



Van H. Wanggaard

Wisconsin State Senator

Testimony on Senate Bill 512

Mr. Chairman and members of the committee, thank you for hearing this bill today. The bill before you is the product of over a year and a half of work that actually began more than a decade ago.

When my career as a law enforcement officer and traffic investigator was ended prematurely, I was fortunate to be appointed to serve on the Racine Police and Fire Commission, or PFC. Like this bill, my appointment was met with a great deal of opposition from other commissioners serving on the commission at that time. The PFC members even held numerous meetings in violation of open meeting laws to discuss and plan against my appointment and ultimately City Council confirmation not once, but twice. They believed, falsely, that I would merely support the position of the police union for all considerations before the commission. Prior to my appointment, the Racine PFC had routinely followed the administrations recommendations and questions were rarely, if ever asked. The perspective of an officer who had served as a street officer was non-existent. The idea of checking to see if the elements of a violation had been met or even occurred was an afterthought.

At my first hearing, that began to change. I asked questions to clarify the evidence being presented to ensure, during deliberations, an informed decision could be drawn from what was being presented in witness testimony and the interpretation of physical evidence. I worked to make sure the process was followed. In closed session, I was able to provide perspective to members. The eyes of the other PFC members were opened. They had seldomly delved into the thought process or the real-world implications of their decisions. In fact, one commissioner remarked directly to me during our first disciplinary hearing, that for the first time as a commissioner she had decided to ask questions, too.

I also surprised the other members by not defending the officers at every occasion. This was counter to their expectations and what they had been led to believe. To me, and to just about every officer on the street, justice is about following the process. Follow the process and see where the evidence leads. Whether it is in an arrest, in court, or before a police and fire commission, a good process is more likely to lead to good results.

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My two separate five (5) year terms on the commission, appointed by two different Mayors, which ended just a couple of years ago, brought positive change to the PFC and Racine. The public and those the PFC is charged with overseeing have greater confidence they will be addressed fairly before the commission.

And that's the point of this bill. Ensuring that everyone gets a fair shot before a citizen-led, not a politician-led, board.

The first step in that process is requiring that every community in the state have a former police officer or fire fighter serve on the commission. Given the size of Milwaukee's commission, and the size of its departments, Milwaukee would have both a fire fighter and police officer on their commission. Given the opposition to my appointment to the PFC initially, I am not surprised there is opposition to this provision. However, my experience and the experience of the Racine PFC shows that this is a complete misconception.

The bill draft also makes changes to make the application of discipline of officers fairer. Rather than have a police officer be publicly shamed and punished or have their livelihood taken away using a more-likely-than not standard for police and fire discipline, the bill changes the law to a clear & convincing standard. This is a middle standard of guilt, requiring more proof than preponderance of the evidence and short of the beyond-a-reasonable-doubt standard.

There is a lot in this bill that is tied to the city of Milwaukee. There is a simple reason for this. The Milwaukee Fire and Police Commission is the creation of state law. There are a number of changes that are made that strengthen the commission's autonomy and separate the political influence of the Office of Mayor from the duties that are solely that of the commissioners. This was the intended purpose of creation of the Police and Fire commissions in 1885 to minimize and eliminate undue political influence on the service.

There has been a lot of controversy surrounding policing in Milwaukee and its effects on the community at large. Some of it is well-earned and some of it is not. Many of the positive changes included in the bill are supported in a report that the city of Milwaukee commissioned (The PARC report) and paid for in order to provide greater transparency and accountability for the management of police and fire departments in Milwaukee. With Milwaukee's search for its next police chief, it is more critical than ever that we review the Milwaukee PFC law to ensure that the next chief is selected in an open, transparent process with public input.

This bill reinforces the idea that PFCs are to be citizen-led boards, not politician-led boards. This was one of the primary reasons for the creation of police and fire commissions. Police and fire departments should not be political footballs. This bill will increase transparency and accountability of PFC's across the state. For these reasons, and more, I urge your support.



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

FOR IMMEDIATE RELEASE
Contact: Senator Van Wanggaard
Representative Janel Brandtjen

January 25, 2018
608-266-1832
608-267-2367

Milwaukee Mayor Attempts to Silence Police Union's First Amendment Rights Unprecedented Letter Threatens Action if MPA Speaks Out

MADISON – State legislators are expressing outrage that the leaders of the Milwaukee Police Association (MPA) were threatened with potential termination for exercising their first amendment rights on a bill before the state legislature.

“This is a cynical, despicable attempt by the mayor’s office to silence their law enforcement officials and punish them for speaking their mind,” said Senator Van Wanggaard (R-Racine). “I can’t believe the mayor is so desperate to keep his thumb on the police department that he is actually threatening the union for disagreeing with his appointees.”

The letter, from Mayor Tom Barrett’s Department of Employee Relations, states that the city will enforce a provision in the union contract which prohibits the questioning of, interfering with, or infringing upon the power of the Chief of Police or the Milwaukee Fire & Police Commission (MFPC). This provision has not been enforced in recent memory, including at least the last 22 years. Recently, MPA leadership has been supporting a bill in the state legislature that would increase transparency, independence of the MFPC. Receipt of this letter prevented at least two individuals from testifying before the state legislature.

“This is an insult to our first responders’ First Amendment rights,” said Representative Janel Brandtjen (R-Menomonee Falls). “It is unconscionable that the Milwaukee Mayor would attempt to intimidate our police officer and fire fighters in this way. He’s attempting to deny them their voice on a bill that would give them a voice on the Fire and Police Commission.”

A member of Mayor Barrett’s cabinet, Labor Negotiator Nicole Fleck sent a letter in late December to MPA leadership stating that Milwaukee “intends to enforce Article 49... regardless of past enforcement (or lack thereof)...” The timing of this unprecedented letter is particularly troubling as the State Senate and State Assembly is debating legislation increasing the autonomy and transparency of the MFPC. The Milwaukee Police Association and Milwaukee Professional Fire Fighters Association are among those advocating for the bill.

The bill also makes changes to Police and Fire Commissions across the state. To the legislators’ knowledge, no community in the state except Milwaukee had made a similar threat of action against people exercising their First Amendment rights. Assembly Bill 606 had a public hearing in the State Assembly last week. A hearing on the Senate companion bill, SB 512, is anticipated soon.



Department of Employee Relations

December 19, 2017

Tom Barrett
Mayor

Maria Montezano
Director

Renee Joos
Employee Benefits Director

Nicole M. Fleck
Labor Negotiator


By way of this letter, the City of Milwaukee (the "City") is placing the Milwaukee Police Association (the "MPA") on notice that the City intends to enforce Article 49 of the collective bargaining agreement between the City and the MPA (the "Contract"). All portions of Article 49 will be enforced regardless of past enforcement (or lack thereof), including but not necessarily limited to the following:

- The MPA will be required to provide the names of all designated Police Liaison Officers ("PLO's") to the City within 30 days following the execution of the successor agreement to the Contract. Art. 49, Sec. 1.
- All PLO's will be "assigned by the City to assist the [MPA] in conferences with other employees and supervisors, and to participate in meetings called by management," and will be required to assist "in maintaining harmonious relationships during the term of" the next Contract. Art. 49, Sec. 2.
- None of the PLO's will have any police powers and "shall receive from the City such direction of their activities and accounting thereof" as required by the Contract. Art. 49, Sec. 6.
- All PLO's will, subject to FPC approval, be detached from the Milwaukee Police Department (the "Department") and will be assigned to the City Clerk. Art. 49, Sec. 7.
- The City Clerk will administer all PLO's base salary and benefits, and will control the scheduling of vacation and holidays. The City Clerk will also control the work schedule for all PLO's. Art. 49, Sec. 10.
- PLO's will at all times "be under the complete control, direction and supervision of the City Clerk and at all times remain employees of the City." Art. 49, Sec. 11. This includes instructing the PLO's on where to report to work, when to report to work, and directing the PLO's regarding day-to-day duties and responsibilities.
- PLO's will be required to submit a report of their activities each week to the City Clerk. Art. 49, Sec. 12.b.
- Absent authorization from the Chief of Police, PLO's are not to conduct any MPA business with members of the police department during the members' duty hours. Art. 49, Sec. 13.
- PLO's will not infringe upon or question any disciplinary action by the Chief of Police or the Fire and Police Commission (the "FPC"), nor will any PLO question, interfere with, or infringe upon the power, duties, functions, and responsibilities of the Chief or the FPC as provided by statute or charter ordinance. Art. 49, Sec. 14. This prohibits a PLO from testifying at a grievance hearing or FPC hearing that specific discipline by the Department or the FPC is inappropriate or unfair.

- The president of the MPA and the City Clerk will meet at least once every three months to discuss concerns regarding the administration of Article 49.

Enforcement of Article 49 will commence upon the completion of the current contract negotiations between the City and the MPA, regardless of whether those negotiations result in a voluntary agreement or in interest arbitration. The MPA now has the opportunity to propose new/different language during the current round of contract negotiations, but the City is under no obligation to agree to any proposed changes.

Sincerely,



Nicole M. Fleck
Labor Negotiator

CC: Jim Owczarski



JANEL BRANDTJEN

STATE REPRESENTATIVE • 22ND ASSEMBLY DISTRICT

Testimony for Senate Bill 512

Thank you Chairman Feyen and the Senate Committee on Economic Development, Commerce and Local Government for holding this hearing today.

It is no secret that crime in inner cities across America has been a source of frustration for all concerned citizens. The socioeconomic make-up of America's cities plays a central role in explaining why these trends exist. Police officers in rural towns and small cities often face dangerous situations, but being a police officer in a large city is a particularly dangerous job, and Milwaukee is no different. A positive relationship between law enforcement and the community at large is an extremely important aspect of effective policing and is essential for promoting a higher quality of life for both police officers and the community at large.

The vehicle that balances the Milwaukee police and firefighters with the community at large is the Milwaukee Fire and Police Commission. Currently the seven member board performs several functions including the selection of the police and fire chiefs, promoting officers, reviewing police policy, managing citizen complaints and conducting discipline hearings for police officers and fire fighters.

SB 512 makes several changes to the board and the make-up of the board. First, the bill would require the board to consist of at least one person with law enforcement experience and one person with firefighting experience. In the past few decades, we as a society have become particularly aware of the necessity of diversity. Diversity allows members to hear view points from people who have had access to many different life experiences. What could possibly be more relevant to a police and fire commission than having the opinion and insights of someone who has performed those jobs?

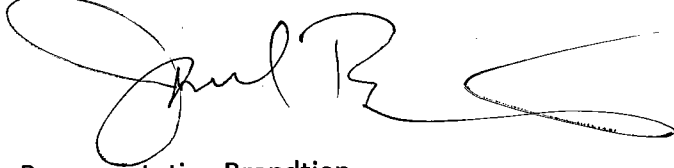
The bill creates an independent monitor that would be appointed by the mayor and serve at the pleasure of the board.

The bill also allows an officer or firefighter to choose arbitration rather than the using the court system for disciplinary disputes, saving both time and money while still having an independent review.

The final point I'd like to speak to is the bill restores the ten merit points veterans received before the commission reduced those points to three merit points last year. As it stands, someone living in Milwaukee gets five merit points but those who served their country only get three. Veterans have been and continue to be a very good source for recruiting police officers. Milwaukee will need to attract the finest individuals available. The quality of the police force is in direct correlation with the quality of officers we draw.

In closing, I would like to point out that I have been very vocal about public safety in Milwaukee and I remain dedicated to assist Milwaukee in regaining its place as Wisconsin's premier city. A lack of safety, real or imagined, is a hindrance to economic growth and therefore job creation. It is absolutely required that Milwaukee attract the finest law enforcement candidates and that we begin the process of providing a safe environment for all citizens including tourists, investors, and of course employees.

Thank you,

A handwritten signature in black ink, appearing to read "Paul Brandtjen". The signature is stylized with a large loop at the beginning and a long, sweeping tail.

Representative Brandtjen



CHRIS LARSON

STATE SENATOR

TO: Senate Committee on Economic Development, Commerce and Local Government Chair
Senator Daniel Feyen
FROM: Senator Chris Larson
February 7, 2018

Opposition to Bad Cop Payout Bill, Senate Bill 512

Chairman and Members of the Committee, I urge your strong opposition to Senate Bill 512 (SB 512), the Bad Cop Payout Bill. The Milwaukee Fire and Police Commission is thoughtfully constructed and designed to provide Milwaukee citizens and officers with the comfort of knowing that allegations of police brutality or abuse are fairly, objectively, and thoroughly investigated. It serves as a model for the rest of the country for what fair community oversight of the fire and police should look like. After many years of politically manipulated whiplash, it has found a solid medium. It has since been tested and has passed the rigors of court challenges.

There are a number of damaging provisions in this proposal that further strip away local control and would mandate an expensive, redundant process resulting in significantly greater costs to Milwaukee taxpayers and an unnecessarily drawn-out disciplinary process.

As an example - Milwaukee taxpayers would be forced to pay the salary and benefits for a child pornographer facing disciplinary termination for weeks, months, potentially longer until the artificially-extended court process is definitively concluded. Even when this child pornographer is found to have been acceptably fired and found guilty of federal charges, the guilty would still get to keep all the pay he grabbed during the extended process.

Recent history could have played out very differently if this proposed legislation was in place in 2015, when four officers were forced to resign because they subjected 74 African-American men to illegal strip searches. These four guys, who already caused severe damage to our entire community and cost taxpayers \$5 million in damages, might have found it more beneficial to be fired instead of resigning. That way, they could follow the long appeal path laid out in this legislation so they could continue to be paid for as long as possible. Why should we reward the bad apples?

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I urge you to side with common sense, with balance, and with the people of our state instead of choosing the side of those that abuse power and erode our public trust.

The current process is fair and balanced. Under current law, someone guilty of child pornography or violation of civil rights, would not be compensated. If a person is found innocent, they would receive all salary and benefits from the time missed. A bill that forces my neighbors to pay the salary of a sexual predator goes counter to the public demand for accountability and will disrupt the public support of those who serve in the force honorably.

Put simply, this bill is a handout to those that break the public trust. That alone should be enough for all of us to stop it in its tracks.

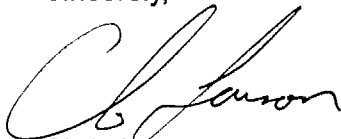
Unfortunately that is just the tip of the iceberg. This legislation is riddled with a host of other fatal problems, including mandating that Milwaukee pay all costs for any appeal, again, encouraging bad actors to appeal anyway. This bill would also artificially restrict and police commission membership

This bill puts a heavy hand on the scales of justice, destroying the critical balance between an independent process that the public trusts and a fair and impartial investigation that accused officers deserve.

Our city has limited funds. Money paid to keep a bad cop appealing can't go to a good cop protecting the public.

I strongly urge opposition to the Bad Cop Payout Bill, Senate Bill 512.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Larson".

Chris Larson
State Senator



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league@lwm-info.org; www.lwm-info.org

To: Senate Committee on Economic Development, Commerce, and Local Government
From: Curt Witynski, J.D., Deputy Executive Director, League of Wisconsin Municipalities
Date: February 7, 2018
Re: **SB 512, Making Changes to Membership and Procedures of Police and Fire Commissions**

The League of Wisconsin Municipalities, the Wisconsin Chiefs of Police Association, and the Wisconsin State Fire Chiefs Association have the same concerns about SB 512 and join together in opposing the bill. While the bill makes numerous changes affecting Milwaukee's board of police and fire commissioners only, the first 4 sections of the bill make changes affecting all city and village police and fire commissions.

Cities over 4,000 in population and villages over 5,500 in population must establish a board of police and fire commissioners. Approximately 150 cities, villages and towns have commissions. Police and fire commissions (PFCs) date back to a time, a century ago, when the Legislature believed that by creating an independent body made up of citizens of the community, the selection and removal or other serious discipline of police officers and fire fighters would be insulated from the vagaries of partisan or local politics.

The League, the Fire Chiefs, and the Police Chiefs have the following specific concerns about SB 512:

Makeup of Boards of Police and Fire Commissioners. Section 1 of the bill requires that at least one member of the PFC have either professional law enforcement experience or professional fire fighting experience. While it is common for former police officers or fire fighters to be appointed to boards of police and fire commissioners around the state, those appointments are currently made at the discretion of the local mayor or village president. Mandating that one of the five members of a PFC be a former police officer or fire fighter undermines the ability of the mayor and village president to appoint to the board the most qualified individual who best reflects the cares, concerns, values, and makeup of the community.

Keep in mind the underlying purpose of Wisconsin PFCs is to provide local independent, unbiased, impartial, and civilian personnel authority over our local protective services, in hiring, promotions, and major disciplinary matters. The appointment should reflect these important goals of independence, impartiality, and civilian community control.

What problem is this change attempting to solve? I'm not aware of any issues across the state necessitating this change.

Standard of Evidence Necessary. Section 4 of the bill makes changes to one of the just cause evidence standards in police or fire fighter disciplinary cases. One of the elements of the just

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cause standard requires the PFC to determine whether the chief of the police or fire department discovered substantial evidence that the police officer or fire fighter being disciplined violated the rule or order as described in the charges against the officer or fire fighter. The bill changes the standard from substantial evidence to clear and convincing evidence. This applies to all communities with PFCs. Substantial evidence has been interpreted to mean more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Clear and convincing, on the other hand, is usually considered a higher standard. It has been interpreted to require that the evidence be highly and substantially more probable to be true than not. We think this is too high a standard and is inconsistent with the preponderance of the evidence standard that applies to the PFC itself. Preponderance of the evidence is a less demanding standard than clear and convincing.

It doesn't make sense that the PFC, in reviewing charges brought by a chief against a subordinate, can uphold the charges and apply discipline as long as it concludes, by a preponderance of the evidence, there is just cause to sustain the charges; while the bill requires that the police or fire chief must show by clear and convincing evidence that the subordinate violated the rule or order.

We believe the editorial tweaks the bill makes to the seven just cause standards are ill-advised.

The League, the Wisconsin Chiefs of Police Association, and the Wisconsin State Fire Chiefs Association urge you to retain current law on these matters. We urge you to vote against recommending passage of SB 512. Thanks for considering our comments.



MILWAUKEE DEMOCRATIC LEGISLATIVE CAUCUS

Members of the Wisconsin State Assembly and the Wisconsin State Senate

TO: Chairman Feyen and the Members of the Senate Committee on Economic Development, Commerce and Local Government

FROM: Undersigned Members of the MKE Democratic Legislative Caucus

DATE: February 7, 2018

RE: Written testimony in opposition to Senate Bill 512.

Good morning, Chairman Feyen and committee members. The Milwaukee Delegation appreciates the opportunity to submit written testimony regarding Senate Bill 512, relating to changes affecting a first class city's Fire and Police Commission.

Senate Bill 512 would require cities of the first class to appoint at least one commissioner with law enforcement experience and one with firefighting experience with those members being chosen from a list of names provided by the respective unions. *The City of Milwaukee has already committed to nominating commissioners with professional police and firefighting backgrounds.* The City of Milwaukee's Fire and Police Commission will have two vacancies this summer and the list of nominees that will be presented to the City's Common Council contain individuals with law enforcement and firefighting experience. The City is taking this initiative voluntarily and enthusiastically, and without being confined to a list provided by the police and fire unions. A mandate undermines local control and is wholly unnecessary as this effort is already being pursued voluntarily.

Even more troubling is the Office of the Independent Monitor. According to the bill, the independent monitor acts as "the principal staff" of the board, and would review investigations, policies, and practices of the fire and police departments. This is an important role with real responsibilities, broad discretion, and far reaching impacts for an entire city. Given these broad responsibilities, you would think that there would be oversight or accountability. Wrong. The independent monitor cannot be fired by the mayor, nor the Common Council. The monitor can only be removed by the Board – the same Board whose membership is comprised of hand-picked candidates pushed by the police and fire associations.

Also considerable is the cost of enhanced protections given to police and fire members accused of crimes, misconduct, and other professional failures. According to the City of Milwaukee, which opposes this targeted legislation, the city estimates taxpayers would be responsible for an additional \$1 million per year in salary and benefit payments while police officers are under disciplinary review under this proposal. The irony is not lost when you have a political party that



MILWAUKEE DEMOCRATIC LEGISLATIVE CAUCUS

Members of the Wisconsin State Assembly and the Wisconsin State Senate

seeks to strip workers from employment protections under the guise of "right to work" that then turns around to increase the already high evidentiary standard for disciplinary action from "substantial evidence" to "clear and convincing evidence."

Lastly, the process by which this bill was drafted and pushed through is extremely inappropriate. The bill is being heard in a committee without any representation from Milwaukee – Wisconsin's only first-class city. The bill is opposed by the city that the bill would be most impacted by it. The bill as it stands today does not include any input from Milwaukee's elected officials. Chairman Feyen and committee members, I urge you to oppose Senate Bill 512. Thank you.

Respectfully,

Senator Chris Larson
Senate District 7

Representative David Crowley
Chair of the Milwaukee
Delegation

Representative Evan Goyke
Assembly District 18

Representative Jason Fields
Assembly District 11

Senator Tim Carpenter
Senate District 3

Senator LaTonya Johnson
Senate District 6

Senator Lena Taylor
Senate District 4

Representative Josh Zepnick
Assembly District 9



MILWAUKEE DEMOCRATIC LEGISLATIVE CAUCUS

Members of the Wisconsin State Assembly and the Wisconsin State Senate

A handwritten signature in cursive script that reads "Leon Young".

Representative Leon Young
Assembly District 16

A handwritten signature in cursive script that reads "Christine Sinicki".

Representative Christine Sinicki
Assembly District 20

A handwritten signature in cursive script that reads "JoCosta Zamarripa".

Representative JoCosta Zamarripa
Assembly District 8



Department of Administration
Intergovernmental Relations Division

Tom Barrett
Mayor

Sharon Robinson
Director of Administration

La Keisha W. Butler
Director of Intergovernmental Relations

**City of Milwaukee Testimony on SB-512
Senate Committee on Economic Development, Commerce and Local Government
February 7, 2018**

Thank you Chairman Feyen and committee members, for taking the time today to hear testimony regarding SB-512. I am MaryNell Regan, Executive Director of the City of Milwaukee's Fire and Police Commission ("the Commission" or "FPC"). I have served as Executive Director since September 2015. Prior to that, I was an Assistant City Attorney for the City of Milwaukee and worked closely with the Commission and the fire and police departments on personnel and employment issues. The City has some significant concerns with SB-512 and asks that you do not advance this legislation past today's public hearing.

As we have stated before, this bill is not only unnecessary, but it threatens to undermine the framework that guides the work of our rank and file law enforcement members, who each day dedicate their lives to enhancing public safety in Wisconsin's largest and only First-class city, and who deserve our full support. To help inform your consideration of this bill, I will focus on the topics of officer pay, veterans' preference points, and the creation of an independent monitor.

Prior to 2007, the City of Milwaukee was required to continue paying salary and benefits to officers who were suspended or discharged until the discipline was reviewed by the Fire and Police Commission and all appeals of said review were exhausted. After Frank Jude was beaten in 2004, the officers involved in that incident remained on the payroll for several years, even though they were facing state and federal criminal charges. Legislators advocated changing the law to prevent this from continuing in the future. In 2007, with strong bipartisan support (including then Representatives F. Lasee, Kleefisch, Ott, Petrowski, Vukmir, Voss, Nygren, Ballweg, Berceau, Kremer, and Nass and then Senators Cowles, Darling, and Grothman), Section 62.50 was changed to cease salary and benefit payments to officers suspended or discharged if they were facing felony or Class A or B misdemeanor charges, and if said charges arose out of the same conduct as the incident that serves as the basis for the discharge or suspension. This law was amended again in 2009 to say that officers who are suspended, no matter the basis, may continue to be paid pending exhaustion of all appeals of the discipline while officers who were discharged would have their pay and benefits terminated immediately. The law remains this way today.

SB-512 proposes to return the City to pre-2007 law. No member could be disciplined (suspended or discharged) by the Chief without pay unless they ask to extend the hearing date beyond the time allowed by law (60 to 120 days). This benefit, proposed by Senator Wanggaard and Rep. Brandtjen, is one that no other employee receives. No other employee, public or private, continues to receive a paycheck once terminated. And while it would help the small number of officers who find themselves in this position (only 4 officers were discharged in 2016 and 2017



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Director of Intergovernmental Relations

combined), it would come at a great expense to the vast majority of the rank and file who each day work to protect and serve the public and to City taxpayers who would pay an additional \$1 million in personnel costs for officers who are not working. Members who are reinstated after appeal of a discharge are eligible to have all salary and benefits compensated retroactively. However, SB-512 does not afford the City an opportunity to recoup salary and benefits paid to a member whose discharge is upheld, which then amounts to a waste of taxpayer dollars.

In addition to the monetary expense, there would potentially be a greater, intangible expense, to the City subverting the authority of the Fire and Police Commission to review disciplinary decisions. In Milwaukee, disciplinary appeal hearings are heard by a panel of 3 commissioners and a hearing examiner. They often last an entire day or more and, at the conclusion of the hearing, the Commission renders a written opinion. The Commission takes seriously its obligation to hear all of the evidence presented and render a decision based on that evidence. SB-512, however, would render this process moot. FPC disciplinary appeal hearings would be treated as a mere formality as discharged members could schedule the hearing date within the prescribed timeframe to ensure the continuance of their paycheck but would do little to present evidence challenging the Chief's decision to the Commission. Then, the member could proceed to challenge the discharge in arbitration or before the circuit court under the provisions of SB-512, granting the member a new trial with additional discovery, witnesses and evidence via de novo review. Review of disciplinary decisions is one of the core functions of the Commission. This bill would destroy that while placing an additional burden on already limited judicial resources and would further waste taxpayer dollars as these employment grievance hearings drag on for years.

I want to focus your attention on the arbitration I mentioned a moment ago. In addition to giving discharged officers a benefit no other employee receives, SB-512 also allows members to forum shop their appeal by opting for either arbitration or circuit court after the FPC hearing. Currently, once the Commission renders a disciplinary decision, the affected member may appeal that decision to circuit court. The court, under certiorari review, would examine the evidence and testimony presented to the Commission and ask whether the decision reached by the Commission was reasonable. SB-512 allows a member facing discipline to choose to go to arbitration or circuit court and changes the standard of review to de novo. De novo review will result in a "do over" (or in some instances a "do") of the entire disciplinary employment hearing including the possibility for new discovery and new testimony that was not presented to the Commission. Not only will this prove deeply inefficient, it will drain taxpayer dollars by unnecessarily extending the amount of time and resources dedicated to defending these cases. Moreover, if a member chooses arbitration, local taxpayers will foot the bill because the bill requires the City to pay the arbitrator's fees.



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Intergovernmental Relations Division

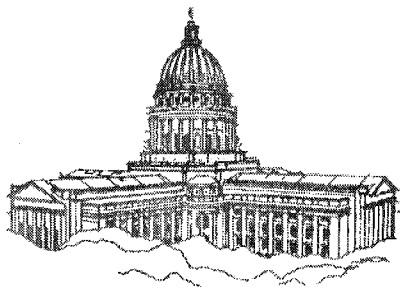
Tom Barrett
Mayor

Sharon Robinson
Director of Administration

La Keisha W. Butler
Director of Intergovernmental Relations

Finally, I want to address the Commission's decision to alter the number of preference points given to veterans as I know supporting our veterans is a top priority for committee members. The City of Milwaukee appreciates and honors those who serve in our nation's armed forces. We appreciate their sacrifice and want to recognize their efforts when they strive to enter the civilian workforce. As a result, the City determined it was appropriate to award preference points for service in the military as well as other categories. It is important to note that no state law currently requires the awarding of veterans' preference points to candidates seeking admission to our law enforcement membership. The City of Milwaukee proactively chose to award these points to acknowledge the service of our veterans, and recognize the transferability of their skillsets into law enforcement roles. In early 2017, the Commission decided to review the level of preference points given to veterans to determine whether the amount of points granted was balanced with the other considerations we must take into account. Prior to the change in April 2017, the amount of points awarded to veterans was well above that granted to other preference point categories. After taking several months to research and evaluate the issue, the Commission decided to reduce the amount of preference points given to veterans to be more in line with the amount given for other preference point categories. I should note that since the change, we have had several rounds of recruitment for the police and fire departments and there has not been a significant negative impact on the number of veterans who apply or on the number of veterans who succeed in being determined eligible. The Fire and Police Commission's application process for the police and fire departments is rigorous and we want to ensure that the skill set a veteran has from his or her service in the military is successfully transferred to non-military employment.

The members of the Fire and Police Commission work hard to maintain the integrity of the Board, to ensure high morale and fair treatment of members of the police and fire departments, and to ensure positive relations between those departments and the community. We have significant and far-reaching concerns that SB-512 will inhibit rather than bolster those goals and respectfully ask you to take no further action on this bill. I would be pleased to answer any questions.



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Senate Committee on Economic Development, Commerce, and Local Government

Public Hearing

Written Testimony in Opposition to Senate Bill 512

February 7th, 2018

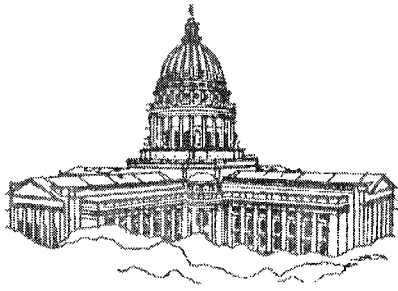
Good morning, Chairman Feyen, Vice-Chair Petrowski, and committee members. Thank you for the opportunity to submit written testimony regarding Senate Bill 512, relating to changes affecting a first class city's Fire and Police Commission. As I was involved in the writing of the Milwaukee Delegation testimony, my own here today will largely reflect the same concerns, and I especially appreciate the opportunity to add a few of my own.

I want to reiterate Senate Bill 512 significantly harms the independence of the Fire and Police Commission at a time when more transparency and community engagement is needed most. Under the bill, the board of police and fire commissioners must appoint at least one individual with professional police experience and one individual with professional firefighting experience. While this is not troubling in and of itself, the bill mandates that for first class cities, the members be pre-selected by the associations of the police and fire departments, then given to the Mayor. This move lacks transparency, curbs the independence of the Board, and does not bring the people whom the Board serves—the community—into the equation.

This move also brings into relief a principle concern I have with the bill, that appointing former colleagues to serve on the Fire and Police Commission will devalue oversight and accountability of the Fire and Police Commission. Particularly if they have continuing relationships with the Fire and Police Departments, or continue to receive money from Fire or Police Departments in the form of pensions, disability, etc. This undermines accountability, especially since one of these individuals is required to be on three-person review panels for the Commission. Our shared vision for policing is that they serve as guardians that protect everyone's civil liberties and safety, and operate as members of transparent organizations fully accountable to the communities they serve. Including former police officers is a best-practice, no doubt, but providing for former colleagues introduces a shade of distrust that can and should be rectified in this bill.

Even more troubling is the Office of the Independent Monitor. According to the bill, the independent monitor acts as "the principal staff" of the board, and would review investigations, policies, and practices of the fire and police departments. It is incredibly concerning that under this bill the Office of the Independent Monitor cannot be fired by the Mayor, nor the Common Council, though they are chosen by these them. I appreciate the attempt to shelter the Monitor's office, but having the overseer of the overseers "serve at the pleasure of the board" is another aspect of this bill neither I nor the Milwaukee Delegation can support.

Furthermore, I am concerned with how this includes bringing back veterans preference points in the hiring process of the Fire and Police Commission. I am as appreciative of our veterans as anyone, and this is by no means a slight against them. But again, the preference points language was taken away from "first class cities", also known as Milwaukee, before for a reason. What is concerning is simply, again, that it is of paramount importance that the Fire and Police Commission of Milwaukee be representative of the community it serves. The inclusion of veteran preference points could create dissonance between the demographic makeup of the Commission and the community.



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

Lastly, the process by which this bill was drafted and pushed through is extremely inappropriate. "First class city" in our state simply means Milwaukee. The entire Milwaukee Delegation opposes it. Milwaukee is a community that is looking for improved transparency and accountability within its police and fire commissions. This bill fails to improve police and community relations, and could very well harm them further. Chairman Feyen and committee members, I urge you to oppose Senate Bill 512. Thank you.

Respectfully,

Senator Lena Taylor
Wisconsin 4th District



MILWAUKEE POLICE POST 415

— THE AMERICAN LEGION —

P.O. BOX 1491 • MILWAUKEE, WI 53201-1491



THE FOUR PILLARS OF THE AMERICAN LEGION

Veterans Affairs & Rehabilitation - National Security - Americanism - Children & Youth

February 7, 2018

Senator Dan Feyen, Chairman

Senate Committee on Economic Development, Commerce and Local Government

2 E Main St

Madison, WI 53703

Subject: Senate Bill 512

Senator Feyen:

My name is Kendel D. Feilen and I am the Commander of Milwaukee Police Post 415 of the American Legion. The American Legion is political but not partisan. We can lobby for legislation that impacts military veterans but cannot lobby for individual candidates based on party affiliation.

I worked for the Milwaukee Police Department for 27 years and retired at the rank of Sergeant in 2002. Most of my time was spent working on the street as an officer and a supervisor. I was a Field Training Officer and a Field Training Sergeant working with over 100 probationary officers fresh out of the Academy during my career.

I was also a Coast Guard reservist and retired at the rank of Captain, equivalent to an Army Colonel, in 2004. My last duty assignment was at the U.S. Transportation Command, a joint command, meaning that all branches of the military worked there. My designation was the Chief of the Force Protection Crisis Action Team and was on active duty in that capacity on September 11, 2001 and for two more years after that infamous date.

I mention this to show that I've worked extensively with police officers and military members from all branches and ranks, enlisted and officer.

Based on these life experiences, I would like to speak in support of Senate Bill 512 but I would like to confine my remarks to Section 30 of this bill, that part referring to veteran preference points. The American Legion, the nation's largest veterans' service organization with approximately 1.5 million members, has been a strong supporter of veterans' preference points. "Resolution 244 adopted at the 86th National Convention of the American Legion held in Nashville, Tennessee in 2004, affirms the American Legion's support for veterans preference in federal, state and local government and our opposition to any and all efforts to reduce this preference." "Resolution 358, adopted by the 98th National Convention of the American Legion held in Cincinnati, Ohio in 2016 urges all lawmakers at every level of government to oppose any and all efforts to repeal or circumvent veterans' preference in government hiring practices."

In 2017, the Milwaukee Fire and Police Commission reduced the number of veterans' preference points for new hires from ten to three while giving three preference points for just being a City of Milwaukee resident. This appears to be a slap in the face to our military veterans by not recognizing the many sacrifices that they made in the

Subject: Senate Bill 512, page 2

service of their country and equating their military service to merely being a resident of Milwaukee. The American Legion was not aware of the Fire and Police Commission's endeavor before they passed the reduction in veteran preference points but once they became aware of the change, the Wisconsin Commander of the approximately 60,000 veterans in the American Legion from across the state of Wisconsin, the Reverend Daniel Seehafer, wrote a press release strongly encouraging the Fire and Police Commission to reverse course and restore the veteran preference points back to ten. The Fire and Police Commission refused to change their stance. I've communicated with the former Executive Director of the Milwaukee Fire and Police Commission (Army Colonel Michael Tobin) and he stated that this would never have happened on his watch.

My experience has shown that veterans make outstanding employees and fantastic police officers. They know how to report to work on time, they already have a familiarity with firearms and close quarters combat, they know how to take orders and they know how to face adversity head-on while staying cool in stressful situations. Their military background and training also makes them leaders among their colleagues. They also bring a different set of tools to the job. Recently, a Milwaukee Police Officer who had been deployed to Afghanistan saved the life of a seriously wounded woman by applying a battlefield tourniquet to her leg, hence saving her life. This life saving tool has now been added to the police department's life saving procedures.

As a citizen of the State of Wisconsin and a member of the American Legion, I strongly urge you to restore the award of Veteran Preference points to applicants and promotion candidates of the City of Milwaukee Police Department, by definition a QUASI MILITARY organization, to their pre-2017 levels.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kendel D. Feilen". The signature is written in black ink and is positioned above the typed name.

Kendel D. Feilen, Post Commander

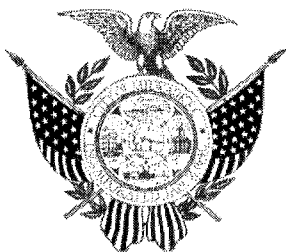
COMMITTEE ASSIGNMENTS

CHAIR

- Public Safety and Health

MEMBER

- Public Works
- Steering and Rules
- Anti-Graffiti Policy



ROBERT G. DONOVAN
ALDERMAN, 8TH DISTRICT

February 7, 2018

Dear Chairman Feyen and the Senate Committee on Economic Development, Commerce and Local Government,

I am writing today in support of Senate Bill 512. The changes proposed in this Bill are long overdue, especially the stipulation that the Commission must have at least one member with professional law enforcement experience and at least one member with professional firefighting experience.

Many of the additional changes proposed, I believe, will result in a Commission that is balanced, unbiased, and experienced in the issues they will be tasked with reviewing.

It is my sincere hope that this Bill moves forward. In my opinion, it is in the best interest of the citizens of Milwaukee.

Cordially,

A handwritten signature in cursive script that reads "Robert G. Donovan".

Robert G. Donovan

