

PUBLIC SAFETY ORDINANCE AMENDMENT PROPOSALS RELATED TO ESCALATING FINES/FORFEITURES FOR #105-75-15(A) AND 105-75-14(G).

PUBLIC SAFETY ORDINANCE #105-75-15(A), (MORE THAN 2 FALSE ALARMS WITHIN A CALENDAR YEAR.) (False alarms occur when the police are called to respond to a Burglar Alarm that supposedly has been verified by a First Responder on the scene. Upon the officer's arrival on the scene, the alarm is determined to be a false alarm. A citation is then sent to the end-user.) This also includes Hold Up alarms. The majority of the False Alarm citations are issued for false Hold Up alarms.

PUBLIC SAFETY ORDINANCE #105-75-14(G), WHEN ALARM MONITORING COMPANIES CALL MPD FOR POLICE RESPONSE TO A BURGLAR ALARM THAT HAS NOT FIRST BEEN VERIFIED. IN MOST SITUATIONS, IT'S THE SAME MONITORING COMPANY THAT REPEATEDLY CALLS IN NON-VERIFIED BURGLAR ALARM CALLS. (These are the calls that are logged and presented to the Public Safety Commission at License Renewal time. Currently MPD does not cite for these, as most of the violators are out-of-state monitoring companies.)

REASONS FOR REQUESTING THESE CHANGES:

THE CURRENT AND LONG TIME PRACTICE OF ISSUING FALSE ALARM CITATIONS HAS BEEN TO ISSUE ONE CITATION PER VIOLATOR WITH UP TO 8 VIOLATIONS RECORDED ON ONE CITATION USING AN ESCALATING FINE SCHEDULE. MANY OF THESE VIOLATIONS OCCUR REPEATEDLY AT THE SAME LOCATION.

ACCORDING TO THE E-MAIL COMMUNICATION THAT WAS FORWARDED TO ALL BOARD MEMBERS ON 3/22/10, *(COPY INCLUDED BELOW) - BETWEEN MYSELF AND JANE TABASKA, (NETWORK MANAGER FROM MUNI COURT), JANE INFORMED ME THAT AFTER HER CONSULTATION WITH JUDGE MOSLEY REGARDING THIS TOPIC, THAT "THERE DOES NOT APPEAR TO BE ANY ESCALATING PENALTY DEFINED" IN THE ORDINANCE. THE JUDGE SAID THE CURRENT ORDINANCE STATES THERE IS ONE SET FEE FOR \$50.00 FOR A TOTAL FINE OF \$114.00.

I WAS ALSO INFORMED THAT THE DEPOSIT SCHEDULE CURRENTLY IN USE IS INCORRECT AND THAT THIS SET FEE DESCRIBED BY JUDGE MOSLEY WILL BE REFLECTED ON A NEW DEPOSIT SCHEDULE.

SINCE AN ESCALATING PENALTY IS NOT DEFINED IN THE ORDINANCE AS IT IS CURRENTLY WRITTEN, THE POLICE DEPT WILL HAVE TO STOP THE CURRENT PRACTICE OF USING ESCALATING FINES IN WRITING FALSE ALARM CITATIONS.

THIS MEANS THAT EACH INDIVIDUAL VIOLATION WILL NOW HAVE TO BE WRITTEN ON A SEPARATE CITATION CAUSING THE VIOLATOR TO RECEIVE UP TO 8 SEPARATE CITATIONS. THIS WILL ALSO CAUSE AN INFLUX OF CITATIONS TO PASS THROUGH THE COURT SYSTEM, CAUSING THE PROCESS TO BECOME LESS EFFICIENT AND GENERATE UNNECESSARY PAPERWORK.

*BELOW IS A COPY OF THE E-MAIL THAT WAS FORWARDED TO ALL BOARD MEMBERS ON 3/22 REGARDING THE ESCALATING FEE TOPIC.

Linda,

Please forward this e-mail to all board members. I know this came up at the last meeting and is not on this weeks agenda, however, it seems that deposit amounts for the above ordinance still needs to be addressed at the ordinance level to specify escalating fines.

Thank you.

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From: Tabaska, Jane
Sent: Mon 3/22/2010 8:38 AM
To: McCarthy, Ann
Cc: Hinrichs, Kristine
Subject: RE: Updated Deposit amounts for "More than 2 false alarms within a calendar year # 105-75-15"

I'm not sure what you mean about the ordinance being "outdated"; our judges set the penalty based on the ordinance as currently worded in 105-75-15-a which sets the forfeiture at \$50 per occurrence and makes no reference to an escalating penalty for more than 2 false alarms within a calendar year.

This will represent a change from the most recent deposit schedule which incorrectly set the forfeiture at \$95.24 for a total fine of \$171.00 (and I would note that there does not appear to be any escalating penalty defined here so I'm not sure what you are referencing). When I reviewed the ordinance and consulted with Judge Derek Mosley, he instructed me that the forfeiture should be correctly set at \$50 for a total fine of \$114.00. This correction will be reflected on the next published deposit schedule.

Thanks. JET

From: McCarthy, Ann
Sent: Monday, March 22, 2010 7:57 AM
To: Tabaska, Jane
Cc: Hinrichs, Kristine
Subject: RE: Updated Deposit amounts for "More than 2 false alarms within a calendar year # 105-75-15"

That ordinance appears to be outdated as the past fines have always been more than this and an escalating penalty has been in place. The current deposit schedule that I am using is dated October of 2009 and the first violation fine is \$171.00 and a fee of \$95.24 is added to each subsequent offense. I was wondering if this was still current.

Thank you.

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ORDINANCE AMENDMENT PROPOSAL RELATED TO “PROHIBITED SYSTEMS”, (PANIC ALARMS)

Municipal Ordinance # 105-75-11(b), titled “Prohibited Systems” states “No alarm system may be operated or programmed to initiate, transmit, or deliver by **automatic means**, to any city agency, an alarm notification described as “panic”, “disturbance”, “police alert”, medical emergency, or other miscellaneous incidents distinguished from the specific burglary, robbery or fire alarms.”

Currently, alarm-monitoring operators from various monitoring centers relay “panic alarms”, “duress alarms”, and medical emergency calls to the Milwaukee Police Department Technical Communications Division via telephone on the emergency phone lines.

Due to the fact that this ordinance contains the wording that no alarm system may be operated to contact the Milwaukee Police Department by “**automatic means**” and does not include the wording “**or by telephone voice contact**”, the police department is unable to cite alarm companies when they **call** the Technical Communications Division with these types of calls in violation.

The recommendation to add the verbiage “or by telephone voice contact” would enable the police department to cite the company that calls in these types of prohibited calls on the emergency phone lines.

ORDINANCE AMENDMENT PROPOSAL RELATED TO THE USE OF PRIVATE SECURITY PERSONNEL AT THE PREMISE OF COMMERCIAL BURGLAR ALARM END USERS.

Ordinance # 105-75-14-g titled “Alarm Business Requirements” states that Alarm Businesses, “In the case of an activated burglary alarm, relay the message to the police department only after the business’s private first responder service has verified that an attempted or actual crime has occurred at the alarm site.”

Some Alarm Businesses that operate in Milwaukee acquire commercial accounts (commercial end users) that provide their own security personnel that are capable of responding to alarm activations as a first responder. As the ordinance is currently written, it would be a violation for the **Alarm Business** to allow their commercial or business end user to use their personal security service to fulfill the requirement of a “Private First Responder” to check their alarm.

A suggested modification to the wording of this ordinance would state, “In the case of an activated burglary alarm, relay the message to the police department only after the business’s private first responder service *or, **provided that the alarm site is a commercial establishment which provides security personnel specifically for the alarmed site has*** verified that an attempted or actual crime has occurred at the alarm site.”

“IN HOUSE” ALARM MONITORING CENTERS

According to Ordinance 105-75 –2-b, there are some corporations that are exempt from the definition of “Alarm business.” Several of these businesses operate in the City of Milwaukee as their own “in house” alarm monitoring centers. Some of these types of businesses included in this category are Target Stores, U-Haul, Banks, Super America, Wal-Mart, Fed-Ex and Olive Garden Restaurant which monitors for itself and the Red Lobster restaurants.

This ordinance should be clearer in two areas; it should be clear as to whom these companies are accountable to when they are in violation, as they are excluded from Municipal Ordinance Private Alarm System Regulations. Also, the ordinance should be made clear that so long as they are doing alarm

monitoring completely in-house and not outside of their own corporate structure, the City of Milwaukee does not have a role in it. (In other words, they must still follow the requirement of providing a Private First Responder or their own security personnel to check their alarms.)

AMEND ORDINANCE TO BE CONSISTENT WITH MPD STANDARD OPERATING PROCEDURE AS IT RELATES TO VIDEO VERIFIED BURGLAR ALARMS

The current ordinance regarding Verified Response (**#105-75-14-g**) states the requirement of the use of a Private First Responder to verify Burglar Alarms. The ordinance does not address any other forms of acceptable verification.

On August 1, 2006, retired Assistant Chief Whiten created an allowance with the alarm industry to permit alarm companies to use "Video Verification" along with specific requirements. The alarm Standard Operating Procedure was modified to reflect this concession, along with a Multiple Trip Verification concession. *Multiple Trip Verification is addressed in the below paragraph. The ordinance was not changed to reflect the acceptance of video verification for Burglar Alarms.

REASONS WHY ALARM VIDEO VERIFICATION SHOULD BE ADDRESSED IN THE ORDINANCE:

Due to ever changing technology, and more affordable video alarm systems on the market, the use of Video Verification will probably increase in the near future as a means for Burglar Alarm verification. At this time, most alarm companies use a Private First Responder Service to verify their alarms. Currently, there are approximately 2 (two) alarm companies that use video verification.

There are no guidelines or requirements in the ordinance regarding the use of video technology for Burglar Alarm verification. I would support the recommendation that the ordinance be updated to address the use of video technology for alarm verification with the same requirements listed in SOP.

MULTIPLE TRIP VERIFICATION

*Multiple Trip Alarm calls come on the emergency telephone lines and are handled as a Priority 1 Verified Burglar Alarm call for police response. Statistics show that the majority of Multiple Trip Alarm calls are determined by the responding officers to be false alarms.

Multiple Trip alarms continue to be monitored by the Police Department, and eventually an internal decision will be made as to whether or not this form of verification will be allowed to continue.

Below is a quick overview of Multiple Trip Burglar Alarm Call Statistics since 2006:

In 2006, there were a total of **16 Multiple Trip Alarm calls received**, and **16 were false alarms**.
In 2007, there were a total of **39 Multiple Trip Alarm calls received**, and **32 were false alarms**.
In 2008, there were a total of **77 Multiple Trip Alarm calls received**, and **76 were false alarms**.
In 2009, there were a total of **63 Multiple Trip Alarm calls received**, and **49 were false alarms**.
January 1, 2010 through April 27, 2010, there were a total of **24 Multiple Trip Alarm calls received** and **21 were false alarms**.