



Legislation Text

File #: 200197, **Version:** 2

200197

SUBSTITUTE 2

180898

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Substitute resolution directing the Department of Administration - Intergovernmental Relations Division to seek introduction and passage of State legislation ensuring greater accountability and transparency for police officers involved in homicides whether on- or off- duty.

This resolution directs the Department of Administration - Intergovernmental Relations Division to seek introduction and passage of state legislation ensuring greater accountability and transparency for police officers involved in serious felonies, including suspension without pay and requiring outside investigation of any officer-involved death, regardless of whether the officer is on- or off-duty at the time of an incident.

Whereas, Under State law, no officer of the Milwaukee Police Department may be suspended without pay or benefits until the matter that is the subject of the suspension is disposed of by the Board of Fire and Police Commissioners or the time for appeal passes without an appeal being made (s. 62.50 (18), Wis. Stats.); and

Whereas, Disciplinary proceedings before the Board of Fire and Police Commissioners arising from a criminal incident involving the police officer may be delayed by the criminal investigation of the incident; and

Whereas, As a result of these procedures and delays, a Milwaukee police officer who has been charged with a crime and suspended from service in relation to the charged crime may continue to receive his or her salary throughout lengthy criminal investigative and disciplinary proceedings; and

Whereas, Even if subsequent criminal proceedings result in an admission or finding of guilt by or against the police officer, and the disciplinary proceedings result in discipline, including termination of employment, there is no requirement that the police officer reimburse the City for salary received during the period of suspension; and

Whereas, This policy applies to police officers involved in serious felonies, including homicides, whether on- or off-duty; and

Whereas, Under State law, an officer-involved death, or the 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, must be investigated by an outside law enforcement agency (s. 175.47, Wis. Stats.); and

Whereas, This policy permits the Milwaukee Police Department to investigate certain officer-involved

deaths that take place while the officer is off-duty; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Administration - Intergovernmental Relations Division is directed to seek introduction and passage of state legislation ensuring greater accountability and transparency for police officers involved in homicides whether on- or off-duty; and, be it

Further Resolved, That greater accountability and transparency shall include amending s. 62.50, Wis. Stats., to allow the City to suspend a police officer without pay if the suspension arises from conduct for which the officer has been charged with a serious felony; and, be it

Further Resolved, That greater accountability and transparency shall include amending s. 175.47, Wis. Stats., to require that any officer-involved death be investigated by an outside agency, regardless of whether the officer is on- or off-duty at the time of the incident; and, be it

Further Resolved, That File Number 180898 is amended by inserting the following item in the document attached to the file and identified as "2019-2020 State Legislative Package Proposals":

Local Control & Flexibility	Common Council	Amend Wis. Stat. §62.50 to allow suspension of police officers charged with serious felonies without pay, and amend Wis. Stat. §175.47 to require outside investigations of all officer-involved deaths.
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; and, be it

Further Resolved, That the City Clerk shall send copies of this resolution to the City's delegation to the State Legislature.

Dana J. Zelazny
LRB176074-2
June 15, 2020