

1999 DRAFTING REQUEST

Bill

Received: 01/11/99

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Dan Schooff (608) 266-9967**

By/Representing: **Zach**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Battery against citizens volunteering in certain police assistance programs

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 03/5/99	jgeller 03/8/99	ismith 03/8/99	_____	lrb_docadmin 03/8/99	lrb_docadmin 04/5/99	

FE Sent For:

Not Needed

<END>

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FE Sent For:

<END>

**BELOIT PUBLIC SAFETY AND CRIME
PREVENTION COUNCIL**

1699

P.O. BOX 1144
BELOIT, WI 53512
(608) 365-6215

TO: Mr. Dan Schoof, State Representative, 45th Assembly District

FROM: Dave Reid, Secretary, Beloit Public Safety and Crime Prevention Council

DATE: December 15, 1998

SUBJECT: PROPOSED LEGISLATION FOR INCREASED PROTECTION OF VOLUNTEER CITIZEN PARTICIPANTS IN THE COPS PROGRAM AND POLICE RESERVES

Beloit Chief of Police Richard Thomas and Beloit City Manager Jane Wood brought the Beloit Public Safety and Crime Prevention Council (the Council) into being in July 1998. The Council is now under citizen control with its own leadership.

Of the several programs of the Council's several committees, the most proactive is the COPS program, Citizens On Patrol. COPS are volunteer citizens, using their own vehicles and fuel to serve only as eyes and ears of the Beloit Police. They do not place themselves in harm's way to deter crime. These citizens are non-confrontational and have received training to recognize criminal activity and to report it to the Dispatcher. They are also committed to testifying in court should they be asked to do so by the District Attorney regarding any incident they see and report. They are not sworn officers and carry no weapons. They do not have the ability to detain or arrest. In other words, they are not the strong arm of the law, simply more eyes and ears on the streets assisting the Police. They are supervised and work in assigned areas for assigned periods of time.

Participants for the COPS program come from graduates of the Citizens Police Academy. The Academy program is an informational, not training, program designed to acquaint citizens with all facets of police work and procedures. The Academy program is 40 hours long, taking place in twelve, three-hour sessions, once a week. The COPS curriculum is embedded in the Academy curriculum so that graduates who wish to participate in the COPS program are already equipped at graduation time. There is practical application at the end of the Academy program by sworn police officers designed to give eight additional hours of hands-on experience before going out on patrol. The present class will graduate Wednesday night, December 16, 1998. Those in the COPS program will patrol only in their own neighborhoods and under the supervision of one of the four Neighborhood Resource

Officers (NROs) in one of four neighborhoods: Merrill, Hackett, Northeast Side, and, possibly, Poole Court.

COPS participants, as well as police reserves, do not come under the Wisconsin state statute covering battery, namely, section 940.20. This section deals with battery under special circumstances and provides definitions of the terms "public officers" and "law enforcement officers." The aggravated penalties available under 940.20 would not be available to either police reserves or COPS participants. These two groups, if a physical assault occurred, would involve the same charge that would apply if any other citizen were assaulted. We are not aware of any special status in the statutes that would lead to aggravated penalties for assaulting a police reserves or volunteer Citizens on Patrol. There is at least one circumstance in which a police reserve or Citizen On Patrol would be covered under the provisions of 940.20 and that is in sub-section (3):

BATTERY TO WITNESSES AND JURORS. "Whoever intentionally causes bodily harm to a person who he or she knows or has reason to know is or was a witness as defined in s. 940.41 (3) or a grand or petit juror, and by reason of the person having attended or testified as a witness or by reason of any verdict or indictment assented to by the person, without the consent of the person injured, is guilty of a Class D felony."

Pro-active volunteer citizens is a relatively recent phenomenon. Over the past ten or twenty years, citizens have been losing their fear of retribution and apathy and have been coming forth to work with the police and other agencies. Crime rates are down due to citizens forming neighborhood watch programs, joining Crimestoppers and attending Citizen Police Academies. I rather imagine that citizen groups up to now have not constituted a force large enough to have battery statutes directed at them. I believe, however, the time has come in Wisconsin to seek consideration for this group.

It is my opinion that a physical assault upon a police reservist or a citizen volunteer in the COPS program, assaulted through no provocation of their own while on duty, should come under the provisions of section 940.21: Battery: Special Circumstances, and should be a Class D felony.

84.30(3)(j)1.

1. Signs erected by the **Crime Stoppers**, the nationwide organization affiliated with local police departments, on or before October 14, 1997, without regard to whether the department has issued a license for the sign. The department may not remove a sign authorized under this paragraph unless the sign does not conform to federal requirements. The requirements under s. 86.19 do not apply to signs described in this subdivision.

59.54(17)(a)

(a) *Safety and patrol*. The board may appropriate money to citizens' safety committees or to county safety commissions or councils for highway safety and patrol.

59.54(10)

(10) Neighborhood watch sign approval. The board may approve the placement, by a town board, of a **neighborhood watch** sign under s. 60.23 (17m) within the right-of-way of a county trunk highway.

60.23(17m)

(17m) Neighborhood watch program and signs. Authorize a **neighborhood watch** program. The town board may place within the right-of-way of a street or highway under the jurisdiction of the town a **neighborhood watch** sign of a uniform design approved by the department of transportation. If the town board obtains the approval of the county board, the town board may place a sign under this subsection within the right-of-way of a county trunk highway within the limits of the town. No sign under this subsection may be placed within the right-of-way of a highway designated as part of the national system of interstate and defense highways.

66.046 Street barriers; **neighborhood watch** signs.

66.046

66.046 Street barriers; neighborhood watch signs.

66.046(2)

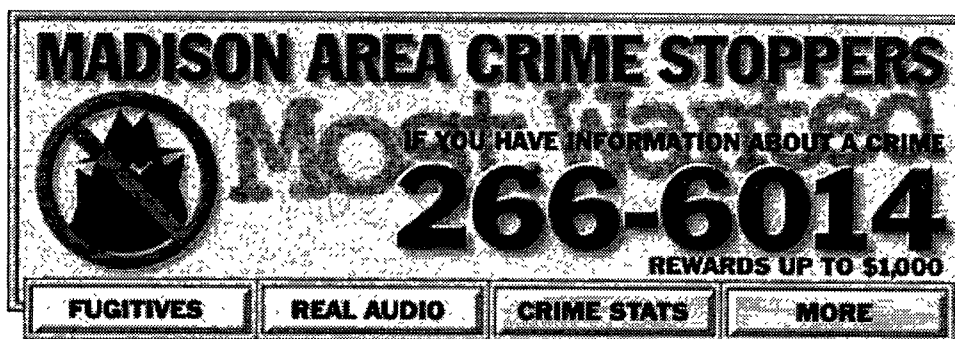
(2) A city or village which has a **neighborhood watch** program authorized by the law enforcement agency of the city or village and in which the residents of the city or village participate may, in a manner approved by the city council or village board, place within the right-of-way of a street or highway within its limits a **neighborhood watch** sign of a uniform design approved by the department of transportation. No sign under this subsection may be placed within the right-of-way of a highway designated as part of the national system of interstate and defense highways.

301.46(4)(a)11.

11. A **neighborhood watch** program authorized under s. 60.23 (17m) or by the law enforcement agency of a city or village.

346.42

346.42 Interference with signs and signals prohibited. No person may intentionally damage, deface, move, or obstruct an official traffic sign or signal or **neighborhood watch** sign under s. 60.23 (17m) or 66.046 (2) or intentionally interfere with the effective operation of such sign or signal.



[Fugitives](#) | [Real Audio](#) | [Crime Stats](#) | [More](#)

WHAT IS MADISON AREA CRIME STOPPERS

Madison Area Crime Stoppers is a non-profit organization run solely by an all volunteer citizen board. The goal of Crime Stoppers is to combine the efforts of the police , citizens, and media in our community's fight against crime. Crime Stoppers encourages people to call in -- anonymously -- and give police information on crime in exchange for a reward up to \$1000. All money utilized by Crime Stoppers (e.g, rewards , business expenses) is raised through fund raising projects like the Penny Per Gallon campaign over the Memorial Day weekend.

The Board wishes to serve the entire Madison area. The police coordinator's position , currently held by Police Officer Mark Zwart, is funded by the Madison Police Department. The Stoughton and Fitchburg Police Departments assist by taking calls to Crime Stoppers when the coordinator is off-duty.

WHO QUALIFIES FOR A CRIME STOPPERS REWARD

Those individuals who choose to relay information through Crime Stoppers are eligible for a reward. Only if the information goes through Crime Stoppers can a person be considered for a reward. Unfortunately, because of limited funding, Crime Stoppers cannot be used simply as a citizen reward system.

HOW DOES CRIME STOPPERS WORK

When somebody has information about a crime, he or she can call 266-6014. The caller provides the call taker with information about a crime and is then issued a code number. This is so the caller can remain anonymous if he or she chooses. Calls to Crime Stoppers are not traced and Crime Stoppers does not have Caller ID. It is critical to the success of Crime Stoppers that if informants want to be anonymous, that all precautions are taken to assure their identity is not known. By issuing a caller code number, Crime Stoppers is still able to provide money to the person if the information leads to an arrest or recovery of illegal items.

At times, information about a crime needs to go directly to the police (e.g., following a wanted person or crime in progress). In these cases, as soon as possible after contacting the local police, Crime Stoppers should be contacted so a code number can be issued.

If the information leads to an arrest, the police coordinator prepares a written summary of the incident and details how the Crime Stoppers informant assisted. This information is presented to the Board the third Wednesday of each month. By using a set criteria which allows for some discretion, the Board votes on an appropriate reward amount. In 1996, Crime Stoppers paid out \$11,150 in rewards. The average reward amount was nearly \$140. In 1997, Crime Stoppers paid out a total of \$14,550 in reward money. This averages to nearly \$160 per reward.

After a reward amount has been determined, the informant re-contacts the police coordinator and is told how to collect his or her money. Currently, the informant goes to a downtown Madison business and identifies himself or herself to an employee of the business by the code number only. This person working with Crime Stoppers then issues the informant the cash reward. Other means of paying an informant have been arranged at the request of the informant.

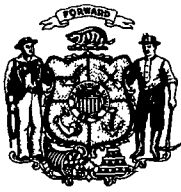
CRIME STOPPERS AND THE MEDIA

Crime Stoppers could not get its message out into the community without cooperation from the local media. For instance, this home page is courtesy of Madison Newspapers Inc. For several years , television viewers have watched weekly reenactments which were produced by WKOW Channel 27 and then distributed to other stations for play as Public Service Announcements. Currently, TCI Cable Channel 15 plays Madison's Most Wanted several times daily and features wanted people and local crime information. Abella Audio Productions does all the production work and distribution of featured unsolved crimes for airing on Madison area radio stations. Such strong support by the local media has a direct impact on our community's fight against crime.

The page has been visited **008767** Times

[Return](http://www.madison.com) to madison.com

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1699/1

JEO: a:....

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JLg

1999 BILL

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1 AN ACT ...; relating to: battery to a member of a citizen crime prevention
2 organization and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who intentionally causes bodily harm to another without the other person's consent commits the crime of ordinary battery. A person convicted of ordinary battery may be fined not more than \$10,000 or imprisoned for not more than nine months or both. Current law also provides higher penalties for committing battery to certain persons, such as a law enforcement officer, fire fighter, witness, juror or probation, parole or extended supervision agent.

This bill creates a new crime of battery for intentionally causing bodily harm to a member of a citizen crime prevention organization without the victim's consent. To be convicted of this new crime of battery, the person must have known or had reason to know at the time of the battery that the victim was a member of a citizen crime prevention organization. Also, the battery must have been committed in response to an action taken by the victim as a member of the citizen crime prevention organization or the victim had to be acting as a member of the citizen crime prevention organization at the time of the battery.

A person who is convicted of the crime of battery created by the bill may be fined not more than \$10,000 or imprisoned for not more than five years or both, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or

BILL

imprisoned for not more than ten[✓] years or both, if the offense occurs on or after December 31, 1999.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 940.20 (8)[✓] of the statutes is created to read:

2 940.20 (8)[✓] BATTERY TO MEMBER OF A CITIZEN CRIME PREVENTION ORGANIZATION. (a)

3 In this subsection, "citizen crime prevention organization"[✓] means an organization

4 that is authorized or recognized by or affiliated with a law enforcement agency and

5 that is made up of citizens from a community or neighborhood who, on a volunteer

6 basis, report suspected crimes in the community or neighborhood, provide

7 information about crimes in the community or neighborhood or otherwise assist law

8 enforcement officers in preventing and detecting crime in the community or

9 neighborhood. "Citizen crime prevention organization" includes a neighborhood

10 watch program authorized under s. 60.23 (17m)[✓] or by the law enforcement agency

11 of a city or village, a Crime Stoppers organization and a Citizens on Patrol program.

12 (b) Whoever intentionally causes bodily harm to a member of a citizen crime

13 prevention organization by an act done without the consent of the person harmed is

14 guilty of a Class D[✓] felony if the actor knows or has reason to know at the time of the

15 act that the person harmed is a member of a citizen crime prevention organization

16 and either the act is in response to an action taken by the victim in his or her capacity

17 as a member of the citizen crime prevention organization or the person harmed is

18 acting in his or her capacity as a member of the citizen crime prevention organization

19 at the time of the act.

20 **SECTION 2. Initial applicability.**

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1699/1dn

JEO:.....

↑
JEO

Please review this draft carefully to make sure that it does what you want it to do. In particular, please review the definition of "citizen crime prevention organization" to make sure that it covers the groups you intend to cover.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1699/1dn
JEO:jl:g:ijs

March 8, 1999

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Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

**SUBMITTAL
- FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 3/8/99

To: Representative Schooff

Relating to LRB drafting number: LRB-1699

Topic

Battery against citizens volunteering in certain police assistance programs

Subject(s)

Criminal Law - miscellaneous

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906