted by off-duty officers as he was leaving a party at a Milwaukee cop's home.

City records show the three officers received about \$494,000 in pay and benefits while they appealed their firings.

Milwaukee has paid nearly \$4.4 million in wages and benefits to fired officers since 1990.

"I want to take that money and put it into police officers who can make the streets safer," said Barrett, who testified in support of the Senate bill at the hearing.

The union has argued that officers should have their cases heard before losing their pay and said targeting officers charged with felonies would take care of the most egregious cases.

Lawmakers, city officials and representatives of the police union have agreed that changes should be made to the process to resolve cases faster and eliminate a provision that allows for automatic adjournment.

But cutting off pay for officers who are fired for misdemeanors or rules violations would be too punitive, said Milwaukee Police Association President John Balcerzak. Those officers deserve to have their cases heard before losing their jobs, he said.

"We can't agree with that, that's before a due-process hearing," Balcerzak said. Some officers might get their jobs back and would have to go without income during their appeals, he said.

But that's the way things work for the rest of the world, said Sen. Spencer Coggs (D-Milwaukee), author of the Senate bill and chairman of the panel that debated it Wednesday.

"Milwaukee police officers are the only people on the planet who get fired and still get paid," Coggs said.

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From the Nov. 29, 2007 editions of the Milwaukee Journal Sentinel
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Senators urge halt to fired police pay

By STEVEN WALTERS and STACY FORSTER
swalters@journalsentinel.com

Posted: Dec. 4, 2007

Madison - A Senate committee on Tuesday recommended changing state law so fired Milwaukee police officers can no longer draw their salaries while they appeal their terminations.

On a 4-1 vote, the Labor, Elections and Urban Affairs Committee endorsed a bill that would change a 27-year-old law requiring the city to pay fired officers until their appeals are exhausted, which takes months or even years.

Milwaukee has paid \$4.4 million in wages and benefits to fired officers since 1990, city records show.

Sen. Spencer Coggs (D-Milwaukee), the bill's chief sponsor, and others have said that fired officers enjoy an unprecedented benefit: pay after firing.

Milwaukee Mayor Tom Barrett and other city officials have asked the Legislature to pass the bill, which has been debated for years.

The Milwaukee Police Association, the union that represents the officers, has supported ending pay for officers charged with felonies. But the union has said it would be unfair to do so for officers charged with misdemeanors or rule violations because they should be granted a hearing to defend themselves before losing pay.

Coggs said he expected a Senate vote next Tuesday.

The Assembly Corrections and Courts Committee also debated the proposal Tuesday, as well as a substitute version that city officials opposed.

Under the substitute proposal, pay would be stopped for fired officers who are charged with felonies. Those accused of misdemeanors or rule violations would receive a hearing before their pay stopped.

Because of the complexity of the new proposal, the Assembly committee delayed a vote on the original bill and the substitute. That means a bill won't go before the full Assembly next week.

Barrett said he was pleased that the Assembly members delayed voting on the substitute proposal. The mayor argued that the plan wouldn't protect the public and taxpayers.

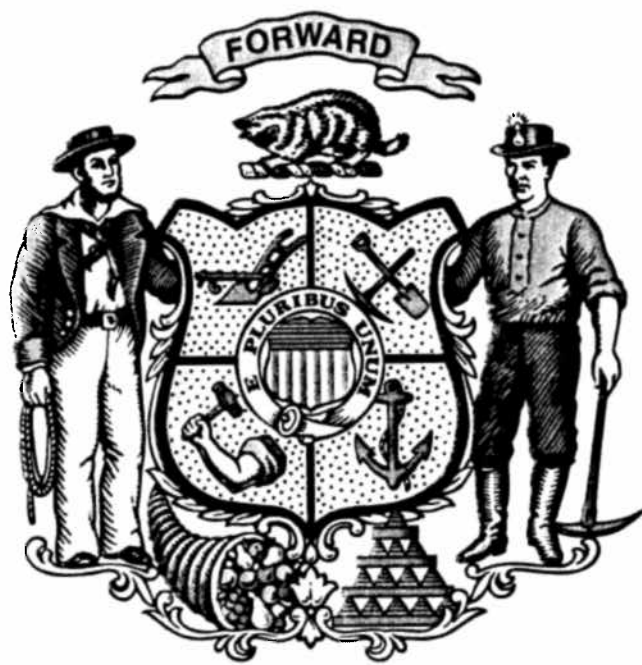
"What they need to do is look at what's happening in the real world," Barrett said.

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From the Dec. 5, 2007 editions of the Milwaukee Journal Sentinel
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FIRE COP PAY

A Senate committee recently recommend changing state law so fired Milwaukee police officers can no longer draw their salary while they appeal their terminations.

On a reported 4-1 vote, the Senate Labor, Elections and Urban Affairs passed a bill that would change a 28-year-old law, which the union for Milwaukee police officers has fought to keep.

The bill's chief sponsor is Sen. Spencer Coggs. Mayor Tom Barrett and other city officials have asked the Legislature to finally pass the bill, which has been debated for years.

The Senate will next be in session Tuesday, but it is not known if the bill will be voted on at that time.

SB 176
Folder



Dec 5,
CJ 2007



Davis urges rejection of weaker bill prohibiting pay for fired city cops

Story compiled by MCJ Staff

Milwaukee Ald. Joe Davis, Sr. urged members of the state Assembly's Committee on Corrections and Courts Monday to reject a "watered down" version of state Rep. Barbara Toles' bill prohibiting pay for fired Milwaukee police officers.

Davis' request came the day before a state Senate committee—the Labor, Elections and Urban Affairs Committee—recommended changing the law to prohibit payment of fired officers while they appeal.

Sen. Spencer Coggins is the chief sponsor of the bill in the Senate.

"It is time for our state legislators to do the right thing and remove this benefit that is found literally nowhere else in the nation, and that

means approving the bill offered by Milwaukee Rep. Barbara Toles," said Davis in a statement.

"In the world that most workers live in, employees who have serious violations of workplace rules such as falsifying reports or lying to supervisors can expect to be terminated, and their pay goes away," Davis continued.

"It's time for state legislators to take the burden of paying fired officers off the backs of the taxpayers of Milwaukee."

Toles' bill would change the 27-year-old state law that currently allows fired Milwaukee police officers to receive full pay and benefits until their appeals are exhausted with the Fire and Police Commission.

Such appeals often take months, if not years before a final ruling is made. Until then, fired officers can continue to draw pay from the city. Records show that since 1990, \$4.4 million in wages and benefits has been paid by Milwaukee to fired officers.

However, an Assembly version (the watered down version referred to by Davis) allows officers fighting termination to defend themselves in a hearing before the Fire and Police Commission before losing their pay.

At such a hearing, the chief of police would be required to present a case against an officer to the commission, which would then make the decision about termination.

Yet a news report noted the substitution. **(continued on page 3)**

CJ Dec 5
2007

SB 176
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Davis urges lawmakers to support strong, original version of bill

(continued from page 1)

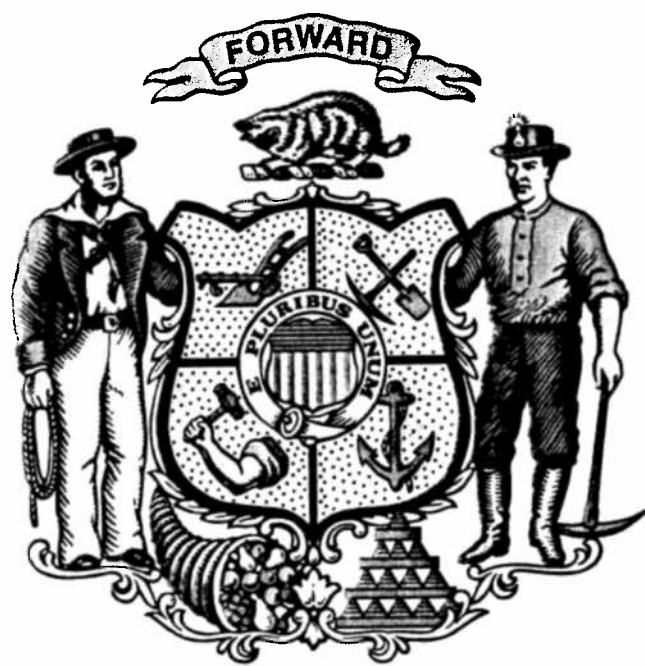
tute version of the bill would stop pay for fired officers who are charged with felonies.

Those accused of misdemeanors or rule violations would receive a hearing before pay is stopped.

Davis said Toles bill is strong and acceptable to city leaders. A crowded Senate hearing last week on that version of the bill attracted dozens of speakers, including Mayor Tom Barrett.

On Tuesday, the Assembly committee debated Toles' bill and the watered down version. The committee decided to delay a vote on both versions of the bill, meaning the bill won't go before the full Assembly until sometime next week.

It is not known if the full Senate will vote on the measure when it meets Tuesday.



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Editorial: Fired, still on payroll

The Senate has voted to stop paying fired Milwaukee police officers until they have exhausted their appeals. The Assembly needs to follow that sensible lead.

From the Journal Sentinel

Posted: Dec. 12, 2007

The state Senate made it clear Tuesday that when people talk about the law enforcement oath to protect and serve, it doesn't mean having taxpayers protect and serve the interests of fired Milwaukee police officers. Like those involved in the ruthless beating of Frank Jude Jr.

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By a 30-3 vote, Democrats and Republicans in the Senate approved a bill, long overdue, to terminate pay for dismissed Milwaukee officers. Current state law now forces the city to keep paying fired officers until they have exhausted their appeals. That's not just ridiculous on its face; it's also expensive for a city that is anything but flush. City records show that since 1990, the city has paid \$4.38 million in

wages and benefits to fired officers.

The bill now goes to the Assembly, where we would hope the same common sense shown by the Senate prevails.

Frank Jude Beating Case



Jon Bartlett:
Sentenced to 17 years



Daniel Masarik:
Sentenced to 15 years

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Unfortunately, some members of the Assembly want to dilute the bill and have it apply only to officers charged with felonies. Under the substitute measure, officers fired for misdemeanors or rule violations would get hearings before their pay is stopped.

That would be a mistake. Misdemeanors can involve serious crimes as well, including fourth-degree sexual assault, hit and run of an occupied vehicle, battery, endangering safety by use of a weapon and resisting arrest. Milwaukee officers have been fired from the department for just such crimes. How can any legislator reasonably claim that police officers charged with those crimes, or any other misdemeanor, which by the way can include exposing genitals to a child or intimidating a witness, should be paid while awaiting disposition of the case?

Sen. Spencer Coggs (D-Milwaukee), the bill's chief sponsor, said no other fired officers "on the planet" get paid after losing their jobs. We're not sure about the planet, but no other city police officers in the country have that perk.

Yes, Milwaukee officers deserve the right to appeal, and if they win, they deserve back pay. But current law goes way beyond that, and it needs to be changed.

"I want to pay the best of the best," Mayor Tom Barrett said after the bill was approved, "not the worst of the worst."

It's hard to argue with that.

Should the City of Milwaukee continue paying fired police officers who are appealing their dismissals? Why or why not? Send a letter to: Journal Sentinel editorial department



Andrew Spengler:
 Sentenced to 15 years

\$494,000

How much Milwaukee property taxpayers have paid in wages and benefits to Jon Bartlett, Daniel Masarik and Andrew Spengler from May 24, 2005, when they were dismissed from the Milwaukee Police Department, to Nov. 29, 2007, when they were sentenced. The three were convicted in July in federal court in the 2004 beating of Frank Jude Jr. at an off-duty party in Milwaukee.

The Cost

\$4.38 million: How much Milwaukee property taxpayers have shelled out in wages and benefits to officers who were fired and not reinstated since 1990.

\$615,000: How much Milwaukee property taxpayers have paid in wages and benefits to such officers so far this year.

Archived Coverage

Previous coverage of the Frank Jude Jr. beating case



Stop taxpayer abuse, pass Police Pay Bill

By Henry Hamilton III
ripped@sbcglobal.net

The Democrat-led Wisconsin State Senate passed Senate Bill 176 (SB176), the Police Pay Bill, which if it becomes law will eliminate the practice of paying fired police officers full pay and benefits while they fight their terminations.

The current law, which only applies to the City of Milwaukee, has cost local taxpayers approximately \$ 2 million over the last two years, and several times more since its enactment. The proposed law change now goes before

the Republican-led Assembly, where it faces an uphill battle.

Every Republican candidate I know has a stump speech about reducing taxes and preventing the wasteful expenditures of tax dollars. Unfortunately, nine times out of ten they are just releasing hot air.

The current law represents one of the greatest tax abuses on the books. Fired officers, such as Jon Bartlett, who have been terminated due to inappropriate conduct, and therefore unable to wear a badge, tote a gun or make an arrest, remain on the payroll until they exhaust

administrative proceedings.

An argument can be made that these expenditures harm law enforcement by robbing it of crucial resources which could be used to deter crime. In times of declining resources, what is gained by paying officers who through their own fault can't perform their jobs? What, a few votes, an endorsement?

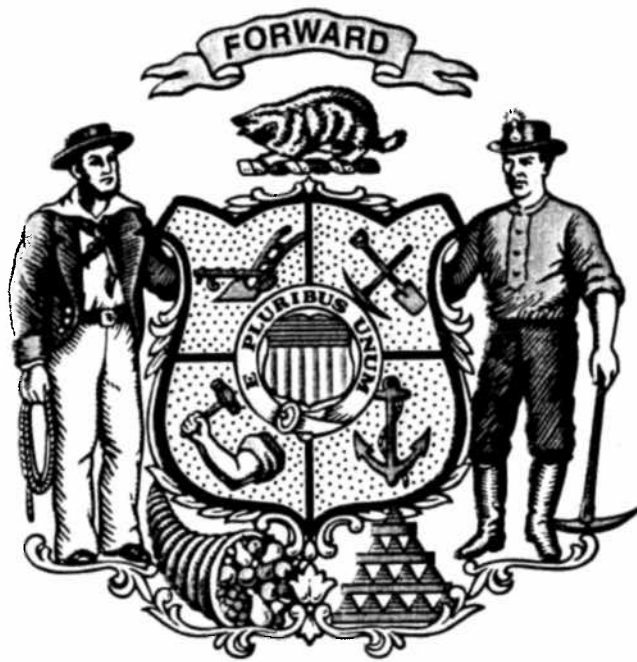
Money saved by eliminating pay for terminated officers could be used to reduce the property tax burden. Of course, most Republican lawmakers show no interest in enacting sensible measures to reduce the property tax



burden. It's easier for them to force the closure of a park, or a local swimming pool.

If the Republican-led Assembly is serious about reducing the tax burden on local residents it can start by eliminating pay for fired police officers. It's rather strange that Republican lawmakers who are consistently the first to cry "tax hell" are last to support the elimination of this unnecessary expenditure of tax funds.

SB 176
Folder



Bill targets fired and suspended cops

Measure would stop their pay during appeal and end arbitration for disciplined officers.

By TODD RICHMOND
Associated Press

Wisconsin police officers charged with a crime would no longer be able to collect pay while they appeal suspensions or firings under a bill a state lawmaker introduced Friday.

Sen. Glenn Grothman's measure also would wipe out arbitration for disciplined officers, erasing one of Gov. Jim Doyle's partial budget vetoes that created the option.

The proposal comes as lawmakers continue to debate when to cut off pay for officers who get in trouble. The issue has come to the forefront in the Legislature since a group of Milwaukee officers who were fired for beating a man in 2004 kept being paid through a long appeal process, costing the city nearly half-a-million dollars in salary and benefits.

State law allows most Wisconsin police officers to collect pay while they appeal suspensions. Separate laws govern officers in Milwaukee because it's the state's largest city. Police there can collect their salary while they appeal both firings and suspensions. That provision has cost the city about \$4.4 million since 1990, according to Mayor Tom Barrett's office.

Under Grothman's proposal, any police officer or firefighter in the state who is charged with a misdemeanor or felony would not be paid while appealing a suspension or firing.

"We'll solve the problem in one shot," said Grothman, R-West Bend.

The Senate passed a bill this month authored by Sen. Spencer Coggs, D-Milwaukee, that would end pay for Milwaukee officers while they appealed suspensions or firings for rule infractions and misdemeanor and felony charges.

Grothman said his bill is better because it would create statewide standards, save money for taxpayers everywhere and focus only on criminal charges — "the ones that get people fired up," he said.

Coggs didn't return messages Friday.

Jim Palmer, executive director of the Wisconsin Professional Police Association, promised

to fight Grothman's bill. He said the measure is likely unconstitutional because it would deprive officers of pay without due process.

"To deprive somebody on the mere basis of a charge is absurd," Palmer said.

Milwaukee Police Association President John Balcerzak said he hadn't seen Grothman's proposal, but believed the pay cutoff should be a felony charge.

State Rep. Gary Bies, R-Sister Bay, said he's working on revisions to Coggs' bill that would set the cutoff at felony charges. He said he didn't know what Grothman was doing.

"Glenn's a good guy, but sometimes he's marching to the beat of a different drum," Bies said.

Grothman's bill also would undo a provision in the state budget that would allow police officers to negotiate contract clauses permitting arbitration in discipline cases. Doyle used his partial veto power to include the language.

Arbitration is a new wrinkle in police discipline. For years police chiefs have recommended discipline actions to their local police and fire commissions, which would make the final decision. Disciplined officers could appeal to circuit court judges.

The governor said in his veto message that other public employees have the right to arbitration in discipline matters, and that providing the option to police not only is fair but would relieve judges' workloads.

The Wisconsin Chiefs of Police Association has balked at the provision and called for legislation to erase it. The association fears arbitration would rob police and fire commissions of local control. They also say they're worried arbitration will cost taxpayers more because the hearings are akin to mini-trials.

Grothman, who touts himself as a taxpayer champion, agreed. The current commission system has worked well for years, he said.

Palmer said arbitration is more efficient and the budget clause simply allows municipalities to include it in contracts.

"The municipality gets to maintain its local control in shaping how that arbitration process would operate," Palmer said.

Doyle spokesman Matt Canter said Grothman should leave the arbitration clause alone.

SB 176
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Message from the President

By John A. Balcerzak

TO THE LEGISLATORS OF THE STATE OF WISCONSIN REGARDING THE ISSUE OF PAY AFTER DISCHARGE FOR CITY OF MILWAUKEE POLICE OFFICERS.

The laws that govern and protect the citizens of the state of Wisconsin are applied equally throughout the state. Just as the laws that govern and protect police officers are also applied equally throughout the state.

There was a time that City of Milwaukee police officers were treated differently. They were treated as a second class of officers who could be fired without just cause. They then would be without pay while they fought to get their job back through a hearing before the Fire and Police Commission. This was due to the City of Milwaukee Police Chief being the only Police Chief in the state of Wisconsin to have the ability to discharge an officer before a just cause hearing was held.

The legislators at the time found this to be a great injustice. They found that before the pay for

a City of Milwaukee police officer could be stopped, there needed to be a just cause hearing by the Fire and Police Commission.

This change in the law occurred with the bi-partisan support of legislators. The change in law afforded City of Milwaukee police officers the same protections that every other officer in the state of Wisconsin has.

A movement now exists by a group of democratic legislators who want to return City of Milwaukee police officers to the past. They want to return to the time where an officer could be fired without cause. A time when the deep pockets of the City of Milwaukee could out last those of an unpaid police officer who is fighting for what is right.

Senator Carpenter wrote in a letter to the members of the Budget Conference Committee that, "the good and honest police officers who put their lives on the line every day to protect and serve the City of Milwaukee deserve our utmost respect, support and thanks." His way of doing this is to discriminate against City of Milwaukee

police officers by removing the protections that every other police officer in the state of Wisconsin currently has.

He states that an officer can get back pay if the officer was successful in being reinstated thus protecting the officer from being fired unfairly or arbitrarily. I would ask him to go without pay for six months or more to experience what it means to lose your pay and benefits and be unable to provide for your family while fighting for what is right and just.

Every legislator should find out for themselves what effect his proposal would have on the officers in their own communities. Ask your officers who are also taxpayers and constituents what they would think of a law that stopped their pay and benefits without a just cause hearing.

Senator Carpenter's answer is that it will only apply to City of Milwaukee police officers. By his own statement he is acknowledging the discriminatory nature of this change.

Every legislator wants to be known as being for law and order, well police officers are for

law and order too. We apply the laws fairly and without prejudice to every citizen and ask that they be applied fairly to us.

Since December 2006 the Milwaukee Police Association has put forth a proposal that meets the concerns of the City of Milwaukee while protecting its officers.

An important component of the Milwaukee Police Association proposal would stop the pay for officers who are fired and bound over for a felony. This point was chosen because of the preliminary hearing. This hearing is before an independent court of law that determines if just cause exists for the charges thus preserving the right of an officer to present a defense.

The Milwaukee Police Association change would have stopped the pay for every case that Senator Carpenter cited in his letter while protecting the rest of the officers from being fired unjustly.

Recently the City of Milwaukee experienced yet another indictment of an alderman on federal and state charges. Alderman McGee is the



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fourth alderman to be criminally charged in recent years. While remaining in jail as he awaits his trials, Alderman McGee continues to receive his pay, benefits and even a phone and auto allowance. Ironically Alderman McGee is the local sponsor of the proposed change regarding the pay after discharge for Milwaukee police officers.

This is occurring because a basic right exists in our society of being innocent until proven guilty. WHAT IS WRONG WITH APPLYING THAT BASIC RIGHT TO CITY OF MILWAUKEE POLICE OFFICERS?

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