

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM



Date: January 27, 2010

TO: Andra P. Williams
Captain of Police

CC: Lt. Iris Ziolkowski
Sgt. Paul MacGillis

FR: Ann McCarthy
Police Alarm Operator

RE: Request regarding updating Public Safety Ordinance # 105-75

I am requesting approval to send the attached letter to City Attorney Grant Langley on behalf of the Chief of Police, Edward A Flynn. This letter is asking for assistance from City Attorney Langley's office in reviewing and updating the current Public Safety Ordinance #105-75 relating to burglar alarm policies.

After recent discussions with Paralegal Jean Semeneck of the City Attorney's Office concerning the need to update the above ordinance, I was advised to submit a request for assistance from the City Attorney's office via a letter addressed to City Attorney Grant Langley.

Due to the outdated verbiage in some portions of this ordinance, and the out-of-state citation service issues, the Milwaukee Police Department is stymied in most efforts to enforce ordinance violations, and collect any of the associated fees / fines.

For example, 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.

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 the alarmed site's end user to use their personal security service to fulfill the requirement of a "Private First Responder" to check alarm activation.

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."

Citations written to out-of-state Alarm Businesses are ineffective and dismissed due to improper service. State Statute 801.11(5) governs citation service to out-of-state corporations and requires that out-of-state companies receive personal service of the citation via the local agent. Municipal Ordinance #105-75-3-b-10 re-enforces the requirement of out-of-state companies to continuously maintain in this state a registered office and a registered agent for service of process. These agents are located throughout various areas of Wisconsin with many in the Madison area. The majorities of the Alarm Businesses that violate the Public Safety Ordinance are located outside of the State of Wisconsin. A proposed change to the wording of this ordinance by adding the following sentence may eliminate this problem; ***"If agent cannot be personally served with reasonable diligence, then citation may be sent by certified mail."***

Ordinance #105-75-14-a and #105-75-15-a-b pertain to forfeitures and penalties. The present wording of both of these ordinances states that the alarm user will be required to pay the city a forfeiture of \$50.00 for each false alarm received after the initial 2 false alarms that are allowed within a calendar year. This ordinance needs updating to reflect the ever-increasing fines. The current false alarm rate set by Municipal Court is \$171.00 for the first offense and \$95.24 for each false alarm received thereafter.

Regarding Ordinance #105-75-14-f-g, there is no reference to any fines or forfeitures associated with violating this part of the ordinance requiring a Private First Responder to verify the alarm before the alarm signal is transmitted to the police department. Due to the numerous violations of this ordinance repeatedly by the same companies, an escalating fee schedule similar to the escalating false alarm fee schedule would also work well for this violation to avoid excessive citations passing through the court system.

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 to check their alarms.)

Finally, the current alarm Standard Operating Procedure #280 (attached) does not coincide with the Public Safety Ordinance regarding Verified Response, in particular Ordinance # 105-75-14-g. Verified Response to Burglar Alarms was implemented on September 19, 2004. The ordinance does not address Multiple Trip Alarms or Video Verified Alarms as the SOP does. This inconsistency causes confusion and makes the ordinance difficult to enforce.

On August 1, 2006, a concession was made by the Milwaukee Police Department, (retired Assistant Chief Whiten), to allow alarm companies to call in "Multiple Trip" burglar alarms and "Video Verified" burglar alarms for police response. The alarm SOP was modified to reflect this concession. Alarm companies have taken advantage of this concession and learned over the years that if they use the verbiage "Multiple Trips" when they call in burglar alarms, it will generate a police response.

A record of Multiple Trip Burglar Alarm call statistics recorded since August 2006 to present indicates that a high majority of these alarms are still non-verified false alarms. There is only one Alarm Company that regularly follows the Multiple Trip requirements set forth in the SOP.

Video verification seems to be an increasing trend in the alarm industry and currently there is not an ordinance that addresses video alarm monitoring. If the Public Safety Ordinance were updated to include guidelines and requirements for video monitoring companies and alarmed sites that use video monitoring, the police department could be more effective in holding video monitoring companies accountable for calling the police department on the emergency lines with non-emergency situations, shoplifters, trouble with subjects, etc.

Respectfully submitted,

Ann McCarthy
Police Alarm Operator
Technical Communications Division



Police Department

Edward A. Flynn
Chief of Police

February 12, 2010

Mr. Grant F. Langley, City Attorney
200 East Wells Street - Room 800
Milwaukee, WI 53202

RE: CITY ORDINANCE RELATING TO BURGLAR ALARMS AND ALARM COMPANIES

Dear Attorney Langley:

The Milwaukee Police Department is requesting the assistance of your staff in reviewing and updating City of Milwaukee Public Safety Ordinance #105-75, as it relates to burglar alarms and alarm companies. A copy of the ordinance is attached.

The current wording of this Ordinance is outdated in some areas and stymies the Police Department's efforts to effectively enforce it. It is also difficult to collect any associated fines when violations occur.

If additional information is needed, please feel free to contact Police Alarm Operator Ann McCarthy, of our Technical Communications Division, at 935-7167.

Sincerely,



EDWARD A. FLYNN
CHIEF OF POLICE

Attachment

EAF:am