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MEMORANDUM

TO: Public Safety Review Committee

FROM: Michael Haas

DATE: March 18, 2021

RE: State Legislation Governing Police and Fire Commissions

2020 Senate Bill 117 includes the following provisions which would affect the City of Madison and its Police and Fire Commission:

1. Certain provisions of the bill apply only to second class cities with a population over 200,000, which is currently only Madison. Other provisions apply to both Madison and Milwaukee.
2. The Madison PFC would consist of seven members selected by the Mayor instead of five members. A PFC member may not continue in office after expiration of their term, unless reappointed.
3. At least one member of the PFC would be selected from a list provided by the police union and at least one member would be selected from a list provided by the firefighters' union. The lists must contain five names of individuals with professional law enforcement or professional firefighting experience and who are at least five years removed from service. The initial terms of the member from the police union list would be two years and the initial term of the member from the firefighters' union list would be five years.
4. If the Mayor fails to make an appointment to fill a vacant PFC position within 120 days of the vacancy, the Council can make the appointment. But if the vacancy is one that must be made from the union lists, that union can make the appointment without Council confirmation.

5. PFC members would be required to take a training class that covers the mission and role of the Commission, disciplinary hearing procedures, police and fire department conduct policies, and use force guidelines. The training must be completed within 13 months of appointment but members cannot participate in any action of the PFC until they have completed the training class and any other training required by the City.
6. The office of independent monitor would be created in the City of Madison. This position would act as principal staff of the PFC, review certain situations or investigations involving the police or fire departments, evaluate department policies and practices, and issue public reports relating to the status and outcomes of complaints that have been filed.
7. The independent monitor would be appointed by the Mayor from a list of three names submitted by the PFC, would be confirmed by the Council and would serve a 4-year term, at the pleasure of the PFC. The Mayor could not remove the monitor. Before submitting the list to the Mayor, the PFC would publicly announce the list and hold a public hearing regarding the list. The monitor's salary would be set by the Council.
8. All employees of the Madison PFC must be nonpartisan.
9. Before the PFC hires a Police Chief or Fire Chief, it must meet in closed session with representatives of the respective employee association. It must also hold at least two public meetings to hear comments from the public.
10. When a PFC member is appointed, the Council must hold two public hearings that include public comments regarding the appointment.
11. If the PFC accepts an application for Police Chief after the application period has closed, it must reopen the application period for an additional 7 days.
12. If the Council adopts a resolution by a two-thirds majority to conduct a performance review of a Police Chief or Fire Chief, the PFC must conduct the review and provide a written report to the Council.
13. The Police Chief and Fire Chief must meet with the Council at a regular meeting at least once each year. Upon request of the Council or any Council committee, the PFC Chair or Vice Chair or the independent monitor shall attend a meeting of the Council or a committee of the Council.

This morning the Senate Committee on Judiciary and Public Safety held a public hearing on Senate Bill 117. There is an identical companion bill, Assembly Bill 114, introduced in the State Assembly. The City of Madison has registered in opposition to Senate Bill 117.