

From: Peguero, Adriana
Sent: Monday, October 06, 2014 12:42 PM
To: Bach, Richard
Cc: Pollock, Keith; Nunez, Lucia
Subject: RE: Next TPC Subcommittee

Capt. Bach,

We've discussed a few times your desire to change the language regarding what you can consider when deciding whether to grant or deny a driver's public passenger license. The current language is below.

In looking at our Equal Opportunities Ordinance (MGO 39.03), there are two sections that may apply here. Our ordinance prohibits discrimination based on arrest/conviction record in the areas of Employment and City Facilities. City Facilities includes "services rendered by the City" and Employment includes "licensing authorities." In both areas, it is prohibited to discriminate based on arrest or conviction record unless...

- A person is subject to a pending criminal charge and the circumstances of the charge substantially relate to the circumstances of the particular job
- A person has been within the past 3 years placed on probation, paroled, released from incarceration, or paid a fine, for a felony, misdemeanor, or other offense, the circumstances which substantially relate to a particular job or licensed activity.

If we were to draft language to include such things as charges that were declined to be charged (for example, when the DA's office declines to charge when someone is arrested and charges are referred), or things that were ultimately dismissed (by a prosecutor, or a not guilty finding at a trial), I believe we would be violating our own Equal Opportunities Ordinance. I think when the language below was probably drafted, it was done to comply with this ordinance.

I know this is not what you want to hear! Please let me know if you would like to have further discussion or meet about this. I'm copying Keith Pollock and Lucia Nunez on this to see if they have any input.

Adriana

MGO 11.06(6) – Current Language

(b) Application for Initial Permit.

1. Any person wishing to obtain a public passenger vehicle driver's permit shall

present a written application to the Chief of Police, accompanied by proof of payment of the fee established in Subdivision (a). The application shall contain the name and address of the .licensee under whose license the applicant intends to drive public passenger vehicles, and such other pertinent information as the Chief of Police may require. Every licensee shall provide to the Madison Police Department the name and complete identification of each driver, and shall see to it that each driver arranges with the Police Department to have her/his photograph taken for this purpose.

2. Such permit shall not be granted to any person under the age of eighteen (18) years, nor to any person who has been convicted by a court of competent jurisdiction, or has charges pending against her or him, of any offense the circumstances of which substantially relate to the circumstances of taxicab or other public passenger vehicle operation. Such offenses include, but are not limited to, crimes against persons or property or driving a vehicle while under the influence of intoxicants or controlled substances; provided, however, that the Chief of Police shall grant a permit to such convicted person if the conviction is reversed, or if the person is granted a pardon for the offense in question.

3. In determining whether or not the circumstances of a conviction or a pending charge are substantially related to the circumstances of taxicab or other public passenger vehicle operation, the Chief of Police shall consider the number of convictions, the nature and seriousness of the crime or crimes, whether they involved violence, whether they involved theft or other evidence of lack of trustworthiness with money, whether the crime involved driving, the age and maturity of the individual at the time of the conviction, the amount of time elapsed since the last conviction, and any evidence of personal rehabilitation.

From: Pollock, Keith
Sent: Friday, October 03, 2014 10:02 AM
To: Peguero, Adriana
Subject: Next TPC Subcommittee

Oct 13, 12:00 pm to 2:00 pm

Need language to give MPD more flexibility to deny driver permit- not just convictions and pending charges

Keith Pollock
Division of Traffic Engineering
City of Madison
PO Box 2986

Madison, WI 53701-2986

kpollock@cityofmadison.com

phone: (608) 266-6537

Fax : (608)267-1158