



# MEMORANDUM

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## LEGISLATIVE REFERENCE BUREAU

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**To:** Ald. Michael J. Murphy  
**From:** Tea Norfolk, Legislative Fiscal Analyst – Lead  
**Date:** April 12, 2019  
**Subject:** Carjacking and Reckless Driving

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The following information was requested from the Legislative Reference Bureau for the City-County Carjacking and Reckless Driving Task Force to consider:

1. The most recent Fire and Police Commission Vehicle Pursuit Report.
2. Wisconsin carjacking and reckless driving statutes, policy changes, and recently-passed related legislation.
3. Data for the last four years on the number of people ticketed/arrested/charged with carjacking and reckless driving offenses in Milwaukee, including juveniles and demographic data.
4. A national survey of the best practices in enforcement, education and traffic engineering solutions to carjacking and reckless driving.
5. Steps MPS has been taking to address these issues, including the funding/operation/results of driver's education programming.
6. The City's expenditures on traffic humps and other traffic-calming engineering responses.

Task Force members have been provided with in-depth information regarding the above-listed matters. For the purpose of this presentation, I will very briefly summarize some of the main points.

### I. FIRE AND POLICE COMMISSION REPORT

Members have been provided with the 2017 Fire & Police Vehicle Pursuit Report. David Gelting is here from the Fire & Police Commission to discuss the report in further detail.

## II. WISCONSIN CARJACKING AND RECKLESS DRIVING STATUTES

In the past year, there have been three pieces of legislation that in some way amended the statutes on carjacking and reckless driving.

### **Carjacking**

#### Wis. 943.23 – Operating vehicle without owner’s consent

This Wisconsin state statute specifies the degree of felony to be assigned to different methods of carjacking, the use of force, operating a vehicle without the owner’s consent, etc.

#### Act 309

Passed on February 24, 2017

This act altered Wisconsin’s legal definition of “serious violent crime” to include carjacking, as well as many other offenses. Under prior law, if a person had one or more convictions for a serious violent crime or a crime punishable by life imprisonment and subsequently committed a serious violent crime, the court was required to impose a bifurcated sentence that included a mandatory minimum period of confinement of three years and six months. Not only does this act expand the definition of serious violent crime to include many other crimes, it also increases the mandatory minimum period of confinement to five years.

The act went into effect on April 18, 2018.

#### Act 311

Passed on February 21, 2017

This act created a new carjacking offense, the crime of intentionally taking by the use of force, or by the threat of the use of force, a vehicle without the consent of the owner, as a Class E felony, punishable by a fine not to exceed \$50,000 or imprisonment not to exceed 15 years, or both. The act also increased the penalty for repeat carjacking offenses, taking a driving a vehicle without the owner’s consent, and driving or operation a vehicle without the owner’s consent.

This act went into effect on April 18, 2018.

#### Act 287

Passed on May 19, 2017

This act increased the felony classification for taking and driving any vehicle without the consent of the owner or driving or operating any vehicle without the consent of the owner if the vehicle is a commercial vehicle. The act also makes stealing property with a

value that exceeds \$100,000 a Class F felony and requires a person who causes damage to a commercial vehicle to pay restitution.

The act went into effect on April 18, 2018.

## **Reckless Driving**

### Wis. 346.62 – Reckless driving

This Wisconsin state statute defines the specific scenarios that qualify as “reckless driving” – all of which are instances of endangering the safety of any person or property by the negligent operation of a vehicle. This statute has not been amended since 1998.

Below is a list of other state statutes that while not specifically called reckless driving, many would consider to be endangering to the public.

### **Charge Description**

346.57(5)	Exceeding Speed Zones/Posted Limits
346.37(1)(c)1	Violate Red Traffic Light
346.46(1)	Fail to Stop at Stop Sign
346.04(2)	Fail to Obey Traffic Officer/Signal
346.63(1)(a)	Operating While Intoxicated
346.57(2)	Unreasonable and Imprudent Speed
346.89(1)	Inattentive Driving
346.63(1)(b)	Operating While Intoxicated - Blood Alcohol Content .1%+
346.675(1)	Vehicle Owner Liability - Hit and Run
346.57(4)(e)	Speeding on City Highway
346.39(1)	Fail to Stop for Flashing Red Signal

### **Summary**

The statutory changes made in the last year were, for the most part, bundled in a series of measures to expand and toughen legal responses to criminal behavior. The definition of “serious violent crime” was expanded, and the felony classification for carjacking crimes was elevated.

### **III. CARJACKING AND RECKLESS DRIVING DATA (including JUVENILE data)**

Data was provided to LRB by the Milwaukee Police Department, Milwaukee County District Attorney’s Office, and Milwaukee Municipal Court for arrests, citations, and charges.

## **Arrests**

The Milwaukee Police Department provided data regarding arrests for carjacking and reckless driving related offenses from 2015 to 2018.

Over that four-year time period, the average number of arrests for “Operating a vehicle without owner’s consent” (s. 943.23 (3), Wis. Stats.) was 538.

- The most common age range for this offense was 17-21

The average number of arrests for other offenses included:

- 365 for “Operating a vehicle without owner’s consent, passenger” (s. 943.23(4m), Wis. Stats.)
- 153 for “Take and drive vehicle without owner’s consent” (s. 943.23(2), Wis. Stats.)
- 42 for “Carjacking” (s. 943.23(2), Wis. Stats.)

The average number of arrests for “Reckless driving” (ss. 346.62(2) to 346.62(4), Wis. Stats.) was 21.

- The most common age range for this offense was 17-21

## **Citations**

The average number of citations over the last two years for “Exceeding the speed zone” (s. 346.57(5), Wis. Stats) was 10,355.

- The most common age range for this offense was 22-26

The average number of citations for other related offenses were:

- 444 for “Unreasonable and imprudent speed” (s. 346.57(2), Wis. Stats.)
- 401 for “Speeding on city highway” (s. 346.57(4)(e), Wis. Stats.)
- 273 for “Reckless driving” (ss. 346.62(2) to 346.62(4), Wis. Stats.)
  - The most common age range for this offense was 17-21

## **Criminal Charges**

The Milwaukee County District Attorney’s office provided data for carjacking and reckless-driving-related offenses within the past four years.

The average number of charges for “Operating without owner’s consent” (s. 943.23(3), Wis. Stats.) was 198.

- The most common age range for this offense was 16 years and younger

The average number of charges for other related offenses were:

- 122 for “Operate vehicle without owner’s consent, passenger” (s. 943.23(4m), Wis. Stats.)
- 116 for “Take and drive vehicle without owner’s consent” (s. 943.23(2), Wis. Stats.)
- 9 for “Carjacking” (s. 943.23(1g), Wis. Stats.)
  - The most common age range for this offense was 17-21

The average number of charges for “Reckless driving, causing bodily harm” (s. 346.62(3), Wis. Stats.) and “Reckless driving, causing great bodily harm” (s. 346.62(4), Wis. Stats.) was 11.

- The most common age range for this offense was 17-21

## **Non-Criminal Charges**

The Milwaukee Municipal Court provided data for carjacking and reckless-driving related offenses within the past four years.

The average number of charges for “Exceeding the speed zone” (s. 346.57(5), Wis. Stats.) was 7,569.

- The most common age range for this offense was 22-26

The average number of charges for other related offenses were:

- 394 for “Unreasonable and imprudent speed” (s. 346.57(2), Wis. Stats.)
- 234 for “Speeding on city highway” (s. 346.57(4)(e), Wis. Stats.)
- 210 for “Reckless driving, endangering safety” (s. 346.62(2), Wis. Stats.)
  - The most common age range for this offense was 17-21

## **IV. NATIONAL SURVEYS**

The Task Force Members have been provided with the Vehicle Crimes Committee Auto Theft Educational Awareness Report by International Association of Chiefs of Police, May 2017. The report recommends some of the following measures for addressing vehicle crimes:

- A good and accurate definition of “vehicle crimes”
- Data collection
- Education and training for law enforcement executives
- Public relations campaigns

Other pertinent national studies related to best practices in enforcement, education, and traffic engineering solutions to carjacking and reckless driving include the following:

1. Safety Study: Reducing Speeding-Related Crashes Involving Passenger Vehicles by National Transportation Safety Board, July 25, 2017.
2. Street Racing: Guide No. 28 by Kenneth J. Peak & Ronald W. Glensor for Arizona State University Center for Problem-Oriented Policing, 2004.
3. Aggressive Driving: Guide No. 61 by Colleen Laing for Arizona State University Center for Problem-Oriented Policing, 2010.
4. Motor Vehicle Theft: A Relationship to Other Crimes by Robert D. Force for International Association of Chiefs of Police, July 19, 2016.

## **V. MILWAUKEE PUBLIC SCHOOLS**

During the 2017-18 school year, 1,813 students received driver’s education through the Milwaukee Public Schools Drivers Education Special Purpose Account (MPS Drive) at 12 locations. Driver education classes were offered at:

- Bradley Tech
- James Madison Academic Campus
- Milwaukee High School of the Arts
- Milwaukee Marshall
- North Division
- Obama School of Career and Technical Education
- Pulaski
- Riverside
- Ronald Reagan
- Rufus King
- South Division
- Washington

The program model allows any MPS high school student between the ages of 15 ½ and 17 ½ to enroll in the program at any location it is offered – enrollment is not restricted to students that attend a particular MPS school during the day.

- Of the 1,813 served in the program, 1,791 (99%) passed the permit test, and 1,657 (91%) have received their temporary permits.
- More than 1,130 students have received their drivers' licenses through MPS Drive since the program pilot in the Spring of 2016.
- The \$50,000 support from the City funded the participation of 161 students.
- In 2018-19, MPS expanded to four more locations to increase program accessibility:
  - Bay View
  - Hamilton
  - Milwaukee School of Languages
  - Vincent
- There is currently a funding gap of \$216,000 for the 2018-19 school year, which extends beyond MPS funds, contributions made by the City of Milwaukee, and private grants received to date.

## **VI. CITY EXPENDITURES ON TRAFFIC CALMING MEASURES**

Kathleen Brengo of the LRB provided information regarding the Department of Public Works installation of speed humps and speed tables as traffic-calming measures.

Pertinent details include the following:

- DPW began installing speed humps in 2007
- From 2007 to 2018, 422 speed humps have been installed
- The trend increased slowly from 2007 to 2015 with a significant increase starting in 2016
- More than 100 speed humps were installed each year in 2017 and 2018
- The majority of speed humps are found in 6 aldermanic districts:
  - 114 in the 6<sup>th</sup> District
  - 60 each in 4<sup>th</sup>, 7<sup>th</sup>, and 15<sup>th</sup> Districts
  - 40 each in the 1<sup>st</sup> and 8<sup>th</sup> Districts
  - Fewer than 5 each in the 3<sup>rd</sup>, 5<sup>th</sup>, and 13<sup>th</sup> Districts
  - None in the 9<sup>th</sup> and 11<sup>th</sup> Districts
  - Speed tables are located in the 4<sup>th</sup>, 9<sup>th</sup>, and 14<sup>th</sup> Districts
- Since 2007, just over \$2 million has been expended on speed hump projects

The Neighborhood Traffic Management Program (NTMP) in the Department of Public Works helps residents deal with traffic safety problems on residential side streets.

- The program allows residents to request a traffic study by filling out an application and collecting signatures from at least 50% of the residents on the impacted block.

- The Traffic Engineering Division conducts the study and then works with residents to determine the best options for addressing traffic concerns.
- There are two phases for addressing issues:
  - Phase 1 includes
    - Signage
    - Pavement markings
    - Temporary placement of digital speed trailers and targeted enforcement
  - Phase 2 includes
    - Physical changes to the roadway
- Aldermanic and property owner approval is required for construction of speed humps or other traffic calming measures.

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