

MILWAUKEE SAFETY COMMISSION

February 17, 2000

Honorable Alderpersons
Milwaukee Common Council/Public Safety committee
200 West Wells Street, Room 205
Milwaukee, Wisconsin 53202

Dear Alderman:

At the February 8, 2000 meeting of the Milwaukee Safety Commission, the commission directed the Chairman to contact the Milwaukee Common Council to draw your attention to the serious concerns of this commission regarding the operational difficulties we have experienced for most of this past year. We have corresponded with, and have had discussion with a representative of the Mayor's office and with the Chief of Police during the past year with unsatisfactory results. We have requested and received a legal opinion from the City Attorney's office, which confirms the ongoing concerns of this commission and the need for new legislation relative to the future of the Milwaukee Safety Commission. We have enclosed copies of the legal opinion, as well as previous correspondence for your reference.

We bring to you today an understanding of our concerns, and a request for a comprehensive legislative directive: therefore we submit the following information in support of our most sincere desire to; **(1) Define our mission, and (2) Request legislation to allow the Commission to fulfill its duty.**

The Milwaukee Safety commission has been carrying out the dictates of Ordinance 320-27 of the Milwaukee Code of Ordinances with assistance of a Safety Director and staff for several decades during its 78 year history with its inception July 25, 1920. It is comprised of an 18 citizen-member board who volunteer their time and dedicate their energies in a commitment to all safety endeavors.

It needs to be stated at the outset that "The number of traffic fatalities in 1999 in the City of Milwaukee was the third lowest since 1922, That number is 30. The record low for Milwaukee was 25 fatalities in 1998." We have carried out our Mission "to achieve a high quality of life in the city through prevention of accidental injury and death, through giving the greatest possible publicity to safety precautions (as designated by the ordinance) and performed our "duty" to "investigate", advise and report to the Mayor, common Council, Police Department and Commissioner of Public Works and other city officials concerning the best methods of providing for the safety and convenience of the public in matters of safety."

As an organizational branch of city government, a set of By-laws is on file adopted by the Commission April 10, 1990. It would seem in order that they are on file in city archives. We bring this into our discussion to establish approved By-law direction to call your attention to ARTICLE III, Duty and Purpose, p.3. Please see section 2 (a) "to develop and/or promote educational programs for the general public, school children, and industrial workers." Section 2(b) speaks of "disseminat(ing) information and materials that will carry out the purpose of the Commission".. Section 2 (c) "to provide and/or support legislation" (all levels).. Section 2 (d) " to foster liaison with local and national organizations" (with similar purposes) Section 2 (e) to inaugurate and implement such other programs and projects "consistent with the purpose of the Commission. And if you would further refer to ARTICLE VII-Committees, Section 3 "A Traffic-Schools committee shall meet regularly to discuss traffic related matters. These may include current accident trends and traffic and school safety issues. The Commission will also make recommendations on the placement of traffic controls and review findings of staff and make recommendations on the placement of school crossing guard protection." As our meetings are recorded for city files and these by-laws have been approved, the conditions and/or duties to fulfill them appear valid.

With this in mind, a bit of historical perspective: In June of 1989 the community activities and staff of the Milwaukee Safety Commission were transferred from the Department of Employee Relations to the Milwaukee Police Department and began the Child and Community Division of the Police Department. Besides the 18 members known as Commissioners appointed by the Mayor, there are also 10 advisory members existing as an entity independent of the Milwaukee Police Department. Today, the position of Safety Director of the Safety Commission has been taken from us and placed under the command of the Milwaukee Police Department as this position appears in their budget. The Safety Director and staff are civilian police department employees and not the Safety Director for the Safety Commission as had been previously. Because of the confusion of the role of the Safety Director as relating to this commission, a meeting with Chief Jones in May of 1999 with a number of commissioners, brought an assurance that though the Milwaukee Safety Commission is autonomous, we could expect a good relationship to continue with the Police Department, allowing us to secure statistical information etc., and provide stationery with Safety Commission letterhead, postage, copying facilities; and freedom to continue to communicate safety issues to the public as to "safety precautions".

It was in April of 1999 that a press conference article credited Terry Witkowski as the Safety Director or the Milwaukee Safety Commission. This mis-statement by the press seemed to ignite a problem for Chief Jones that instigated our need to request this May 1999 meeting. This problem erupted again when Halloween Safety press releases and information were going out to the public. It is our understanding that a press release and letter to the schools from Chairman, Larry Mueller (additionally) caused the Chief to repossess the Milwaukee Safety Commission stationery. This unfortunate occurrence led to the confiscation by police officers under Chief Jones' authority, of all of the stationery

(with letterhead of the Commission identifying the MSC), as well as news release stationery, which was followed by a directive that no materials bearing the Milwaukee Safety Commission name be distributed. This completely silences our voice for safety, handcuffs us from performing our duties as outlined by ordinance; curtailed all of our activities, plans, and strategies for 1999 and now continuing into the year 2000, and eliminated our director, who kept us informed of all aspects of the safety needs of our fellow citizens. Under the guidance of our Director, the Commission became involved in numerous grants, as in 1991 – 1998, a total of \$1,161,036 worth of safety projects and/or programs were carried out, many with the involvement of the Commissioners. And many of these need to be continued, as education, enforcement, and engineering have been a part of the Commission work.

Under our Strategic Plan, the Commission was to determine location of school crossing guard protection. The staff also was charged with carrying out the city's defensive driving course, the public passenger vehicle test (in 1994-1996), enforcing the vision setback ordinance (Public Safety Ordinance 105-73 Sect 4, p.603), administering the school crossing guard program and furnishing school children and industrial workers, official and un-official groups with educational materials including radio and television spots, exhibits for promotion of safety (i.e. the Auto Show), within the resources of the Common Council. No notice was ever given to the MSC as to a functional change by the Milwaukee until the recent flare-up.

We are in receipt of correspondence dated February 7, 2000 RE: THE LEGAL STATUS OF THE MSC vis a vis THE MILWAUKEE POLICE DEPARTMENT (Addendum enclosed). Please refer to page 2, second paragraph, "There appears to be no statute or provision of the Milwaukee City Charter that specifically envisions a Safety Commission or either directs or authorizes its creation. Chapter 16 does authorize other boards and commissions but the Safety Commission is not among them." The Common Council has been given the "power" under State Statute 62.11(5), to "enable" the enactment of section 320.27 of the Milwaukee Code of Ordinances. **In other words, we are unable "to be" and are now critically lacking our director as well as the "tools" –letterhead, etc., to carry out the duties as so laid out in 320.27; the means "to do".**

As of December 24, 1989, Ordinance 312-23 placed community safety and school crossing guard functions under the auspices of the Milwaukee Police Department. Ordinance 312-23 (copy enclosed), shows that the MSC (Safety Commission) only authority or activity is to simply "review", (read over, speak about: having no power to "investigate" or "advise" (offer recommendation) the findings of the (now) staff of the Milwaukee Police Department Safety Division. Our Traffic-Schools committee, which viewed street crossing areas, gap crossing times, and safe and non-safe crossing streets, school bus safety issues etc., under advisement, as well as giving hearing to parents and school officials on concerns around traffic areas around schools made recommendations to our Director, who would follow through reporting to Common council and others involved. The Safety Cadet program and Honor Roll Committee come under this auspices also. Today this jurisdiction is solely upon the Police Department to their discretion only. As the City Attorney states on page 4, "The Safety director (and staff) through which any recommendations made by the Milwaukee Safety Commission need be implemented are under the command of the Chief of Police. In case of conflict may result (as stated), in a situation where the Commission becomes unable to act effectively or to implement any of its recommendations without concurrence of the Chief."

This in effect, strips the Milwaukee Safety Commission (the voice of the citizens and safety professionals, including a Judge and others in Advisory position) from having the right accorded to us via 320-27, to report as we find necessary or to advise to the contrary, or possibly even to eliminate the ability to investigate any given situation where safety needs may not be considered proper, i.e. "the best methods of providing for the safety of."

Regarding those "tools" (resources) enabling us "to do" the duty commissioned to us (p.4), "The City Attorney states that the Chief is under no obligation to devote resources of the Milwaukee Police department to the support of the Milwaukee Safety Commission."

Please continue to page 5.....

THE MILWAUKEE SAFETY COMMISSION OFFERS THIS PROPOSED
RESOLUTION.

THEREFORE BE IT RESOLVED, that the Public Safety Committee support the request of a Charter Ordinance allowing the Milwaukee Safety Commission to become established as an entity secured in the government of the City of Milwaukee;

and

BE IT RESOLVED, that action be taken to replace the now vacant position of Safety Director (with his/her support staff) capable of crossing department barriers and able to network and collaborate with such as the Department of Public Works, Fire Department, Health department, County and State officials, etc., and other safety organizations professional and non-professional, as has previously been done, enabling the Safety Commission to continue its valuable services to the community it represents without restrictions, reporting to the Mayor, Common Council and other designated officials,

and

BE IT RESOLVED, to be given the governance provided the Commission to “investigate, advise, and report” (make recommendation), via the Traffic-Schools Committee (of MSC) of the placement of School Crossing Guards, based upon Milwaukee Police Department findings i.e. in Ordinance 312-23(1) to insert, after the word “commission”, the words, “as an oversite committee and obtain their recommendation for report to the” before the words “Common council”,

And

BE IT RESOLVED, in 312-23(3), to add, at the end of the paragraph, after the word, "Council", "in conjunction with the Milwaukee Safety Commission" (with the name of the Safety Commission to be printed or designated on said materials),

And

BE IT RESOLVED, to secure a means to replace the resources taken from the Milwaukee Safety Commission, i.e. line item in the Police Department Budget, or possibly in the Mayor's administrative budget allowing the Commission to be visible and viable to enable to comply with ordinance 320-27, to report via stationery identifying the Milwaukee Safety Commission and naming the Mayor, department Head, and Safety Director as appropriate for credibility, and to include such resources as had been previously in the commission employ, such as: postage, stationery, copy machine, fax abilities, computer equipment, grant writing access, and video development and the staff to carry out the mission utilizing said resources;

And

BE IT FURTHER RESOLVED, to enable the Milwaukee Safety Commission, through ordinance or amendment (or however appropriate), to be able to compile press releases, mailings and other forms of publicity and put them forth with freedom of under the governance of the Mayor's office in the name of the Milwaukee Safety Commission, possibly in conjunction with others such as MPD; DPW; Milwaukee Health Dept., Milwaukee Fire department, Traffic Engineers, and state and possibly national organizations, i.e. National Highway Traffic Safety Administration (NHTSA).

And

BE IT FURTHER RESOLVED, to so state, wherever appropriate, To enable the Milwaukee Safety Commission to have the continuance of power to make recommendations relative to any legislative positions; proposed, pending or passing; and that of any formulated by the Commission to be directed to the legislative liaison of the Common council for appropriate consideration, as previously allowed,

And

BE IT RESOLVED, that these concerns, issues of public safety for all citizens, and public officials, as it effects the welfare and quality of life in the City of Milwaukee be considered with due respect by the Public safety Committee of the Milwaukee Common council in a timely fashion, for the best "safety precautions".

And, if it pleases the Public safety committee, and the Common Council,

BE IT FURTHER RESOLVED, that the Milwaukee Safety Commission urges that our Requests, i.e. "Safety Director" and "staff" etc., be pulled out from Police Department ordinance and be placed back under specific ordinances with a **civilian** Safety Director and **civilian** staff, better able to augment "**broad-based safety precautions**" over-all for the citizens in the city of Milwaukee. Budgetary considerations to commensurate.

**IN CONCLUSION We are not chartered "TO BE"; yet "ENABLED" to do....
Enabled "TO DO"; but not having "BE-ING"**

**Having no "TOOLS" "TO DO" with,
We are not ... We cannotbe**

The Milwaukee Safety Commission, as we have been.

With our sincere appreciation for your patient consideration, the Milwaukee Safety
commission Thanks You, dated Thursday, February 17, 2000.

The members of the Milwaukee Safety Commission

Commissioners: Lawrence Mueller, Chairman
 Agnes Stearns, Vice Chairman
 Frederick Woods, Secretary
 Antonio Arredondo
 Raymond Barth
 Philip Blank
 Ann Chapman
 Eugene Danbeck
 LaVerne Hermann
 Ernest Lucci
 Dale Radke
 Sandra L. Schultz
 Maxine Webb