

**CHAPTER 312
POLICE DEPARTMENT**

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312-01. Police Chief; Term of Office. The term of office for the chief of police shall be 4 years.

312-03. Duties of Chief of Police. 1. TO ENFORCE THE LAW. The several policemen appointed in said city shall be in subordination to and under the control and direction of the chief of police. It shall be the duty of the chief of police to cause the public peace to be preserved and to see that all the laws and ordinances of the city are enforced, and whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. He shall cause to be made and keep a record of his proceedings which he may deem necessary. He shall be responsible for the efficiency and general good conduct of the department.

2. TO ESTABLISH WORK SHIFTS AND HOLIDAY SCHEDULES. The chief of police shall assign to each police officer work shifts of 8 consecutive hours which in the aggregate result in an average work week of 40 hours. The chief shall assign every officer 12 days off with pay in lieu of holidays per fiscal year, one 8-hour period of which shall be designated by the chief to commemorate Dr. Martin Luther King Jr.'s birthday.

3. Such work days off in lieu of holidays shall be included in computing the aforesaid average work week of 40 hours.

4. The scheduling of work shift assignments and work days off in lieu of holidays shall be controlled by the chief of police.

312-05. Not to Accept Gifts. No policeman shall accept or receive from any person while in custody, or after such person shall have been discharged, or from any such person's friends, any gratuity, reward or gift, directly or indirectly, or any article or things as compensation for damages sustained in the discharge of his duty, without a written permission from the chief of police.

312-07. Information to Outsiders. No member of the police force shall communicate to any person any information which may enable persons to escape from arrest or punishment, or enable them to dispose of or secret any goods or other valuable thing stolen or embezzled.

312-09. Information Respecting Orders. No member of the police force shall communicate, except to such persons as directed by the chief of police any information respecting any orders he may have received or any regulations that may be made for the government of the department.

312-11. Leave of Absence; Political Activity. No member of the police department shall be absent from duty or leave the city without the permission of the chief of police, nor shall any member of the police department be engaged in political activity except when off duty and not in uniform.

312-13. Auxiliary Police Service. 1. ESTABLISHED. An auxiliary police service is established to be a volunteer organization, the members thereof to be appointed by the chief of police and who shall serve without pay or remuneration for their services, to be composed of not to exceed 5,000 members, separate and distinct from the regular police department of the city. The auxiliary police shall not be deemed special police within the meaning of s. 3-01 of the city charter, and nothing contained in such section shall be applicable to the auxiliary police.

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2. CHIEF OF POLICE TO HAVE COMMAND. The chief of police shall have the authority to command, train, control and supervise the auxiliary police.

3. ELIGIBILITY AND APPOINTMENT. No person shall be eligible for or deemed a member of the auxiliary police until such person has been appointed and registered as such and that person's name enrolled upon a register of members to be kept by the chief of police. No person shall become a member of the auxiliary police who is not a citizen of the United States and until such person has taken an oath subscribed to in writing to observe and obey the constitution of the United States, the laws of the state of Wisconsin, and the ordinances of the city of Milwaukee. Such oath shall further provide that such members will carry out the duties of a member of the auxiliary police service as prescribed by the chief of police of this city to the best of such member's ability. No person shall become a member of the auxiliary police who is not at least 18 years of age, with a maximum age to be determined at the discretion of the chief of police. Recruitment of said auxiliary police is to be accomplished through press releases to a news media when recruits are needed.

4. DUTIES OF MEMBERS. The duties of each member shall be to carry out the commands and directions of the chief of police and to assist the regular members of the police department of this city in the enforcement of law and the maintenance of peace and order during a period of extreme emergency arising from the imminence of or the existence of a war or major natural disaster. The chief of police may by written order establish rules and regulations to govern the training and use of the auxiliary service, to fix the specific duties of each of its members and to provide for the maintenance of discipline. The chief of police may change such orders from time to time as the needs of the auxiliary police service require, according to the chief of police's judgment. The chief of police may command members of the auxiliary police to follow the instructions or orders of the regular police officers in carrying out their duties. The chief of police may prescribe additional duties other than those enumerated herein to be performed by the auxiliary police service.

5. IDENTIFICATION. An identification card and such other insignia of evidence of identity as the chief of police may prescribe shall be issued to each member who shall carry the card and display such other evidence of identification at all times while serving as a volunteer auxiliary policeman. Such member shall surrender such card, insignia or evidence of identification upon termination of his membership.

5.5. WORKER'S COMPENSATION BENEFITS. Members of the auxiliary police service shall be provided worker's compensation benefits as set forth in s. 350-237.

6. TERMINATION OF MEMBERSHIP. The membership of any volunteer auxiliary policeman may be terminated by the chief of police at any time where the interests of the organization require such action. The decision of the chief of police as to such termination shall be final. Any member may resign from the auxiliary police service at any time by notifying the chief of police of such resignation in writing.

7. CARRYING OF WEAPONS PROHIBITED. No volunteer auxiliary police personnel shall, while on duty or in any training exercise, carry or use any weapon, except as authorized by the chief of police.

8. POWERS OF ENTRY ON PRIVATE PROPERTY RESTRICTED. No member of the auxiliary police service shall break into or otherwise forcibly enter upon any private property or enter the dwelling or habitation of another without the consent of the owner or occupant except when immediately accompanied by a regular member of the police force of this city who then and there requests the aid of such auxiliary police member to aid him in the enforcement of the law.

9. MEMBERSHIP MAY BE LIMITED. The chief of police may by order diminish or expand the membership of the auxiliary police service as the needs of the police service require within the limit hereinbefore established.

10. FALSE IMPERSONATION. Any person not being a member, who wears, carries or displays an auxiliary police service identification card or insignia or otherwise falsely represents himself or herself to be a member of the volunteer auxiliary police service shall, upon conviction thereof, forfeit a sum not to exceed \$200, and in default of payment be imprisoned not to exceed 30 days.

11. The auxiliary police service shall terminate and cease to exist upon repeal of this section of the code by the common council.

312-14. Citywide Block Watch Council.

1. ESTABLISHMENT. There is created a citywide block watch council to provide crime prevention information and assistance to neighborhood block watches throughout the city of Milwaukee.

2. COMPOSITION. The council shall be composed of the 7 police district block watch council chairpersons chosen by each district block watch council.

3. RESPONSIBILITIES AND DUTIES.

a. The council shall coordinate the activities of the district block watch councils by maintaining communication and collaboration among members of law enforcement.

b. The duties of the council include, but are not limited to the following:

b-1. Voting on all issues that directly affect the citywide block watch program.

b-2. Implementing directives, suggestions, instructions and guidance from the Milwaukee police department.

b-3. Providing squad area block watch representatives within each police district with crime prevention materials and training opportunities.

b-4. Initiating, planning and assisting the community service division of the police department with meetings, conferences, reports and training needs.

312-15. Registers of Policemen and Arrests; Reports to Council.

The chief of police shall keep in his office an official department record in which shall be entered the name of each policeman, his number and his place of residence, specifying the ward and street and the time of any removal from office or the occurring of a vacancy. He shall also keep in his office an official department record in which shall be entered the true name, if known, and if not known, a name under an alias, of every person arrested by any policeman, with the date of arrest, with such other facts as he may deem proper and necessary, and report to the common council at the end of each month the number of arrests made during such month, with the causes of arrest, and he shall also give such other information as the common council may from time to time require.

312-16. Collection of Traffic Stop Data.

1. REQUIREMENT. The police department shall collect data on the races of all occupants of motor vehicles stopped by the department, analyze the data and use the results to inform department management.

2. INFORMATION TO BE COLLECTED. To meet the intent of sub. 1, the police department shall collect the following information for each traffic stop:

a. The motor vehicle operator's home zip code, age, gender and race or ethnicity.

b. The number of occupants in the stopped vehicle and whether any occupant other than the operator is a member of a racial or ethnic minority.

c. Whether the operator or any other occupant of the motor vehicle was searched and, if so, the race or ethnicity of each person searched.

3. REPORT. The department shall provide a written report of the results of its analysis of traffic stop data to the common council each February.

312-17. Inspection of Records. The mayor, the district attorney of Milwaukee county, the city attorney and the committee on judiciary-legislation of the common council or any of them are authorized to inspect at all times any or all the books directed to be kept by the chief of police; but no person not herein named shall be permitted to examine any of said books without permission in writing from the mayor or chief of police, except that policeman may be allowed to examine the book in which shall be entered the statement of the offenses committed and of suspicious persons and places.

312-19. Badge of Office; Uniform. 1. BADGE TO BE WORN. The chief of police and policemen when on duty shall wear the badge or insignia of their office on the outside of the outermost garment over the left breast, conspicuously displaying the same so that the entire surface thereof may be seen except when caution may dictate that the same shall not be exposed.

2. UNIFORM REQUIRED. Every member of the police force of the city, except the chief of police and detectives, shall on all occasions, when on duty, unless otherwise directed by the chief of police, wear such badge or insignia and also a uniform, to be made of

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such material and trimmed in such manner and style as may be prescribed by the chief of police.

3. NAME TAG. Every uniformed member of the police force of the city shall on all occasions when on duty wear on the breast of his or her outer garment a name tag containing the last name of the member. This name tag will be conspicuously displayed at all times when the member is on duty.

312-21. Copies of Police Records and Record Searches.

The police department shall make certain reports and photocopying services available to the public on a user fee basis. See s. 81-38.5 for the fees therefor.

312-23. Community Safety. The police department shall:

1. Furnish school children, employers, and official and nonofficial groups with educational materials such as publications, social media, videos, radio and television announcements, and exhibits for the promotion of safety within the financial resources established by the common council.

2. Be responsible for seeing that the defensive driving course is conducted in accordance with the program guidelines adopted by common council resolution.

312-25. School Crossing Guards. 1. DUTIES.

School crossing guards, assigned to serve as crossing guards, are authorized to direct and assist school children, other pedestrians and vehicular traffic at school crossings at times when public and private schools are in session.

2. UNIFORMS. All school crossing guards, serving as crossing guards, shall be provided with a uniform and badge as prescribed by the chief of police and which must be worn while on duty.

3. TRAINING. Training and supervision shall be provided by the police department.

312-26. Agreements for Additional Law Enforcement Services.

1. AGREEMENTS. The police department may enter into agreements for up to one year and not exceeding \$50,000, for additional law enforcement services with entities that have been approved by the police chief and meet the criteria specified in sub. 2.

2. CRITERIA. a. The entity entering into an agreement with the police department for additional police services must receive the approval of the police chief for the nature and amount of police services to be funded by the agreement and meet all of the following criteria:

a-1. The entity is a tax-exempt public or quasi-public entity.

a-2. The entity owns or operates a large public venue open to the public.

a-3. The operations of the entity occasion the need for additional police services in areas adjacent to a public venue that the entity owns or operates.

b. In lieu of the criteria specified in par. a, agreements may also be entered into with entities that meet one of the following criteria:

b-1. The entity owns or operates facilities that present unique security needs occasioning the need for additional police services.

b-2. The entity is an alcohol beverage establishment licensed by the city and seeks to enhance public safety.

b-3. The entity is a 501(c) (3) corporation seeking to enhance public safety through a community crime intervention initiative.

c. Officers shall be assigned to alcohol beverage establishments pursuant to par. b-2 on a voluntary basis.

3. COMMON COUNCIL APPROVAL. Agreements for additional law enforcement services, exceeding \$50,000, that have been approved by the police chief and that meet the criteria specified in sub. 2, must be reviewed and approved by the common council prior to execution.

4. REPORTING. Prior to April 1 of each year, the police department shall submit to the common council a report of all agreements for additional law enforcement services the police department entered into during the prior calendar year.

**LEGISLATIVE HISTORY
CHAPTER 312**

Abbreviations:
am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 312	cr	881930	3/7/89	3/25/89
312-01	am	890133	5/16/89	6/3/89
312-01	am	010871	11/6/2001	11/22/2001
312-13-3	am	010905	11/27/2001	12/14/2001
312-13-5.5	am	912458	5/26/92	6/12/92
312-13-7	am	090222	7/7/2009	7/24/2009
312-14	rc	060528	2/6/2007	2/23/2007
312-14-3	rp	070109	5/8/2007	5/25/2007
312-14-4	rn to	070109	5/8/2007	5/25/2007
	312-14-3			
312-16	cr	140760	10/14/2014	10/31/2014
312-23	cr	891615	12/19/89	1/13/90
312-23-1	am	010854	12/17/2001	1/1/2002
312-23-1	am	040788	2/1/2005	2/18/2005
312-23-1	rp	161349	4/18/2017	5/5/2017
312-23-1	rc	170196	5/31/2017	6/17/2017
312-23-2	rp	161349	4/18/2017	5/5/2017
312-23-3	rm to	161349	4/18/2017	5/5/2017
	312-23-1			
312-23-4	rm to	161349	4/18/2017	5/5/2017
	312-23-2			
312-25	rn from:	891615	12/19/89	1/13/90
	340-25			
312-25-1	am	010854	12/17/2001	1/1/2002
312-25-2	am	010854	12/17/2001	1/1/2002
312-26	cr	131016	11/26/2013	12/17/2013

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