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# Wisconsin Legislative Council



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Director

**TO:** REPRESENTATIVES JIM STEINEKE AND SHELIA STUBBS, CO-CHAIRS, SPEAKER'S TASK FORCE ON RACIAL DISPARITIES

**FROM:** Legislative Council Staff

**RE:** Description of Senator Wanggaard's Legislative Package Related to Law Enforcement

**DATE:** November 4, 2020

Senator Wanggaard has authored a legislative package comprised of eight bill drafts relating to various law enforcement issues. At your request, this memorandum summarizes each of the bill drafts and compares their provisions to current law.

## **INDEPENDENT USE-OF-FORCE REVIEW ADVISORY BOARD (LRB-2694/1)**

### **Current Law**

Current law requires that each law enforcement agency have a written policy requiring that an investigation of an "officer-involved death"<sup>1</sup> be conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by the law enforcement agency that employs the law enforcement officer involved in the officer-involved death.<sup>2</sup> The policy may allow an internal investigation of the officer-involved death if the internal investigation does not interfere with the investigation conducted by the outside investigators. The outside investigators must provide, in an expeditious manner, a complete report to the district attorney of the county in which the officer-involved death occurred. If the district attorney determines no basis exists for criminally prosecuting the law enforcement officer involved in the officer-involved death, the investigators must publicly release the report that was provided to the district attorney. [s. 175.47, Stats.]

### **Bill Draft**

The bill draft creates an Independent Use-of-Force Review Advisory Board and makes various changes to the provisions governing officer-involved death investigations.

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<sup>1</sup> Under current law, "officer-involved death" means a death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties. [s. 175.47 (1) (c), Stats.]

<sup>2</sup> Though not required, the Division of Criminal Investigations (DCI) in the Department of Justice (DOJ) conducts many of the independent officer-involved death investigations for law enforcement agencies.

## **Definition of “Officer-Involved Death”**

The bill draft modifies the definition of an “officer-involved death” in two ways. First, the bill draft clarifies that a death resulting from an omission of a law enforcement officer constitutes an “officer-involved death” only if the omission created an unreasonable and substantial risk of death or great bodily harm. Second, the bill draft requires that, to be considered an “officer-involved death,” a law enforcement officer’s action or omission directly resulting in death must occur while the officer is performing official duties.<sup>3</sup>

## **The Board’s Purpose**

Under the bill draft, the board’s purpose is to research and review the causes and contributing factors of use-of-force incidents by law enforcement officers in the course of their duties. This includes review of state statutes and police policy manuals, training standards, and hiring practices to make recommendations that improve police tactics, increase the safety of law enforcement officers and all who come into contact with an officer, and reduce probabilities of future death and great bodily harm from similar causes and contributing factors.

## **The Board’s General Duties and Powers**

The board is required to do all of the following in performance of its purpose:

- Determine, through an independent investigation and analysis, the full range of causes and contributing factors, including the relationship between law enforcement and community demographics, in the deaths of and serious injuries to law enforcement officers, as well as deaths and serious injuries by law enforcement officers in the course of their official duties.
- Recommend measures to reduce the probabilities of deaths and serious injuries from similar causes and involving similar contributing factors, and review measures that the board previously recommended to determine if they were implemented and to evaluate their effectiveness.
- Appoint an executive director, outside the classified service, who must appoint all staff necessary for performing the duties and exercising the powers of the board.<sup>4</sup>
- Develop written policies regarding the conduct of the board’s investigations and analyses.
- Communicate with DOJ and other criminal justice agencies as needed.
- Prepare and manage an annual budget.
- Identify and manage actual and perceived conflicts of interest.
- Apply for funding, as appropriate.
- Acquire experts and use advisors as needed to perform its duties and other tasks. The experts and advisors include, but are not limited to, a certified firearms instructor, a defensive and arrest tactics instructor, an expert in cultural competency, a master instructor in professional communications, a master instructor in tactical response, a victim advocate, and a mental health professional.

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<sup>3</sup> Under the bill draft, “official duties” means “actions taken while on duty or, if the actions are within the scope of actions taken while on duty, taken while off duty.”

<sup>4</sup> The bill draft assigns the board’s executive director to executive salary group 5 and allows the executive director, as the appointing authority, to set salaries for the board’s staff employees. The bill draft creates a statutory appropriation for the board’s general program operations but does not provide funds for fiscal years 2019-20 and 2020-21, though the bill draft grants the board the power to apply for appropriate funding.

In addition, the board is authorized to access the state crime laboratories, access all criminal and administrative investigation case files, access any models or renderings created or used in an investigation, and examine all evidence. Unless there is agreement between the board and the party providing the files, models or renderings, or evidence, the providing party must provide to the board unredacted and unaltered files, models or renderings, or evidence. If a file, model or rendering, or evidence contains confidential information or information that is not subject to disclosure pursuant to the Public Records Law, the providing party must redact such information and provide a redacted version to the board, in addition to the unredacted version. If a redacted version is provided, the unredacted version is confidential and not subject to the Public Records Law.

### **The Board's Authority to Investigate and Analyze Incidents**

The bill draft grants the board the authority to conduct an investigation and analysis upon the conclusion of an officer-involved death investigation or upon the conclusion of a criminal investigation, depending on the type of incident.

Specifically, the bill draft maintains the procedures under current law for officer-involved death investigations, but allows the board, at the conclusion of an active officer-involved death investigation, to investigate and analyze the causes of and contributing factors in the officer-involved death.

In addition, at the conclusion of an active criminal investigation, if any, the board may investigate and analyze the causes of and contributing factors in the incident, if the incident is any of the following:

- A death of a law enforcement officer that results from an intentional action of an individual who is not an officer.
- A death of a law enforcement officer that results from an accident or unintentional action of an individual who is not an officer, if the officer is performing official duties.
- Officer-involved great bodily harm, defined by the bill draft as the infliction of great bodily harm to an individual that results directly from an action or, if it creates an unreasonable and substantial risk of death or great bodily harm, an omission of a law enforcement officer when the officer is performing official duties.
- Great bodily harm to a law enforcement officer that results from an intentional action of an individual who is not an officer.
- Great bodily harm to a law enforcement officer that results from an accident or unintentional action of an individual who is not a law enforcement officer, if the officer is performing official duties.

### **The Board's Advisory Reports**

After conducting an investigation and analysis as authorized above, the board must prepare an advisory report, which the board must make public and submit to the Legislature, all law enforcement agencies, and the Law Enforcement Standards Board. If an investigation or analysis takes longer than one year, an advisory report must be prepared at least annually.

Specifically, the bill draft requires the board's advisory report to do all of the following:

- Identify each incident that was the subject of an investigation.<sup>5</sup>

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<sup>5</sup> If the report identifies more than one incident, the bill draft allows the report to "present the data so as to indicate the data are associated with one incident," but the report "may not identify the particular incident to which the data are associated."

- Organize incidents that resulted in death by type of death and instrument used.
- Organize incidents that resulted in great bodily harm by type of harm and instrument used.
- Identify any relevant events or developments that led to or contributed to each incident and any board recommendations as to how to prevent similar incidents in the future.
- Provide demographic information about each incident.
- Share best practices used by law enforcement officers that are revealed during board review of incidents.
- Recommend practices that the board learns through its review of incidents.

The bill draft prohibits the board from including in its advisory report any information that was redacted from a criminal and administrative investigation case file, model or rendering, or evidence due to the information being confidential or not subject to disclosure under the Public Records Law. The bill draft also prohibits any part of an advisory report related to an incident, or an investigation or analysis of the incident, from being admitted into evidence or used in an action for damages resulting from the incident.

### **Board Membership**

The board consists of the following individuals, who serve renewable three-year terms:<sup>6</sup>

- The director of DOJ's Training and Standards Bureau, or his or her designee.
- An appointee of the Wisconsin Chiefs of Police Association.
- An appointee of the Badger State Sheriffs' Association.
- An appointee of the Wisconsin Professional Police Association.
- An appointee of the Wisconsin Sheriffs and Deputy Sheriffs Association.
- An appointee of the Wisconsin Troopers Association.
- An appointee of the Milwaukee Police Association.
- An appointee of the Wisconsin District Attorneys Association.
- An appointee of the Wisconsin police executive group.
- An appointee of the Wisconsin training academy directors.
- An appointee of the State Bar of Wisconsin who is an attorney specializing in criminal defense.
- An appointee of the National Alliance on Mental Illness of Wisconsin who is a mental health professional.
- A joint appointee of the deans of the University of Wisconsin Law School and the Marquette University Law School.

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<sup>6</sup> The bill draft staggers the members' terms so that, for the board's initial membership, four members will serve one-year terms, and another four members will serve two-year terms.

## REQUIRED CONTENT IN USE-OF-FORCE POLICIES (LRB-6341/1)

### Reporting Use of Force

**Current law** requires each person in charge of a law enforcement agency, including state and local agencies, to prepare a written policy or standard regulating the use of force by law enforcement officers in the performance of their duties, and make the policy or standard available for public scrutiny. Current law does not specify any content that must be included in each agency's use-of-force policy or standard. [s. 66.0511 (2), Stats.]

The **bill draft** requires law enforcement agencies to provide all of the following in their use-of-force policies:

- The instances in which a use of force must be reported.
- How to report a use of force.
- A requirement that officers who engage in or observe a reportable use of force report it.

### Whistleblower Protections

Under **current law**, a state employee may receive employment protection from retaliatory action for disclosing workplace abuses. Commonly referred to as “whistleblower protections,” the protections apply to most state employees, if certain steps are taken to disclose the information and if the disclosures are of certain types of information. When appropriately reported, the employee is then protected from retaliatory action, or a threat of retaliatory action, including dismissal, demotion, transfer, removal of any duty, reassignment, suspension, reprimand, pay reduction, or a failure to increase base pay. If it is found that retaliatory action has been taken, a number of curative steps may be required. [ss. 230.80 to 230.89, Stats.; and ch. DWD 224, Wis. Adm. Code.]

The state employee whistleblower protections do not apply to employees in local units of government. A local law enforcement officer who believes he or she has been retaliated against by his or her employer for disclosing workplace abuses, however, may receive some protection from retaliation under the “just cause” standard that applies to disciplinary hearings for law enforcement officers. This standard prohibits suspension, demotion, or discharge of a law enforcement officer unless there is “just cause” to sustain the charges against the officer, based on a seven-factor analysis enumerated by statute. [ss. 59.26 (8) (b) 5m., 59.52 (8) (b), 61.65 (1) (am), 62.13 (5) (em), and 62.50 (17) (b), Stats.]

Additionally, state law grants local law enforcement officers protections for exercising certain rights granted under the “Law Enforcement Officers’ Bill of Rights.” Specifically, certain adverse employment actions may not be taken against a law enforcement officer when the officer exercises the rights granted under ch. 164, Stats. For example, those rights include the right to engage in specified political activities and certain rights that apply when an officer is under investigation and subject to interrogation for any reason that could lead to disciplinary action, demotion, dismissal, or criminal charges. [ch. 164, Stats.]

Under **the bill draft**, a law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because the law enforcement officer did any of the following:

- Reported, or is believed to have reported, any violation of an agency's use-of-force policy.
- Initiated, participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding a violation of an agency's use-of-force policy.

- Provided any information, or is believed to have provided any information, about a violation of an agency's use-of-force policy.

## **POLICE AND FIRE COMMISSIONS IN CERTAIN CITIES (LRB-6339/1)**

### **Current Law**

Subject to certain exceptions, current law requires each city with a population of 4,000 or more to create a board of fire and police commissioners (PFC). In a city other than a first class city, the PFC must consist of five citizen members. [s. 62.13 (1) and (2), Stats.] Members of the PFC are appointed by the mayor and no more than three of the members may belong to the same political party. Very generally, the PFC is responsible for appointing and suspending or removing the chiefs of the fire and police departments, has jurisdiction over the hiring and firing of subordinate police officers and firefighters, and reviews the police and fire chiefs' disciplinary, discharge, and promotional actions.

Separate statutory requirements apply to a PFC in a first class city. Currently, Milwaukee is the only first class city in the state. Section 62.50, Stats., requires that, in a first class city, there be a PFC with a board of either seven or nine citizens, who are appointed by the mayor and confirmed by the common council. On a seven-member board, no more than three members may belong to the same political party. On a nine-member board, no more than four members may belong to the same political party. A PFC in a first class city also has certain duties, in addition to the duties described above for non-first class cities. For example, among other responsibilities, a PFC in a first class city exercises oversight over the operations of the city's police and fire departments.

### **Bill Draft**

The bill draft makes changes to statutory provisions governing a PFC in a first class city and creates new statutory provisions that apply to a second class city with a population of 200,000 or more. Milwaukee is currently the only first class city in the state. Though 15 second class cities currently exist in the state,<sup>7</sup> Madison is the only second class city with a population of 200,000 or more.

### **Size of PFC Membership**

As noted above, under **current law**, a PFC in a first class city must have seven or nine members, while a PFC for a city other than a first class city must have five members. The **bill draft** eliminates the option to have a seven-member PFC in a first class city and instead requires that a PFC in a first class city have nine members, no more than four of whom may belong to the same political party. In addition, the bill draft requires a PFC for a second class city with a population of 200,000 or more to have seven members, but retains the requirement that no more than three members may belong to the same political party.

### **Members With Law Enforcement and Professional Firefighting Experience Required**

The **bill draft** requires that a PFC for a first class city and a PFC for a second class city with a population of 200,000 or more each have at least one member who has professional law enforcement experience and at least one member who has professional firefighting experience, but who is at least

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<sup>7</sup> The cities that are currently second class cities are: Appleton, Eau Claire, Fond du Lac, Green Bay, Janesville, Kenosha, La Crosse, Madison, Oshkosh, Racine, Sheboygan, Waukesha, Wausau, Wauwatosa, and West Allis. Madison is the most populous of these cities, with a 2018 population estimate of 252,546. The next most populous is Green Bay, with a 2018 population estimate of 105,477. [2019-20 Blue Book, page 545.]

five years removed from service as a professional law enforcement officer or firefighter. These members must be selected from a list of five names by the employee supervisory association that represents nonsupervisory law enforcement officers, in the case of the member with law enforcement experience, and the employee association that represents nonsupervisory firefighters, in the case of the member with firefighting experience. A member selected from one of these lists must comply with any residency requirements that apply to current members of the department with regard to which the appointee has experience.

### **Appointment to a PFC**

Under **current law**, each member of a PFC is appointed by the mayor. In a first class city, these appointments are subject to confirmation by the common council. The **bill draft** provides requires the common council of a first class city and the common council of a second class city with a population of 200,000 or more to hold two public hearings that include public comment periods on each appointment to the PFC. If the mayor fails to make an appointment within 120 days of a vacancy occurring, the common council may make the appointment. Similarly, if, within 120 days of a vacancy occurring, the mayor fails to appoint a member from a list submitted by the employee supervisory association that represents nonsupervisory law enforcement officers or nonsupervisory firefighters under the requirements discussed above, the association that provided the list may make the appointment. In a first class city, the association's appointment is subject to confirmation by the common council. Under the bill draft, no member of a PFC for a first class city or a second class city with a population of 200,000 or more may continue after the expiration of the member's term unless he or she is reappointed to the board and confirmed by the common council.

### **PFC Member Training**

Under **current law**, a member of a PFC for a first class city must enroll in a training class that is related to the mission of the board not later than the first day of the seventh month beginning after the common council confirms the member's appointment. The member must complete the class not later than the first day of the 13th month beginning after the common council confirmed the member's appointment. Current law specifies that the training class must be conducted by the city.

The **bill draft** modifies the training requirement for a member of a PFC of a first class city and also applies this requirement to a member of a PFC for a second class city with a population of 200,000 or more. The bill draft requires a PFC in these cities to make available a training class for members of the board, which may be provided directly by the city or in another manner, including by contracting with another person, and must cover all of the following:

- The mission and role of the board.
- The procedures that apply to disciplinary hearings, including applicable rules of evidence and applicable provisions of any contract between the city and employee associations that represent nonsupervisory law enforcement officers or firefighters.
- The conduct policies of the police and fire departments.
- Use of force guidelines of the police department.

A PFC member must enroll in and complete the training class within the same timeframes as specified under current law. Under the bill draft, no member may participate in a disciplinary appeal or trial until completing this training and any other training required by the city.

## **Ethics Code**

The **bill draft** clarifies that membership on a PFC is a “local public office” for the purposes of the state code of ethics for public officials and employees.

## **Executive Director and Independent Monitor**

Under **current law**, a PFC for a first class city has an executive director, who is appointed by the mayor, subject to confirmation by the common council.

The **bill draft** modifies the appointment process for the executive director of a PFC for a first class city, enumerates the duties of the executive director, and creates a similar position, termed an “independent monitor,” for a second class city with a population of 200,000 or more. Under the bill draft, the mayor must appoint an executive director or independent monitor, as applicable, from a list of three qualified candidates provided by the PFC. The individual appointed is subject to confirmation by the common council. The executive director or independent monitor is authorized and directed to do all of the following:

- Act as the principal staff of the board in exercising the board’s functions and powers.
- Review situations or investigations when an individual is dissatisfied with the outcome of an investigation or situation involving the police or fire department.
- Evaluate police and fire department policies, practices, and patterns, including staff deployments, crime and fire prevention training, use of force, search, seizure, citizen interaction, and communication of the police and fire departments.
- Issue reports to the public at least annually, relating to the status and outcome of complaints that have been filed, the timeliness of complaint resolution, trends and patterns of concern pertaining to complaint investigations, the nature and frequency of complaints, and other performance indicators.

The bill draft requires that all employees of a PFC for a first class city and employees of a PFC for a second class city with a population of 200,000 or more be nonpartisan.

## **Appointment and Reappointment of Chiefs**

The **bill draft** requires a PFC for a first class city and a PFC for a second class city with a population of 200,000 or more to meet in closed session with representatives of the nonsupervisory employee association whose members will serve under the proposed chief before appointing or reappointing a chief of police or chief engineer of the fire department. The board must also hold at least two public meetings before appointing either chief.

The **bill draft** also requires the PFC to reopen the application period for an additional seven days if the board accepts an additional application for chief of police after the application period for accepting these applications has closed. Under the bill draft, this additional seven-day period begins on the date the board accepted the late application.

## **Review of Chiefs**

The **bill draft** provides a mechanism for the common council of a first class city or a second class city with a population of 200,000 or more to initiate a performance review of the chief of police or the chief engineer of the fire department. Under the bill draft, if the common council adopts a resolution by a two-thirds vote to conduct a performance review of either chief, the PFC must conduct the review and

forward its written report to the common council. The bill draft also requires both chiefs to meet with the members of the common council at least once a year at a regular meeting of the council.

### **Disciplinary Hearings by a PFC**

Under **current law**, a PFC in a first class city may conduct a disciplinary trial of a member of the police department or the fire department either as a full board or with a three-member panel of the board. The **bill draft** requires that, for a trial of a member of the police force of a first class city, at least one member of the panel have professional law enforcement experience and, for a trial of a member of the fire department of a first class city, at least one member of the panel have professional firefighting experience.

### **Judicial Review of Disciplinary Hearing by a PFC for a First Class City**

**Current law** limits the scope of a court's review of a PFC's disciplinary hearing to consideration of whether, under the evidence, there was just cause to sustain the charges.

The **bill draft** generally expands the scope of a court's review of a PFC's disciplinary hearing with respect to a PFC in a first class city. Among other changes, the bill draft requires the court to determine whether there is just cause and to conduct its review without regard to any action or decision made by the board. The bill draft also specifies circumstances under which the court must remand the decision to the PFC, set aside or modify the PFC's decision, or reverse the PFC's decision. Under the bill draft, the court's decision must provide appropriate relief. The bill draft requires that the court's review be confined to the record, except that in cases of alleged irregularities in procedure before the board, the court may take additional testimony.

## **COMMUNITY-ORIENTED POLICING HOUSE GRANT PROGRAM (LRB-6349/1)**

Under **current law**, DOJ administers various grants related to criminal justice.

The **bill draft** appropriates \$600,000 in fiscal year 2020-21 for a new grant program administered by DOJ. Specifically, the bill draft requires that DOJ award grants to eligible cities to fund community-oriented policing house programs. Under the bill draft, cities with a population of 60,000 or more are eligible for the grant. The bill draft requires DOJ to develop criteria to use when awarding the grants and exempts the development of such criteria from the process for promulgating administrative rules under ch. 227, Stats.

## **PUBLIC ACCESS TO USE-OF-FORCE POLICIES (LRB-6346/2)**

**Current law** requires each law enforcement agency's written use-of-force policy or standard to be available for public scrutiny, but does not prescribe the mechanism by which the policy or standard must be publicly available. [s. 66.0511 (2), Stats.]

The **bill draft** requires that each law enforcement agency make its use-of-force policy or standard publicly available on its website or, if the agency does not maintain its own site, on a website maintained by the municipality in which the law enforcement agency has jurisdiction. If the policy or standard is changed, the law enforcement agency must ensure the website displays the updated policy or standard as soon as practically possible but no later than one year after the change is made. Finally, the bill draft requires that each law enforcement agency prominently display a means of requesting a copy of its use-of-force policy or standard and, if a copy is requested, provide a copy of the current

policy or standard free of charge as soon as practically possible but no later than three business days after the request is made.

## **COLLECTION OF USE-OF-FORCE DATA (LRB-6350/2)**

**Current law** requires DOJ to collect information concerning the number and nature of offenses committed in this state, along with other information that may be useful in the study of crime and the administration of justice. The information must include data requested by the Federal Bureau of Investigation (FBI) under its uniform crime reports (UCR) program. Currently, the FBI's UCR program consists of several data collections, one of which is the National Incident-Based Reporting System (NIBRS), which captures details on individual crime incidents including information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in crimes.

In addition, current law allows DOJ to determine any other information to collect regarding crime and justice system statistics. All persons in charge of law enforcement agencies must supply DOJ with the information that DOJ collects, based on forms provided by DOJ. [s. 165.845, Stats.]

**The bill draft** specifies that DOJ must collect data requested by the FBI under NIBRS, rather than the UCR program as required under current law. In addition, the bill draft requires law enforcement agencies to report, and DOJ to collect, specified information about the people involved in, and the circumstances surrounding, the following types of incidents:

- The shooting of a civilian by a law enforcement officer or the shooting of a law enforcement officer by a civilian.
- The discharge of a firearm by a law enforcement officer at, or in the direction of, a civilian or the discharge of a firearm by a civilian at, or in the direction of, a law enforcement officer.
- An action taken by a law enforcement officer, as a response to an act of resistance, that results in serious bodily harm or death, or an act of resistance taken by a civilian against a law enforcement officer that results in serious bodily harm or death.

Specifically, for each of these types of incidents, the bill draft requires DOJ to collect the following information:

- The gender, race, ethnicity, and age of each person who was shot at, injured, or killed.
- The date, time, and location of the incident.
- Whether any civilian involved in the incident was armed and, if armed, the type of weapon had.
- The type of resistance used against the law enforcement officer by the civilian, the type of action taken in response by the officer, and if applicable, the types of weapons used.
- The number of law enforcement officers involved in the incident.
- The number of civilians involved in the incident.
- A brief description regarding the circumstances surrounding the incident, including perceptions on behavior or mental disorders.

Finally, the bill draft requires DOJ to publish an annual report that includes, at a minimum, all of the information that DOJ is required to collect, and that local law enforcement agencies are required to report to DOJ, on the types of incidents described above. DOJ may publish the annual reports electronically on its website in an interactive format.

## **PROHIBITION ON THE USE OF CHOKE HOLDS (LRB-6338/2)**

As noted above, **current law** requires that each law enforcement agency have a written policy or standard regulating the use of force by law enforcement officers in the performance of their duties but does not specify required content for an agency's use-of-force policy or standard. [s. 66.0511 (2), Stats.]

Under the **bill draft**, a law enforcement agency's policy or standard may not authorize the use of choke holds by law enforcement officers, except in life threatening situations or in self-defense. The bill draft defines "choke hold" to mean the intentional and prolonged application of force to the throat or windpipe that prevents or hinders breathing or reduces the intake of air. The bill draft delays the effective date of this new requirement until the 30th day after publication.

## **REDUCED STATE AID IF DECREASE IN POLICE FUNDING (LRB-6348/1)**

Under **current law**, the state provides unrestricted aid payments, commonly referred to as "shared revenue," to counties and municipalities under the county and municipal aid program. Subject to certain exceptions, current law requires that county and municipal aid payments in 2013 and subsequent years be equal to the amount of the payment determined for each county or municipality in 2012. [s. 79.035, Stats.]

The **bill draft** requires the Department of Administration (DOA) to reduce a municipality's aid payment if the municipality decreases the amount of its municipal budget dedicated to hiring, training, and retaining law enforcement officers from the amount the municipality dedicated for that purpose in the previous year. Specifically, DOA must reduce the municipality's aid payment by the amount of the decrease in the municipality's budget dedicated to hiring, training, and retaining law enforcement officers. If DOA reduces a municipality's aid payment in this manner, the amount of the reduced aid payment remains as the amount of the municipality's aid payment in subsequent years. The bill draft requires that the amount of all reductions be distributed among the municipalities not subject to reduction, in proportion to each municipality's share under the county and municipal aid program.

The bill draft's reduction mechanism does not apply to a municipality that transfers responsibility for providing law enforcement to another local unit of government or that enters into a cooperative agreement to share law enforcement responsibilities with another local unit of government.

If you have any questions, please feel free to contact Katie Bender-Olson or Amber Otis directly at the Legislative Council staff offices.

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