

CITY OF MILWAUKEE

Form CA-43

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March 24, 2006

Alderman Terry Witkowski
Chair, Community Service Staffing Task Force
Room 205, City Hall

RE: Duties of Non-Sworn Milwaukee Police Department Personnel

Dear Alderman Witkowski:

At the Community Service Staffing Task Force meeting of March 10, 2006, this office was asked to provide legal guidance on three questions concerning the ability of non-sworn Milwaukee Police Department personnel to perform certain duties. We have informally consulted with counsel of the Wisconsin Department of Transportation, who concurs with our conclusions.

1. May non-sworn personnel serve as accident ("crash") investigators? Yes. In Wisconsin, there is no prohibition against civilians investigating accidents. In fact, we are informed that the State Patrol uses civilian investigators on a limited basis. The accident report itself must be filed by a law enforcement agency, Wis. Stat. § 346.70. Civilians cannot issue traffic citations (discussed below) or arrest.
2. May non-sworn personnel direct traffic? Sworn officers are explicitly authorized by statute to direct traffic, Wis. Stat. § 349.02, and it is a traffic violation to disobey an officer's direction, Wis. Stat. § 346.04. School crossing guards are also authorized to direct traffic, and it can be a violation to disregard their directions, as well. There is no express prohibition, on civilians directing traffic; however, their directions cannot be enforced.


Alderman Terry Witkowski
March 24, 2006
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3. May non-sworn personnel issue citations? Only sworn officers can issue tickets for moving violations. Wis. Stat. § 345.11. Municipal Court citations for other ordinance violations can be issued by civilians if the Common Council designates, by ordinance or resolution, other municipal officials to issue citations "with respect to ordinances which are directly related to their official responsibilities." These officials may grant the authority to issue citations to their employees, if the Common Council approves. Thus, it would appear that the Chief of Police could authorize civilian personnel to issue citations concerning noise violations and the like. They would have no power to arrest.

Very truly yours,



GRANT F. LANGLEY
City Attorney



LINDA U. BURKE
Deputy City Attorney

GFL/LUB/dj

c: Ron Leonhardt, City Clerk

1033-2006-118/103663

Community Service Officer Call Response

Service Call	MPD Priority	Task Force Vote/8	MPD Calls for Service
Aband/Stolen Prop	1	4	2,456
Acc PI	1	2	6,551
Acc Unknown Inj	1	1	3,723
Aircft Down	1	1	3
Animal Bite	1	6	450
Child Abuse	1	1	
Fire	1	4	
Fireworks	1	6	2,747
Gas Leak	1	6	223
Haz Waste	1	2	41
Med Run	1	1	595
Overtured Boat	1	1	3
Recovered Property	1	6	137
School Crossing Duty	1	7	40
Subject in Water	1	1	
Tornado Touchdown	1	5	
Wires Down	1	8	310
Acc PI	2	1	
Acc PDO	2	6	16,872
Altd Currency	2	2	312
Call By	2	1	9,516
Animal Cruelty	2	2	1
Demonstration	2	1	51
Entry Autos	2	1	8,478
Flooding	2	8	55
Forgery	2	3	1,110
Fraud CC	2	1	53
Fraud InnKpr	2	2	
Lockout	2	8	264
Loose Animal	2	4	2,697
Lost Child	2	4	320
MFD Security	2	1	120
Missing Check	2	1	1,779
Notification	2	6	1,108
Prop Damage	2	8	15,590
Theft	2	1	27,158
Theft Vehicle	2	2	11,763
Traffic Hazard	2	8	6,467
Welfare Citizen	2	2	
Acc PDO	3	8	
Juv Convey	3	1	1,270
Lan/Ten Trouble	3	1	1,511
Stolen Veh	3	8	4,902
911 Abuse	4	2	33,365
Addl info	4	6	1,454
Assignment	4	1	5,829
Citizen Convey	4	7	222
Cont Del Minor	4	1	69

Service Call	MPD Priority	Task Force Vote/8	MPD Calls for Service
Convey Prop	4	8	243
Escort	4	5	1,196
False Fire Alarm	4	5	7
Issue Worthless Check	4	2	79
Mail Run	4	8	715
Missing Rpt	4	6	884
Missing Rtn	4	6	1,564
Noise Nuisance	4	2	17,414
Open Hydrant	4	7	293
Parking Trouble	4	7	1,786
Phone Call Complaint	4	1	1,805
Prop Pickup	4	7	2,129
Recovered Vehicle	4	7	1,475
Truant	4	1	455
Veh Maintenance	4	7	1,025
Water Main Break	4	8	238
Traffic Direction	4	7	
Action Referrals	4	8	

Preliminary Outline for the Final Report of the Community Services Staffing Task Force

I. Introduction

II. General Narrative

- Include general understanding and position description of a Community Service Officer

III. Task Force Recommendations

IV. Required Legislation

- State Statutes
- Municipal Code

V. Future Direction

- City Department Tasks (DER & Fire and Police Commission)
- Report to Full Common Council

VI. Conclusion

Attachments

- Enabling Resolution
- Task Force Members
- Background Memo
- Orlando Florida Model
- Various current position descriptions including MPD Police Aide & Police Services Specialist
- Meeting Minutes



SUMMARY OF MOTOR VEHICLE TRAFFIC ACCIDENTS

National Safety Council
Chicago, Illinois 60611

City MILWAUKEE State WISCONSIN 2004
Report prepared by MILWAUKEE POLICE DEPT., SAFETY DIVISION/INFRASTRUCTURE SERVICES

1A. TYPE OF MOTOR-VEHICLE ACCIDENT		Number of Accidents											
		Total				On Roadway				Off Roadway			
		Total	Fatal	Nonfatal Injury	Property Damage	Total	Fatal	Nonfatal Injury	Property Damage	Total	Fatal	Nonfatal Injury	Property Damage
Non-collision Collision involving:	1. Overturning												
	2. Other noncollision	69	1	42	26	1							
	3. Pedestrian	458	17	432	9	17							
	4. MV in transport	8694	14	3166	5514	14							
	5. MV on other roadway	24		9	15								
	6. Parked MV	1266	3	134	1129	3							
	7. Railway train	1			1								
	8. Pedalcyclist	115	2	108	5	2							
	9. Animal	22			22								
	10. Fixed object	1206	12	343	851						12		
	11. Other object	29		10	19								
	12.	4		1	3								
Totals		11888	49	4245	7594	37					12		

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 JUL 25 2005
 LEGISLATIVE REFERENCE BUREAU

1B. TYPE OF MOTOR-VEHICLE ACCIDENT		Number of Persons										
		Killed			Injured			Injured by Severity				
		Total	On Roadway	Off Roadway	Total	On Roadway	Off Roadway	Incapacitating Injury	Non-Incapacitating Evident Injury	Possible Injury		
Non-collision Collision involving:	1. Overturning											
	2. Other noncollision	1		1	46			3	23	20		
	3. Pedestrian	17	17		465			63	155	247		
	4. MV in transport	16	16		5020			137	986	3897		
	5. MV on other roadway				14			5	4	5		
	6. Parked MV	3	3		174			12	69	93		
	7. Railway Train											
	8. Pedalcyclist	2	2		110			10	43	57		
	9. Animal											
	10. Fixed object	13		13	473			39	163	271		
	11. Other object				14			1	1	12		
	12.				2				2			
Totals		52	40	12	6318		270	1446	4602			

2. TYPE OF MOTOR-VEHICLE ACCIDENT		Total						On Roadway					
		This Year to Date			Same Period Last Year			This Period to Date			Same Period Last Year		
		All Accidents	Persons Killed	Persons Injured	All Accidents	Persons Killed	Persons Injured	All Accidents	Persons Killed	Persons Injured	All Accidents	Persons Killed	Persons Injured
Non-collision Collision involving:	1. Overturning												
	2. Other noncollision	70	1	46	62		40		1				
	3. Pedestrian	351	17	465	521	6	529		17		7		
	4. MV in transport	8795	17	5020	9339	16	4976		14		16		
	5. MV on other roadway	24		14	69		52						
	6. Parked MV	1269	3	174	1336		150		3				
	7. Railway train												
	8. Pedalcyclist	115	2	110	112		108		2				
	9. Animal	22			23		1						
	10. Fixed object	1207	12	473	1231	6	515						
	11. Other object	30		14	25		13						
	12.	4		2	7		4						
Totals		11888	52	6318	12755	28	6387		37		23		

MANNER OF TWO VEHICLE COLLISION Severity	Manner of Two Motor Vehicle Collision							
	Total	Head-On	Rear-End	Sideswipe—Meeting	Sideswipe—Passing	Angle	Others Not Listed	Not Stated
1. All accidents	10245	809	2407	41	308	330	6219	131
2. Fatal accidents	22	7	1		1		13	
3. Injury accidents	3424	125	877	8	138	90	2147	39

3. CLASS OF TRAFFICWAY	Number of Accidents								Number of Persons			
	Total				On Roadway				Total		On Roadway	
	Total	Fatal	Nonfatal Injury	Property Damage	Total	Fatal	Nonfatal Injury	Property Damage	Killed	Injured	Killed	Inj.
1. Interstate system	17		6	11						7		
2. Other full control access												
3. Other U.S. route numbered	322	8	124	190					9	210		
4. Other state numbered												
5. Other major arterial												
6. County roads												
7. Local streets	11549	41	4115	7393					43	6101		
8. Other trafficways												
9. Not stated												
Totals	11888	49	4245	7594					52	6318		

4. AGE OF CASUALTY	Persons Killed									Persons Injured								
	Total Killed			Pedestrians			Pedalcyclists			Total Injured			Pedestrians			Pedalcyclists		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
1. 0 - 4	1	1								198	116	82	36	26	10	3	2	
2. 5 - 9	2	1	1	2	1	1				241	112	119	67	43	24	16	13	
3. 10 - 14										295	136	159	60	36	24	42	35	
4. 15 - 19	3	1	2							766	337	429	48	26	22	27	24	
5. 20 - 24	8	5	3							995	438	557	45	24	21	13	10	
6. 25 - 34	8	6	2	2		2	1	1		1269	559	710	49	24	25	12	10	
7. 35 - 44	4	3	1							980	470	510	52	28	24	12	10	
8. 45 - 54	10	6	4	7	4	3	1	1		839	415	424	49	23	26	16	13	
9. 55 - 64	3	1	2	1						396	193	203	29	17	12	6	5	
10. 65 - 74	3	1	2	3	1	2				194	86	108	9	5	4			
11. 75 & older	10	1	9	2		2				145	72	73	7	5	2	2	1	
12. Not stated				1	1													
Totals	52	26	26	17	7	10	2	2		6318	2944	3374	451	257	194	149	123	7

5. DIRECTIONAL ANALYSIS

5A. TWO MOTOR VEHICLE INTERSECTION ACCIDENTS	All Accidents	Fatal Accidents	Nonfatal Injury Accidents	Property Damage Accidents
1. Entering at angle	3802	9	1618	2175
2a. From same dir.-both going str.	594		102	492
2b. Same-one turn, one straight				
2c. Same-one stopped	1134		432	702
2d. Same-all others				
3a. From opposite dir.-both going str.	328	1	127	200
3b. Same-one left turn, one straight				
3c. Same-all others				
4. Not stated	298		78	219
Totals	6156	10	2357	3788

5C. PEDESTRIAN ACCIDENTS	All Pedestrian Accidents	Fatal Accidents			Non-Fatal Injury Accidents		
		Total Fatal Accidents	At Intersection Related	Drwy. Access, Non Junction	Total Nonfatal Injury Accidents	At Intersection Related	Drwy. Access, Non Junction
1. Car going str.	297	13	6	7	283	104	179
2. Car turning rt.	57	2	2		55	42	13
3. Car turning lt.	55	1	1		54	46	8
4. Car backing	15				15	5	10
5. All others	24				24	8	16
6. Not stated	2	1		1	1		1
Totals	450	17	9	8	432	205	227

5B, 5C, & 5D. Include on roadway and off roadway accidents except off roadway accidents "At intersection" in 5D.

5B. TWO MOTOR VEHICLE NON-INTERSECTION ACCIDENTS	All Accidents	Fatal Accidents	Nonfatal Injury Accidents	Property Damage Accidents
1. Going opposite dir.-both moving	310		101	209
2. Going same dir.-both moving	851	3	113	735
3a. One car parked				
3b. One car stopped in traffic	1273	1	445	827
4a. One car entering parked position				
4b. One car leaving parked position				
5a. One car entering driveway access				
5b. One car leaving driveway access				
6. All others	1606	5	397	1202
7. Not stated	49		11	38
Totals	4089	9	1067	3011

5D. ALL OTHER ACCIDENTS		All Accidents	Fatal Accidents	Nonfatal Injury Accidents	Property Damage Accidents
At intersection	1. Collision with other road vehicle or railway train	67		64	3
	2. Collision with fixed object	335	2	81	252
	3. Collision with other object or animal	10		3	7
	4. Overturning				
	5. Other noncollision	23		11	12
Not at intersection	6. Collision with other road vehicle or railway train	47	2	43	2
	7. Collision with fixed object	637	7	155	475
	8. Collision with other object or animal	27		1	
	9. Overturning				
	10. Other noncollision	25	1	19	5
11. Not stated					
Totals		1171	12	377	782

6. PEDESTRIAN ACTIONS BY AGE	Pedestrians Killed	Pedestrians Killed and Injured									
		Age									
		Total	0 - 4	5 - 9	10 - 14	15 - 19	20 - 24	25 - 44	45 - 64	65 & older	Not
1a. Crossing at intersection or crosswalk	9	150	4	4	13	13	15	38	50	13	
1b. Crossing not at intersection or crosswalk	6	239	27	54	38	23	21	47	23	6	
2a. Walking in roadway-with traffic											
2b. Same-against traffic											
3. Standing in roadway											
4. Pushing or working on vehicle in roadway											
5. Other working in roadway											
6. Playing in roadway											
7. Other in roadway	1	17			1	3	2	6	3	2	
8. Not in roadway		5				1	1	2	1		
9. Not stated	1	56	5	11	8	8	6	10	8		
Totals	17	467	36	69	60	48	45	103	85	21	

(Excluding drivers of parked cars in proper parking locations)

7. AGE OF DRIVER	All Accidents	Fatal Accidents	Nonfatal Injury Acc.
1. 15 & younger	135		86
2. 16	232	1	94
3. 17	400	2	162
4. 18-19	1236	1	489
5. 20-24	3219	10	1270
6. 25-34	4633	11	1873
7. 35-44	3510	6	1434
8. 45-54	2789	4	1170
9. 55-64	1432	6	577
10. 65-74	669		271
11. 75 & older	498	4	207
12. Not stated	2572	4	474
Totals	21325	49	8107

8. SEX OF DRIVER	All Accidents	Fatal Accidents	Nonfatal Injury
1. Male	11579	46	445
2. Female	7982	17	337
3. Not stated	1764	5	28
Totals	21325	68	810

9. RESIDENCE OF DRIVER	All Accidents	Fatal Accidents	Nonfatal Injury
1. Local resident	18360	65	750
2. Residing elsewhere in state			
3. Non-resident	393	1	11
4. Not stated	2572	2	48
Totals	21325	68	810

(Including parked cars in proper parking locations)

11. TYPE OF MOTOR VEHICLE	All Accidents	Fatal Accidents	Nonfatal Injury Acc.
1. Passenger car	21117	18	7429
2. Passenger car and trailer	72		20
3. Truck or truck tractor	1827		624
4. Truck tractor and semi-trailer	210	1	35
5. Other truck combination			
6. Farm tractor and/or farm equip.	9		2
7. Taxicab			
8. Bus	135	1	57
9. School bus	195	1	63
10. Motorcycle	153	3	112
11. Motor scooter or motor bicycle	4		4
12. Other	11	12	3
13. Not stated		1	22
Totals	23733	37	8349
Special vehicles included above:			
14. Emergency veh. (including privately owned)	39		22
15. Military vehicles			
16. Other publicly owned vehicles			

10. CONTRIBUTING CIRCUMSTANCES	All Accidents	Fatal Accidents	Nonfatal Injury
1. Excessive speed	509	14	19
2. Speed too fast for conditions	802	2	26
3. Failed to yield right of way	3245	5	146
4. Passed stop sign			
5. Disregarded traffic signal	1543	8	74
6. Drove left of center	93		3
7. Improper overtaking	178	1	4
8. Followed too closely	798		31
9. Made improper turn	598	1	14
10. Driver inattention	2019	4	61
11. Had been drinking			
12. Other improper driving			
13. Pedestrian error			
14. Inadequate brakes	158		7
15. Defective tires	60		1
16. Other mechanical defect	68	1	2
17. Road defect	2869	8	98
18. Other—not involving driver error			
19. Not stated			
Totals	12940	44	489

13. LIGHT CONDITION	All Accidents	Fatal Accidents	Nonfatal Injury Acc.
1. Daylight	7607	20	2979
2. Dawn or dusk	428		130
3. Darkness	3674	29	1128
4. Not stated	179		8
Totals	11888	49	4245

12. ROAD SURFACE CONDITION	All Accidents	Fatal Accidents	Nonfatal Injury
1. Dry	8714	39	300
2. Wet	2083	9	
3. Snowy or icy	729		167
4. Other	17		
5. Not stated	345	1	7
Totals	11888	49	424

MEMORANDUM

To: Ald. Terry Witkowski
Community Services (Officer) Staffing Task Force

From: Mark A. Ramion, Legislative Fiscal Analyst

Re: Reemployment after Retirement

March 10, 2006

The following information is in response to a question that arose regarding pension rules that govern reemployment of retired employees and their return to active service.

The specific question that arose was related to the six-month provision and the so-called "waiting period" as a basis for a retired City employee to return to active service.

Assistant City Attorney Ellen Tangen referred to Milwaukee City Charter section 36-03-6-f1, f2 and f3 related to reemployment. This section details the conditions under which a retired City of Milwaukee employee may return to active service and receive retirement and salary compensation.

As a general rule, if a retired employee returns to service before age 57, the employee may keep both his/her pension and membership. If an employee returns to service after age 57, the particular situation must be threaded through Milwaukee City Charter section 36-03-6-f1, f2 and f3 to determine whether pension and membership can be retained in the course of reemployment. Also, the two primary qualifiers in determining pension benefits upon reemployment are the *minimum retirement age* and the *separation period of six months before reemployment*.

Assistant City Attorney Ellen Tangen recommends that a City Attorney's opinion be requested if this task force proposes the reemployment of retired police officers to positions of community service officers in order to address any pension implications.

Ald. Wilbur: Sorry for the delay
Survey Related to Community Services in Milwaukee

1. From your current understanding of the proposed civilian position of Community Service Officer for the city of Milwaukee, please comment on the need for this position in Milwaukee or, the absence of a need.

There seems to be a need to have more police out on active, proactive patrol, as a crime deterrent, ~~is~~ We have heard for years about POs having a high 90%+ obligated time, meaning they are responding to calls and follow up to calls for the great majority of their day. If the CSO can free officers up for more unobligated time, that would meet the public interest

2. From your perspective, what situations and duties would be most appropriate for a civilian public safety officer to respond to and undertake?

traffic direction
crime report taking for minor offenses
front desk at district duties

3. Would the concept of a Community Service Officer work in Milwaukee? Why or why not?

Will MPD be able to work with CSO's?

4. What positive or progressive contributions to public safety do you envision if the position of Community Service Officer is implemented in Milwaukee?

More proactive policing, attention to reported hotspots, and crime reduction

5. What concerns do you have or potential challenges do you envision if the position of Community Service Officer is implemented in Milwaukee?

Will the reduction in "busy" work or mundane tasks for an MPD officer actually produce a more pro-active MPD on patrol, or will it just make their job easier?

6. Do you feel the public would accept the response to a service call from a Community Service Officer rather than Police Officers on certain calls?

~~The~~ The community would respond more favorably to a CSO than the telephone reporting unit, I think on traffic & front desk duty the community would also be supportive

Name: _____
(Optional)

Steve Fendt

Organization: _____
(Optional)

SOC