



**FINAL NARRATIVE REPORT  
OLEA GRANT 063  
(GOVERNOR'S PLANNING COMMITTEE)**

July 1, 1968

**GOVERNOR'S COMMISSION ON LAW ENFORCEMENT AND CRIME  
MADISON, WISCONSIN**

**Bruce F. Beilfuss  
Chairman**

NCJ001220

FINAL NARRATIVE REPORT  
OLEA GRANT 063  
(GOVERNOR'S PLANNING COMMITTEE)

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Approved. Bruce F. Beilfuss  
Bruce F. Beilfuss, Chairman

Clark E. Lovrien  
Clark E. Lovrien, Executive Director

July 1, 1968

GOVERNOR'S COMMISSION ON LAW ENFORCEMENT AND CRIME  
MADISON, WISCONSIN

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ON LAW ENFORCEMENT AND CRIME

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MEMBERSHIP OF THE  
GOVERNOR'S COMMISSION ON LAW ENFORCEMENT AND CRIME

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Wisconsin Supreme Court  
Madison, Wisconsin  
(Commission Chairman)

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Waukesha County Sheriff  
Waukesha, Wisconsin

John G. Baker, Secretary  
Wisconsin Correctional Service  
Milwaukee, Wisconsin

Howard G. Bjorklund  
Chief of Police  
Beloit, Wisconsin

Judge Gerald J. Boileau  
16th Circuit Court  
Wausau, Wisconsin

Harold A. Breier  
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Francis R. Croak  
Attorney at Law  
Milwaukee, Wisconsin  
(Director, Criminal Law Section  
Wisconsin Bar Association)

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Mauston, Wisconsin  
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Racine, Wisconsin

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Professor of Criminal Justice  
University of Wisconsin  
Madison, Wisconsin

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Wisconsin Board of Vocational,  
Technical and Adult Education  
Madison, Wisconsin

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Milwaukee, Wisconsin

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Medford, Wisconsin

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Division of Corrections  
Department of Health and  
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University of Wisconsin  
Madison, Wisconsin

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Legal Counsel  
Governor's Staff  
Madison, Wisconsin

Wesley L. Scott  
Executive Director  
Urban League of Milwaukee  
Milwaukee, Wisconsin

Judge Herbert J. Steffes  
2nd Circuit Court  
Milwaukee, Wisconsin

Judge Albert L. Twesme  
Trempealeau County Judge  
Whitehall, Wisconsin

Lewis V. Versnik  
Director, Enforcement Bureau  
Division of Motor Vehicles  
Department of Transportation  
Madison, Wisconsin

Senator Robert W. Warren  
Member of the State Senate  
Green Bay, Wisconsin

Jasper A. Webb  
Chief of Police (Retired)  
Janesville, Wisconsin

Charles M. Wilson, Administrator  
Wisconsin Department of Justice  
Crime Laboratory Division  
Madison, Wisconsin

Michael S. Wolke  
Former Sheriff  
Milwaukee County  
Milwaukee, Wisconsin

Arvin R. Ziehlsdorff  
Chief of Police  
Eau Claire, Wisconsin

Clark E. Lovrien  
Executive Director  
Madison, Wisconsin

## HISTORY OF THE COMMISSION

The creation of the Wisconsin Governor's Commission on Law Enforcement and Crime was announced by Governor Warren P. Knowles on November 10, 1965. In his public statement the Governor said, "It is not a Commission to study crime itself nor to perform in the area usually associated with a grand jury or John Doe investigation. This is a different kind of Commission, dedicated to law enforcement and the tools to make it better."

By letter dated March 10, 1966, Mr. Nicholas deB. Katzenbach, then Attorney General of the United States, invited Governor Knowles to join in the national effort regarding the assessment of problems of law enforcement, criminal justice and corrections as underlined by President Johnson in his message to Congress on crime delivered on March 9, 1966. Mr. Katzenbach emphasized the President's expressed hope that planning committees would be established in each state in connection with these problems. In a reply dated April 4, 1966, to Mr. Katzenbach, the Governor designated the Commission as the planning committee for Wisconsin stating in part:

The scope of the Commission's work will include matters relating to law enforcement, administration of criminal justice and rehabilitation of criminals. An important function of the Commission will be the coordination of activities in these areas of governmental agencies, public officials and private associations. The Commission will identify and study problems and deficiencies in these areas, recommend action-oriented programs and institute such programs where appropriate. In its initial work it is concentrating with matters relating to the law enforcement field.

The goals of the Commission, as they have developed since its inception, may now be described as the instigation and encouragement of plans for upgrading and improving the total spectrum of the administration of criminal justice in Wisconsin from law enforcement through prosecution, the courts, and corrections. In pursuit of these goals, the Commission conducts research in the form of surveys and studies, sometimes directly through its own staff, and sometimes through associated or interested individuals and agencies. The Commission also considers itself to be in the nature of a catalytic and coordinating type agency in the field of the administration of criminal justice. In this capacity, it assists or coordinates programs relating to this field, and also gathers and provides pertinent information on administration of criminal justice problems which arise from time to time in connection with administrative, executive, and legislative activities in the state government.

The Commission, as it now exists, has a membership of thirty-two under the chairmanship of Wisconsin State Supreme Court Justice Bruce F. Beilfuss. The membership consists of four judges (including Justice Beilfuss), four legislators, five police chiefs, three attorneys, two district attorneys, two law professors, two sheriffs, two state education officials, the Attorney General of Wisconsin, a former president of the Policemen's Protective Association in Milwaukee, the Director of the Urban League in Milwaukee, the Secretary of the Wisconsin Correctional Service (a private rehabilitation agency), and

four state officials representing the Governor's Office, the State Traffic Patrol, the State Corrections Division, and the State Crime Laboratory.

STAFF

On September 15, 1966, Mr. Clark E. Lovrien was appointed executive director by the Commission; and he, together with his full-time secretary, Mrs. JoEllen Mapp, constitute the full-time permanent staff of the Commission. Mr. Al Manson has been employed as a part-time consultant on the staff since December of 1966. Messrs. Paul Hahn and David Nolden, University of Wisconsin law students, were employed as temporary research assistants during the summer of 1967 and continued on a limited part-time basis thereafter for several months. Mr. Michael Wolke was employed as project coordinator on the Minimum Law Enforcement Standards Program (reported separately under Grant 132) from January 1, 1967, to June 30, 1967.

## OPERATING PROCEDURE

The Commission meets at least four times annually in full session. Until 1967, the Commission operated, during the interims between Commission meetings, through direct contact between the Chairman and members of the Commission and through the activities of steering and executive committees which had been appointed by the Chairman.

In March of 1967, following the publication of "The Challenge of Crime in a Free Society," a new permanent committee system was set up for the Commission. Under this system, the following committees were appointed.

### LAW ENFORCEMENT COMMITTEE

LeRoy C. Jenkins, Chairman  
Henry Dorman  
Herman Goldstein  
Clarence L. Greiber  
Stanley Gwiazdowski  
Frank J. Remington  
Wesley L. Scott  
Jasper A. Webb

### COURTS COMMITTEE

Gerald J. Boileau, Chairman  
Francis R. Croak  
Thomas J. Curran  
Bronson C. LaFollette  
John E. McCormick  
Roger P. Murphy  
Herbert J. Steffes  
Albert L. Twesme  
Robert W. Warren

CORRECTIONS AND JUVENILE DELINQUENCY COMMITTEE

Sanger B. Powers, Chairman  
John G. Baker  
William C. Kahl  
Bronson C. LaFollette  
John O. Olson  
Frank J. Remington  
Arvid A. Sather  
Albert L. Twesme  
Robert W. Warren  
Michael S. Wolke

CRIME PREVENTION AND COMMUNITY-  
POLICE RELATIONS COMMITTEE

Howard G. Bjorklund, Chairman  
John G. Baker  
Thomas J. Curran  
Herman Goldstein  
Clarence L. Greiber  
Stanley Gwiazdowski  
Earl F. McEssy  
Wesley L. Scott  
Michael S. Wolke

SCIENCE AND TECHNOLOGY COMMITTEE

Charles M. Wilson, Chairman  
Howard G. Bjorklund  
LeRoy C. Jenkins  
Roger P. Murphy  
John O. Olson

Each of these committees meets on an average of once every five weeks. Each committee member has been supplied with a copy of "The Challenge of Crime in a Free Society" and copies of the task force report or reports relating to his particular field of interest. Each committee is charged with the responsibility of reviewing the particular section of the field of the administration of criminal justice in Wisconsin which relates to the committee's field of interest. Using the Presidential Commission reports as a background of reference,

each committee is then expected to discuss problems which exist or may exist in Wisconsin within its particular area of responsibility, with the ultimate objective of making recommendations concerning these problems, either on the basis of committee discussion, or on the basis of inquiries, surveys, or projects carried on at the suggestion of the committee by the staff of the Commission or a qualified individual or agency.

Also appointed in March of 1967 was a new Executive Committee consisting of the Chairman of the Commission, the five chairmen of the above-listed committees, and the Executive Director of the Commission. The Executive Committee meets upon the call of any of its members when action or consideration of some type is considered necessary prior to the next regular meeting of the Commission.

Recommendations and suggestions arising from committee meetings are referred to a full meeting of the Commission for final consideration and action. Projects, surveys, and inquiries desired by a committee are conducted by the staff or associated and qualified individuals and agencies, the results thereof referred back to the committee upon completion, and the final reports with the committee's recommendations or approval of the staff's recommendations submitted to the Commission for its final decision on any further action to be taken.

As matters now stand, the work of the Commission derives in large part from the ideas and suggestions developed in these committee meetings. Another part of the work derives directly from the ideas of Commission members as expressed to the staff

or as expressed in Commission meetings and acted upon by the Commission. The third main source of the Commission's work derives from the state government, particularly the Governor's Office, which, from time to time, requests information or suggestions on problems faced by the Governor, or a state official, in the field of the administration of criminal justice in Wisconsin.

On June 21, 1968, in a public statement, Governor Knowles designated the Commission as the state planning agency which is one of the requirements of the Omnibus Crime Control and Safe Streets Act of 1968. At the same time, the Governor announced the formation of a Planning and Evaluation Committee for the Omnibus Crime Control Act consisting of the following nine members of the Commission:

Bruce F. Beilfuss, Chairman  
Robert L. Baird  
Howard G. Bjorklund  
Harold A. Breier  
Herman Goldstein  
Bronson C. LaFollette  
Orville E. Pitts  
Lewis V. Versnik  
Arvin R. Ziehlsdorff

The Governor further stated:

I have in the past requested the Governor's Commission on Law Enforcement and Crime to develop proposals leading to the establishment of statewide standards for law enforcement officers and statewide training programs for law enforcement officers; for the development of a program by which the state could participate in the FBI's National Crime Information Network which would necessitate the establishment by this state of a central criminal identification facility; and a plan for the coordination and future development of law enforcement communication, including means for communicating during emergency situations within the state. The Commission and its staff have made significant progress on these projects. It is

imperative that their efforts continue and be intensified under the added impetus of the Federal Omnibus Crime Bill so that specific proposals aimed at accomplishing these goals will be available for consideration by the State Legislature during its next session.

## ACTIVITIES

### Law Enforcement

The general interest of the Governor and the Commission was originally centered on law enforcement, as indicated in the section on the history of the Commission set out above. For this reason, and because there are many problems relating to law enforcement in Wisconsin which obviously require immediate action, this particular part of the field of the administration of criminal justice has received more attention from the Commission and resulted in more projects, surveys, and activities than the other sections of that field. These activities are as follows:

#### Alcoholism in Wisconsin

A survey on alcoholism in Wisconsin has been completed by the Commission staff, and the report is now being edited. This survey was conducted at the request of the Crime Prevention and Community-Police Relations Committee; and, upon completion of the editing, the report will be submitted to the Committee for its approval prior to submission to the Commission for final consideration on the contents and the recommendations arising therefrom.

The request for this survey was based on recent court decisions indicating a trend towards the conclusion that alcoholism, even in public, should not be treated as a crime. While the United States Supreme Court in the Powell case recently ruled, in effect, that the time has not yet come for the

application of such a conclusion, the opinion indicates that this decision is based upon a lack of existing alternative facilities for the handling of public alcoholism. The inference can be drawn that the decision has only been postponed, and it is hoped that this survey will provide information upon which to base plans for the future in the form of more effective alternative treatment of public alcoholism in Wisconsin than present procedures provide.

#### Communications

National Crime Information Center: On May 12, 1966, in a letter to the Chairman of the Commission, Governor Knowles requested that the Commission study and make recommendations regarding Wisconsin's participation in the FBI's program for the National Crime Information Center, a national electronic information system encompassing the entire United States and designed to make speedily available to each participating law enforcement agency the facilities of an information file which is national in scope. Contacts were established with the FBI, the State Motor Vehicle Division, the Department of Administration, the Chiefs of Police Association in Wisconsin, and the Milwaukee Police Department, looking towards Wisconsin's participation in this program. On October 27, 1967, the Commission recommended that Wisconsin request two terminals of the NCIC, one of these to be a metropolitan terminal located in the Milwaukee Police Department, and the other a state terminal located in the Motor Vehicle Division in Madison,

Wisconsin. On November 22, 1967, the Governor wrote a letter to the FBI requesting these terminals and received a favorable response. The metropolitan terminal in the Milwaukee Police Department has been installed and is now operating. It reports averaging forty inquiries a day and registering one "hit," i.e., the return of positive information, for one hundred inquiries on an average. The Motor Vehicle Division is engaged in active planning and hopes to begin the operation of its state terminal in Madison sometime next August. The delay in the installation of the state terminal is occasioned by a change in the FBI equipment now being made in Washington.

Statewide Law Enforcement Communications Survey: A statewide emergency radio communications meeting was held in December, 1966, as a result of which it became evident that the haphazard development of present law enforcement communications facilities in Wisconsin has resulted in considerable confusion and many complications in this area of law enforcement activity. The Wisconsin State Traffic Patrol, located in the Motor Vehicle Division, has a statewide communications system providing contact with most of the local law enforcement agencies in Wisconsin; and it was felt, therefore, that this would be the state agency most directly concerned and the logical base from which to attempt a general solution of communications problems in Wisconsin.

Since April of 1967, the Executive Director of the Commission has been working with James Karns, Administrator of the Motor Vehicle Division, and several members of Mr. Karns' staff,

communications meeting was held in December, 1966, as a result

concerning appropriate steps to be taken. It was agreed that a statewide survey of Wisconsin law enforcement communications is the first logical step in any development of a plan for the system which would meet present and future needs in this area. As a result of these activities, Mr. Karns filed an application with OLEA requesting a grant to conduct a survey of communications facilities in law enforcement in Wisconsin but was informed, subsequent to filing revised and expanded preliminary proposals to OLEA in November of 1967, that there were no funds then available, and that the final decision must await passage of the legislation which was then known as the Safe Streets and Crime Control Act.

The Commission is maintaining close contact with Mr. Karns on this matter, and negotiations will be resumed concerning the survey grant as soon as conditions warrant.

#### Drug Abuse in Wisconsin

This survey was originally requested by the Law Enforcement Committee, and the report completed in May, 1968. The report surveyed the entire drug situation in Wisconsin regarding legislation, enforcement, treatment, and education, drawing upon federal and state agencies as sources of information and including data derived from a survey of 26 Wisconsin police departments as well as data derived from a campus survey which is currently in progress. The summary and recommendations contained in the report are set out below:

## SUMMARY

The results of this survey indicate that known illegal drug activity, particularly with regard to narcotics, tends to center in Milwaukee and the southeastern section of the state with most of the remainder of the activity taking place in campus-connected cities where the emphasis is on the use of marihuana and LSD.

The extent of the actual activity is difficult to determine due to the lack of statistics available and the even greater lack of any responsibility for the gathering of statistics on a statewide basis. Such figures as are available indicate that illegal drug activity in Wisconsin, while it certainly does exist, compares favorably with the amount of similar activity in all four neighboring states both directly and on a per capita basis.

Nevertheless, Wisconsin has a problem. Twelve of the twenty-six city police departments surveyed report actual or suspected increases in arrests and/or activity in the illegal use of drugs over the past five years. These twelve included the largest cities in the southeastern section of the state and eight campus-connected cities. The degree of increase was not defined; and it is pertinent to note that Milwaukee, in which 55 percent of the total arrests were effected, reported an increase in arrests but no apparent increase in activity otherwise.

It would appear then, that the local law enforcement agencies in Wisconsin are combatting the drugs problem at the local level and that, while the magnitude of the problem, insofar as it is known, does not justify the creation of a special state agency at present, there is definite need for a centralization of state investigative responsibility and the gathering of information concerning the illegal use of drugs on a statewide basis. Actually, there is some state statutory machinery already available for this purpose, but it has lacked implementation in varying degrees. The recommendations which follow are designed to effect this necessary implementation, develop some limited additional authority where necessary, and generally insure the assumption of specific responsibility by appropriate state officials regarding this important problem. In this way, attention to illegal drug activity in the state may be assured and sufficient information gathered upon which to base appropriate action should the problem develop to a state which requires such action.

Important factors in any attempted solution of the drug problem are education, treatment, and rehabilitation. This survey indicates that the basic machinery for effective action in these fields already exists in Wisconsin and that action based thereon, although limited in some sections, is progressing or at least being considered. The recommendations listed are designed to encourage expansion of this action and to include in this area of responsibility the analysis of the problem of disparity in sentencing.

#### RECOMMENDATIONS

On the basis of the information developed during this survey, it is recommended:

1. That the Council on Health implement Section 161.19(2) of the Wisconsin Statutes by providing the various court clerks throughout the state with the forms on which the clerks are required by this section to report the number of persons convicted of violations of Chapter 161, Wisconsin Statutes (narcotics and marihuana).
2. That Section 161.19(2) of the Wisconsin Statutes be amended to include violations of the "dangerous drug" statutes as defined in Section 151.07(1)(a) of the Wisconsin Statutes.
3. That responsibility for the enforcement of those statutes dealing principally with the illicit traffic and use of dangerous drugs, marihuana, and narcotics be placed in the Division of Criminal Investigation of the Department of Justice specifically by statute, which statute would also instruct that Division to make sufficient provision for manpower specifically trained in this highly specialized area of law enforcement to enable it to assist and to advise, when needed, local law enforcement agencies striving to meet their own responsibilities in this field.

As indicated on page 49 of this report, actual control of dangerous drugs and narcotics is not possible without effective law enforcement. As the report shows also, the only effective law enforcement effort being conducted in Wisconsin is by

a few of the larger city police departments. It appears that a real effort at the state level in the enforcement of some of these laws by "law enforcement" people is needed.

It should be pointed out, however, that the responsibilities intended to be transferred by the recommendation to the Department of Justice from the state agencies now having them is based on the proposition that these agencies are essentially regulatory in their basic orientation and responsibilities as contrasted to the discharge of a criminal law enforcement function. The regulation of the licit trade in drugs and narcotics should remain with the regulatory agencies now so engaged in order that they may continue to control and prevent deviations from the regulatory law and rules and regulations pertaining thereto. To accomplish this recommendation, a close study of the sections of the statutes involved should be made to determine which should be transferred and whether or not any additions to or deletions therefrom need be made to accomplish this purpose.

4. That the Division of Corrections intensify its Narcotic Control Project presently operating in the Milwaukee area, compile statistics on the results thereof, and give consideration to expanding it to any other sections of the state where illegal drug activities assume proportions which will justify the expansion.
5. That the Division of Corrections give consideration to a survey of the effect of disparity in the sentencing of drug offenders under the current statutes which make even a first offense as user or possessor of marihuana a felony, while a similar offense regarding LSD and other "dangerous drugs" is merely a misdemeanor. This survey should endeavor to determine the effect of the disparity in sentencing on:
  - a. Rehabilitation, and the difficulties, if any, created.
  - b. Recidivism of first offender in terms of comparison between marihuana

offenders who are convicted of a felony charge and dangerous drugs (including LSD) offenders who are convicted of a misdemeanor.

6. That further consideration and study be given the technique of post-institutional treatment and the conditional release of addicts. In this connection, the recodification of the Mental Health Act (Wisconsin Statutes, Chapter 51) as presently being considered by the Mental Health Advisory Committee should be reviewed in the light of the most recent federal legislation which provides for a three-year period of post-institutional treatment for conditionally released addicts. In this connection also, the anticipated program to handle such conditionally released addicts in the Milwaukee area by the Wisconsin Correctional Service should be closely followed in order to derive therefrom any indications available regarding the values of the federal program.
7. That the State Department of Public Instruction develop a program of education on drugs and the effects thereof which will not only cover the grade schools required to be covered in Section 40.46(2) of the Wisconsin Statutes but will be extended to high schools, colleges, and other responsible groups where it appears proper and productive to do so. In the development of this program, adequate standards should be required of instructors in terms of training and knowledge in the pertinent field. Consideration should also be given to enlisting the aid of law enforcement authorities and officers who are properly qualified by training and experience to assist.

This report is presently in the hands of the Law Enforcement Committee and, if approved, will then be submitted to the Commission for its final decision regarding contents and recommendations arising therefrom.

## Education and Training

Baccalaureate Degree Programs in Law Enforcement: There is presently no baccalaureate degree program in the field of law enforcement existing in Wisconsin on an operating basis, nor has there ever been one.

Early in 1967, the Commission staff, at the request of the educators concerned, assisted representatives of the Wisconsin State University at Platteville, Wisconsin, and the University of Wisconsin--Milwaukee in making application to OLEA for grants for the purpose of developing baccalaureate degree programs in police education at the institutions concerned. On April 28, 1967, at the direction of the Commission, Executive Director Lovrien wrote a letter to OLEA expressing the Commission's support for the programs which were the basis of the grant requests submitted by the Platteville and Milwaukee universities. Grants were awarded to both institutions.

Dr. Bjarne Ullsvik, President of Wisconsin State University, Platteville, Wisconsin, advises that the planning has been completed on the project at his university and that the four-year baccalaureate degree program in police science and administration will begin operation in September of 1968 under the direction of Assistant Professor Richard Post.

Associate Dean Max Kurt, School of Social Welfare, University of Wisconsin--Milwaukee, advises that, because of the illness of Dean Quentin Schenk of the School of Social Welfare and difficulties in obtaining personnel to handle the project, planning

for the baccalaureate degree program in police science is just beginning under the newly assigned director, Associate Professor Steven Tslenczer. Dean Kurt said that he expected that the University would actually begin the program in September of 1969.

Coordinating Council on Higher Education (CCHE): The CCHE is, by statute, charged with the responsibility for statewide educational planning in public higher education. As a result, it must pass upon all new programs in the field of higher education which is generally defined to include everything beyond the high school level.

As a result of the above-mentioned programs in Platteville and Milwaukee, contact was established with Mr. Angus B. Rothwell, Executive Director of CCHE, who expressed an interest in the field of higher education for law enforcement in Wisconsin. At Mr. Rothwell's suggestion, an Advisory Committee on Education in Law Enforcement was formed, approximately half of whose members were individuals suggested by the Commission staff at the invitation of CCHE. This Committee, consisting of thirteen members, is composed of Executive Director Lovrien and Al Manson of the Commission staff; Law Professors Herman Goldstein and Frank Remington who are members of the Commission; Chief of Police John Howard of Wauwatosa, Wisconsin; Kenneth Van Den Wymelenberg representing Clarence Greiber, Director of the Wisconsin Board of Vocational, Technical and Adult Education, who is a member of the Commission; and representatives from the

CCHE staff, the University of Wisconsin, the University of Wisconsin--Milwaukee, the State University at Platteville, the Board of Regents of State Universities, and Marquette University.

Since its creation, late in 1967, this Committee has been working on a report which will list the goals for law enforcement training and education that the Committee has decided to approve. It is expected that this report will be issued sometime during the summer of 1968. On February 20, 1968, the Committee went on record as voting to encourage public collegiate systems in Wisconsin (University of Wisconsin System and the State University System) to develop bachelor degree programs in police education.

#### Forensic Pathology

This study, based on the shortage of forensic pathologists in Wisconsin and the consequent difficulties arising therefrom in connection with the adequate discharge of coroner duties in the state, originated with the Science and Technology Committee. It is proceeding through the activities of a subcommittee composed of two members of the Science and Technology Committee, one coroner, one attorney, and two pathologists.

In connection with this study, a survey of the coroner system in Wisconsin was conducted by the Commission staff during the summer of 1967. This survey outlined the history of the coroner system in the state including the development of the only medical examiner system in Wisconsin which is located in Milwaukee County, the most heavily populated area

in the state. Figures on workloads and expenses were gathered from the coroners of the state and the Milwaukee medical examiner's office, and an attempt to solicit opinions from these officials concerning the present system and ideas for improvement was partially successful. Information was also obtained concerning the number of pathologists available by county and the number of forensic pathologists available in the state. The material gathered was submitted to the Science and Technology Committee in summary form and is under consideration by the subcommittee in connection with the study of the problem relating to the shortage of forensic pathologists.

Manpower Survey

This project was conducted in order to obtain specific information upon which to base a statewide mandatory program for local law enforcement training in Wisconsin and was reported in detail under Grant 132. For purposes of general information, however, the following figures are included in this report. It should be noted that they refer to full-time sworn local law enforcement personnel only and do not include civilian or part-time personnel.

TOTAL NUMBER OF AGENCIES REPLYING TO QUESTIONNAIRE .....	448
Total Number of Full-Time Law Enforcement Officers Employed (Civilian Personnel NOT Included) .....	6,413
Total Number of Full-Time Law Enforcement Officers Authorized .....	6,716

Number of Authorized Full-Time Positions Unfilled .....	303
Total Number of Part-Time Law Enforcement Officers Employed .....	952
Total Number of Days Worked in 1966 by Part-Time Officers .....	35,130
Number of Full-Time Officers Appointed in 1966 .....	663
Number of Officers Leaving Law Enforcement Through Death, Retirement, or for Other Reasons in 1966 .....	449
Number of Officers the Agencies Planned to Appoint in 1967 .....	611

The questionnaire used in the survey also gathered information on top salary ranges for ordinary first-line officers only, meaning patrolmen, deputy sheriffs, or traffic officers. Not all the agencies replied to the salary question, but agencies representing a total personnel figure of 6,307 did, and a summary of the salary ranges covered is set out below.

<u>\$650 to \$725 per month</u> .....	200 officers
<u>\$600 to \$649 per month</u> .....	2,967 officers
<u>\$550 to \$599 per month</u> .....	1,419 officers
<u>\$500 to \$549 per month</u> .....	797 officers
<u>\$450 to \$499 per month</u> .....	525 officers
<u>\$400 to \$449 per month</u> .....	289 officers
<u>\$350 to \$399 per month</u> .....	76 officers
<u>\$300 to \$350 per month</u> .....	34 officers

It should be noted that the figures listed above were gathered during the first half of 1967. It is known, from

newspaper publicity, that several law enforcement agencies, particularly the larger ones, have received salary increases since then; and it is believed that the number of local law enforcement officers now actually employed in the state may also have increased.

#### Minimum Standards

This project, conducted under OLEA Grant 132, has been reported in detail in the final narrative report on that grant. However, it is summarized here as a part of the general picture of the Commission's activities in the field of law enforcement.

There are no statewide law enforcement selection or recruitment standards in Wisconsin other than the basic requirement of United States citizenship, and there are no statewide law enforcement standards for training in Wisconsin. A program to develop minimum standards of selection and training for local law enforcement officers on a mandatory basis was launched in January, 1967, with the organization of an ad hoc committee consisting of law professors and state officials, and a law enforcement advisory committee consisting of 19 representative members of local law enforcement in Wisconsin so chosen as to represent both agency types and geographical areas. The Commission staff drafted a bill along the lines of the Model Police Standards Council Act drawn up by the International Association of Chiefs of Police in November, 1966; and, after consideration and amendment by the above-mentioned

groups, and final approval by the Commission, the bill was introduced in the Wisconsin State Senate on March 10, 1968, by Senator Henry Dorman (Democrat) and Senator Robert W. Warren (Republican), both members of the Commission.

The bill provides for the establishment of a Law Enforcement Standards Board of twelve, consisting of three representatives of law enforcement, two representatives of higher education, two representatives of local government, two representatives of the public, one district attorney, the Attorney General, and the Special Agent in Charge of the Milwaukee office of the Federal Bureau of Investigation who serves in an advisory capacity and without a vote. The Board has authority to establish minimum standards of training and employment qualifications for individuals applying for permanent appointment as local law enforcement officers who will be full-time employees of any political subdivision of the state. State employees, elected state and county officials, and chiefs of police in cities and villages with a population of ten thousand or more are exempted. The bill provides a system of reimbursement grants to local governments of up to 50 percent of the salaries, tuition, living and travel expenses of trainees attending recruit courses duly approved by the Board. A grandfather clause protects the rights and tenure of law enforcement officers presently on a permanent employment basis.

A fiscal note to the bill was submitted to the Legislature based upon a budget of \$396,000 for the 1967-1969 biennium. The first year, 1967-1968, called for an appropriation of

\$179,000 on the basis of an estimated nine or ten months of actual operation. The second year, 1968-1969, which would have seen the Board on a twelve-month operation basis, called for \$217,000. Of this amount, \$140,000 applied to the system of reimbursement grants mentioned above. An additional \$25,000 was allocated to training expenses. The remainder of \$52,000 covered operating expenses, including a permanent staff of director at \$15,000, assistant director at \$12,500, stenographer at \$5,500, and clerk at \$5,000. As approved by the Commission, financing was provided through appropriations from the general fund.

A campaign was conducted throughout the state by means of appearances on the part of the Commission staff before law enforcement groups, local government committees, and civic and service clubs. Personal and organization contacts were also made. Unanimous support was supplied by the leading law enforcement organizations in the state, and the Milwaukee Journal, Wisconsin's leading newspaper, expressed editorial support for the bill. There was no opposition expressed to the principles of improved training and higher standards for local law enforcement, and the only tangible opposition which developed related to the mandatory powers assigned to the Law Enforcement Standards Board, this opposition appearing mainly in the form of amendments designed to convert the bill from a mandatory to a voluntary basis.

On December 5, 1967, the bill was debated in the State Senate, the amendment designed to convert it to a voluntary

basis was defeated 24 to 8, and the bill was passed 28 to 4. In the State Assembly, an identical bill had been reported favorably by the Committee on the Judiciary on a vote of 6 to 1, an amendment to convert it to a voluntary basis having been defeated in committee. The Assembly bill was tabled to make way for the Senate bill in the Assembly, but the Legislature adjourned on December 17, 1967, before the bill came to a vote on the Assembly floor.

Although the bill creating the Law Enforcement Standards Board was not passed, neither was it defeated. And, for the first time in the history of the state, the problem of standards for local law enforcement in Wisconsin was squarely faced and presented for consideration in the form of carefully researched and fully considered legislation designed to solve the problem. Since the adjournment of the Legislature, several legislators have expressed the opinion that the bill would certainly have passed had it come to a vote in the Assembly. The Governor, who is a Republican and who will run again, has expressed his continued support as have all sponsoring legislators. The Attorney General, who almost undoubtedly will be the Democratic candidate for governor, has also expressed his support. The Wisconsin Chiefs of Police Association, the Wisconsin Sheriffs and Deputy Sheriffs Association, and the Wisconsin District Attorneys Association at recent conventions have passed resolutions expressing regret at the failure of the Legislature to consider the bill and emphasizing their continuing support for the legislation. Support amongst all types of law enforcement

groups continues at a high level, and the prospects for passage of this legislation early in the next Legislature of 1969 appear to be excellent.

#### Mutual Aid

Legislation: As the result of college student rioting at Platteville, Wisconsin, and Stevens Point, Wisconsin, during the spring of 1967, and youthful holiday-maker rioting in the Lake Geneva, Wisconsin, area on July 4, 1967, a conference of law enforcement officials and officers was called by Governor Knowles on July 7, 1967. Those attending the conference agreed that one of the possible solutions to the local law enforcement emergency situations created by rioting and mob action would be an organized and effective mutual aid system for local law enforcement in Wisconsin, and it was the unanimous decision of the group that the Commission be requested to survey this area and draft legislation designed to create an effective mutual aid system in the state. In this connection, it should be noted that, while Wisconsin has an authorized State Traffic Patrol of 375 well trained men, the jurisdiction of the Patrol, aside from traffic matters, is severely limited by tradition and statute. The only law enforcement jurisdiction of the Patrol in addition to that over traffic is set out in Wisconsin Statutes 110.07(2m) reading as follows:

In addition to the primary powers granted by subs. (1) and (2), any officer of the state traffic patrol who is in uniform and on duty may arrest without warrant any person who commits a misdemeanor

or a felony on the highway in his presence, or who is transporting a stolen motor vehicle or who is fleeing from the scene of a crime or from other law enforcement officers and deliver him to the sheriff or police chief in the jurisdiction where the arrest is made. A state traffic officer making an arrest pursuant to this subsection shall at all times be available as a witness for the state.

The staff drafted a bill creating a law enforcement mutual aid council with the power to recommend to the Governor a state law enforcement mutual aid pact, interregional and regional mutual aid operating plans for the guidance of law enforcement agencies subscribing to the pact, and the boundaries of mutual aid regions of the state which might be designated under the pact. The bill also provided for the establishment of a state regional system, with regional and deputy directors to be appointed by the Governor, the regional directors having power to proclaim a state of emergency or local emergency in their regions or in any political subdivisions located within their regions. Conditions prerequisite to the finding of a state of emergency were set out in the bill, and the entire system was established on a voluntary basis.

The following paragraphs of the cover letter to the Governor sent with the bill on November 28, 1967, clarify further the background to the mutual aid situation in Wisconsin in general and the above-mentioned legislation in particular.

The enclosed bill, as drafted, sets up a state-wide organization which will make possible a system of centralized and regionalized planning to deal with emergency riot situations requiring mutual aid. It is entirely voluntary and so drawn that it may include, but will not impair, currently existing mutual aid pacts between local or regional groups of law enforcement agencies in the state. The

success of the bill, if it becomes legislation, will depend upon the degree of interest developed by the local law enforcement agencies as a whole. At the same time, we believe the system designed is such that regional interest, if sufficiently developed, will make the system operative in the interested region regardless of the degree of interest, or activity, developed in other regions.

This bill is, in many ways, similar to the emergency aid structure set up for the state's civil defense system in Wisconsin Statutes Chapter 22. During the period of research on this material, this similarity was noted. It was also noted, in reviewing typical legislation in other states, that California has a centralized state disaster office with statewide powers to coordinate law enforcement activities in connection with all types of emergency conditions ranging from enemy action to riot and civil disturbance in type, and including civil defense functions.

During the period of research also, it was ascertained that the powers of the Governor under civil defense (Chapter 22) relate to emergencies arising from "enemy action" [22.01(3)(e)] and "natural or man-made disaster" [22.02(1)]. Inquiries made of the Wisconsin Civil Defense Police Services system elicited the information that the state civil defense authorities did not think their emergency police services structure could be used for riot or civil disturbance emergencies because of limitations placed by the federal government on the use of federal equipment during such emergencies. However, subsequent to the Commission's approval of the enclosed bill on October 27, members of the Commission's staff attended a meeting of the Wisconsin Civil Defense Police Services Advisory Committee which was also attended by top civil defense officials. It developed at this meeting that there is no specific prohibition on the part of the federal government concerning the use of federal equipment in riot and civil disturbance emergencies, and the civil defense officials concerned expressed willingness to permit the use of Police Services facilities in such situations if so directed. The authority to do so would apparently be based on an interpretation of "man-made disaster" to include riot and civil disturbance. Unfortunately, the statute does not specifically define "man-made disaster" nor has any specific interpretation been found elsewhere.

The Wisconsin Civil Defense Police Services system is already organized on a regional plan basis

with regional directors and assistant regional directors and a statewide mutual aid pact and operational plan which involves the use of available manpower, equipment, headquarters space, and communications facilities set up for emergency situations. If the phrase "man-made disasters" were interpreted to include riots and civil disturbance, then the Civil Defense Police Services system, as it already exists, could be used, and there would be no need for legislation in the form of the enclosed bill. If, on the other hand, it is decided that the phrase "man-made disaster" cannot be so interpreted, then it would appear that the already existing Civil Defense Police Services system could be used as a solution to the problem of emergencies due to riots and civil disturbances if Wisconsin Statutes Chapter 22.02 presently reading,

If the Governor determines that an emergency growing out of natural or man-made disaster, except from enemy action, exists . . .

is amended to read,

If the Governor determines that an emergency growing out of natural or man-made disaster, or acts and conduct calculated to or which may provoke or lead to violence and/or incite riots, mobs and mob violence, except from enemy action, exists . . .

In this connection it is of interest to note that the Bureau of Civil Defense in the Executive Office has been renamed the Division of Emergency Government and transferred to the Department of Local Affairs and Development under Section 23(1) of Chapter 75 of the Laws of 1967.

If it is not considered feasible to use the Civil Defense Police Services system on the basis of either of the foregoing suggestions, then legislation in the form of the enclosed bill would appear to be necessary for any statewide mutual aid program designed to deal with emergencies arising from riots and civil disturbances.

The State Legislature adjourned in December of 1967, and no action was taken on this bill.

Participation--State Traffic Safety: Governor Knowles instituted a summer traffic safety campaign; and, at a special conference held June 21, 1967, Executive Director Clark E. Lovrien acted as moderator with a group of 45 officers representing the various state, county, and local law enforcement agencies in Wisconsin as well as the National Guard. The group unanimously recommended to the Governor that he appoint a Law Enforcement Traffic Coordinating Committee for the state as a whole, to meet weekly in connection with the summer traffic problem. The Governor appointed such a committee on June 26, 1967, naming representatives of local law enforcement, the State Motor Vehicle Division, and the National Guard as members and Clark E. Lovrien as chairman. Weekly meetings were held throughout the summer for the purposes of coordinating the activities and exchanging information between local law enforcement agencies, the State Motor Vehicle Division, and the National Guard, all of which organizations were active in the handling of summer traffic. No formal report was written on the activities of the Committee, but it was the unanimous opinion of the membership as expressed at its final meeting that the Committee was helpful in establishing lines of communication among the agencies concerned and in improving the caliber of cooperation among these agencies.

Information concerning the personnel and operational procedures of the Committee was transmitted to Dean Van Gorden, who was appointed to the newly created post of state traffic coordinator late in 1967. It was felt that Mr. Van Gorden

might derive some benefit from the Committee's experience insofar as the administration of his new office was concerned.

Participation--Summer Emergency at Lake Geneva: For the past six years riots have developed over the July 4 holiday period in Lake Geneva, a holiday resort in southeast Wisconsin. In 1967, the situation became so violent that it was necessary to call out the National Guard. In April, 1968, the Lake Geneva city officials, including the chief of police, called on the Governor for help in planning to prevent a similar situation from arising in Lake Geneva over the July 4 holiday period in 1968. The Governor called on the Commission staff to survey the situation and work out a plan which would prevent the development of trouble, or at least prevent the loss of control, during the coming holiday.

Conferences were held with Lake Geneva officials and the chief of its thirty-man police department at which a plan was developed. In accordance with the plan, representatives of 15 adjoining law enforcement agencies met at Lake Geneva on May 8, 1968, and made arrangements whereby their off-duty officer personnel could be employed at \$4 per hour by Lake Geneva over the pertinent period from July 3 to July 7 with all the powers and rights of regularly appointed local law enforcement officers in that city. It is estimated that 204 individual eight-hour shifts should be covered by extra men in order to meet the potential needs of the situation; and, as of June 24, 180 of these shifts had been covered by volunteer officers from the 15 cooperating agencies. Arrangements

were also made at the conference of May 8 to invoke local mutual aid pacts already in existence in the event that the volunteer force should be unable to contain the situation. State agencies such as the State Traffic Patrol and the Civil Defense Emergency Police Division have promised back-up support in the area in the form of additional traffic patrol cars and a mobile communications unit, and the National Guard will have observers in civilian clothes present during the pertinent period.

As may be seen from the foregoing, the plan emphasizes adequate policing prior to the development of disorder. The Lake Geneva officials emphasized, however, that the city is also planning a series of special events and activities designed to engage the attention and energies of the young adults and teen-age groups which have generated trouble in the past.

This is the first attempt of this type to forestall trouble at a holiday center in Wisconsin. The pattern of attempted control through a combination of adequate policing and attractive recreation will be observed closely. If successful, it is hoped that it will provide guidelines for the solution of similar problems elsewhere in the state.

#### Police-Community Relations

During the summer of 1967, conferences were held by the Commission staff with state representatives of the National Conference of Christians and Jews (NCCJ) concerning the possibilities of a police-community relations school to be established

in Wisconsin. NCCJ representatives advised that Miss Harriet White, of their Chicago office, who has achieved considerable success in developing police-community relations projects in the Chicago area, would be available to assist in any similar activity in Wisconsin. It was also agreed that the police chiefs of the cities of Beloit, Eau Claire, Racine, and Stevens Point in Wisconsin were interested in this type of program.

At a conference held in Madison on September 18, 1967, the chiefs of the above-mentioned four cities, together with the program coordinators whom they had chosen from their various departments, met with Miss White, members of the Commission staff, and other interested individuals, and drew up general plans for a training session for the program coordinators, their alternates, and, wherever possible, their chiefs, to be held in Madison, in preparation for the development of police-community relations projects in each of the four cities participating.

Plans were then developed to hold three sessions of three days each in Madison, Wisconsin, for the purposes set out above; and the dates chosen were January 23-25 inclusive, February 14-16 inclusive, February 21-23 inclusive, all 1968. It had been intended to include Miss White in the group in charge of these training sessions; but, unfortunately, a change in her employment prevented her participation. Assistant Professor David Bradford, Psychology Department, University of Wisconsin, Madison, Wisconsin, who is an expert in group relations, agreed to direct the project; and Associate Professor Albert Hamann, Law Enforcement Education Division of the University of Wisconsin Extension Institute of

Governmental Affairs, Madison, Wisconsin, and Professor Herman Goldstein, University of Wisconsin Law School and a member of the Commission, agreed to assist Professor Bradford. The training sessions were held as planned.

In his report, Professor Bradford said that the training program had two main goals, to wit, the exploring in depth of what is meant by police-community relations, and the impact of a program of police-community relations on a law enforcement agency. He advised that a seminar approach was used, the sessions were maintained on an informal basis, and that, while short lectures were given at different times, these were kept to a minimum with most of the time spent in a free discussion atmosphere but with periodic use of role play. The training was broken up into three sets of three-day meetings with a break of one week between the first two sessions and two weeks between the second and third sessions which allowed participants to return to their work situations and test out the relevance of the training they were receiving to the specific problems they were encountering in their home areas.

In his recommendations for implementation of the training principles developed, Professor Bradford suggested the development of a program in each of the participating departments which would include, as much as possible, the opportunity for each man in each department to express some of his feelings about the program and about minority groups. He recommended also that each training staff develop a series of typical problems which arise between police and minority groups and make them subjects of

role play procedures so that the members of the department in training could develop a first-hand knowledge on why members of minority groups act as they do and what motivates them to take their position.

The Professor warned that implementation of a successful police-community program is a long-term affair, that there will undoubtedly be numerous setbacks, and that one of the dangers of such a program is that people tend to expect too much too soon and are unwilling to expend the energy and time required for successful implementation. He suggested that, after the completion of the initial program of training for the members of the department participating, there should be follow-up efforts on the part of the police-community relations program coordinator in each department, that the coordinator should keep close check on the extent to which the program is being followed, and that the coordinator should hold refresher sessions with the men in his department so that he may discuss the problems the men may be having and so that they may jointly explore the possible solutions to these problems.

Arrangements are now being made to contact the four departments involved in this program in order to determine the nature of the police-community relations projects which they have developed as the result of the above training. Additional assistance will be furnished or arranged for by the Commission where necessary and available.

### Police-in-the-Schools Program

At the request of the Corrections and Juvenile Delinquency Committee, the Commission staff conducted inquiries concerning the police-in-the-schools type of program whereby law enforcement officers are stationed in schools for such purposes as counseling, instruction concerning police functions, and usually with the overall objective of establishing good relations and understanding between the police and students in the junior and senior high school systems. This program has received considerable publicity on the basis of its application in such cities as Flint, Michigan, and Tucson, Arizona.

Contact was established with Mr. Kenneth Shimota, Juvenile Law Enforcement Consultant for the Community Services Section of the State Division of Family Services, who is interested in this area of activity. On May 17, 1968, Mr. Shimota gave the Committee a report on the inspection he had conducted of similar programs now in operation in Minneapolis and Edina, Minnesota. He expressed the opinion that this type of program has potential regarding the prevention of juvenile delinquency and the improvement of police-community relations, that it has certain inherent dangers, and that the caliber of personnel involved, both law enforcement and educational, is very important to the fate of the program. He further stated that he would like to see it tried in Wisconsin.

Arrangements were then made to conduct further study and planning by the Commission staff, Mr. Shimota, and Mr. Richard M. Staples, representing William C. Kahl, State Superintendent

of Public Instruction and a member of the Corrections and Juvenile Delinquency Committee. It is planned to inspect additional programs operating in Wheeling and Arlington Heights, Illinois, determine what special training should be given law enforcement officers designated for such programs, and establish one or two pilot programs in one or two of the several cities in Wisconsin which are believed to be receptive to this type of activity.

#### State Central Identification and Criminal Statistics Files

In March of 1968, the final report on "A Study on the Advisability of Establishing a State Criminal Identification System and a State Criminal Statistics System in Wisconsin" was issued. This survey, originally requested by the Law Enforcement Committee, showed that Wisconsin is one of only four states that do not have central criminal identification files, that the creation of a central criminal statistics file is also highly desirable, particularly in view of the development of the National Crime Information Center, and that current conditions in the state are such as to warrant action towards the establishment of these files as a state function. The summary and recommendations of the above-mentioned report are set out below.

#### SUMMARY

This report has analyzed the problem of centralizing criminal identification data and statistics on a state basis by looking at the Wisconsin situation, the situation and laws in six other states, and the need for such a system in Wisconsin. The role of the computer was also mentioned, and the cost of setting up a division of criminal identification was discussed.

It is the conclusion of this report that there is a need for both types of systems in Wisconsin and particularly a state criminal identification system. It is further concluded that the cost of setting up an identification system would more than pay for itself by increased services to law enforcement agencies throughout Wisconsin. These services are already standard in most states.

#### RECOMMENDATIONS

As a result of this survey, it is recommended:

1. That a state criminal identification agency be created in the State Department of Justice.
2. That the Wisconsin Governor's Commission on Law Enforcement and Crime draft legislation creating such an agency and recommend its immediate passage by the Legislature.
3. That a state criminal statistics agency be created in the State Department of Justice.
4. That a study be made to estimate the cost and determine the best method of organization of such an agency.
5. That, upon completion of the study mentioned in No. 4 above, the Wisconsin Governor's Commission on Law Enforcement and Crime draft legislation creating such an agency and recommend its passage by the Legislature.
6. That expert opinions be requested of the Bureau of Systems Data Processing on the following subjects:
  - a. The computerization of a division of criminal identification and of a division of criminal statistics--including the initial cost thereof.
  - b. Linking all or most law enforcement agencies electronically with the computer--monthly cost.
  - c. Linking a state computer system with the national computer system--monthly cost.

At its regular meeting on April 26, 1968, the Commission authorized the staff to continue work on this project and to

draw up legislation designed to create the state agency necessary to the establishment of these central files.

### Prosecution

Prosecution in the area of the administration of criminal justice in Wisconsin may be conducted by the county district attorneys or the State Attorney General's Office. As a matter of actual practice, however, the great bulk of prosecution is conducted by the district attorneys. The Attorney General's Office confines itself largely to investigative and advisory functions; and, on the rare occasions when it does engage in direct prosecutive activities, it does so through the district attorney's office concerned in an assisting or cooperative capacity, represented by the presence of an assistant attorney general actively working with the district attorney.

The problems of prosecution in Wisconsin are basically those of a state with large rural areas. The rural counties are unable or unwilling to pay for the caliber of attorney who would consider the district attorney's office as a permanent full-time career, particularly since he must assume the burden of running for biennial election. As a result, many counties face the problems in prosecution which arise from part-time district attorneys or young and inexperienced district attorneys who have taken the position only on a temporary basis and as a stepping stone towards public achievement of professional status which is ultimately destined for application to some area of law other than the administration of criminal justice.

The following project in this area was of interest to the Commission in connection with the problem cited above.

District Attorneys' Salary Bill

In the fall of 1967, the District Attorneys Association of Wisconsin sponsored a bill to establish minimum salaries for district attorneys and their assistants and to provide for partial subsidization of these salaries by the state. The support of the Commission was requested for this bill, and a limited survey was conducted by the Commission staff in order that the Commission might be appropriately advised. This survey, made in October of 1967, showed that, of the 72 district attorney positions available in Wisconsin, 35 were occupied by full-time district attorneys, 35 by part-time district attorneys, and 2 were vacant. The average salary of a full-time district attorney was determined to be approximately \$9,400 per annum and of a part-time district attorney approximately \$5,250 per annum.

This information was furnished to the Commission at its meeting of October 27, 1967, and the Commission then expressed informal and general support for the bill which established minimum salaries for district attorneys on the basis of population and subsidized each county to the extent of \$4,500 per annum in connection with these salaries.

Mr. Roger Murphy, District Attorney of Waukesha County, Wisconsin, and Mr. John Olson, District Attorney of Taylor County, Wisconsin, both members of the Commission, were active in the sponsorship of this bill which passed the State Legislature early in December of 1967.

## Courts

The courts of Wisconsin are suffering from the increase in volume of activities and the lag in modernization of facilities and systems characteristic of many courts in the United States. No comprehensive surveys of court conditions have been conducted in Wisconsin because of a lack of manpower and funds with which to do so and also because of personality difficulties involved in the situation, particularly in the Milwaukee area. However, Supreme Court Justice Bruce Beilfuss, Chairman of the Commission, and many other responsible individuals also connected with the situation have given serious thought to the problems involved, including some charges to the effect that misdemeanor courts are sometimes arbitrary and discriminatory in their procedures.

General steps taken towards an improvement of the courts situation in Wisconsin include the adoption, on November 14, 1967, by the State Supreme Court, of a code of ethics for all Wisconsin judges. The Court, at that time, announced its intention to appoint a committee for recommending procedures for the enforcement of the code. One of the standards adopted by the code stated that judges "should administer the law free of partiality and the appearance of partiality. To that end, he should avoid membership in or association with an organization whose objectives, policies, or activities are incompatible with the fair and even handed administration of justice." Also, on January 1, 1968, the Supreme Court promulgated a rule requiring all misdemeanor courts in the state to record their proceedings.

The State Court Administrator, who works with all judges, is an office now occupied by Edwin Wilkie, who recently resigned as a circuit court judge in Dane County, Wisconsin, to accept the position. Mr. Wilkie is a vigorous, impartial, and high-minded judicial administrator; and the Commission and Commission staff are maintaining close contact with him concerning conditions in the Wisconsin courts.

The following is the only specific project conducted to date by the Commission staff in connection with the courts.

#### Presentence Investigative Reports

A survey of judges' practices on the use, disclosure, and disposition of presentence investigative reports was conducted at the request of the Courts Committee late in 1967. There follows a summary of the results obtained.

<u>Questionnaires distributed</u>	133
<u>Total responses</u>	117
<u>Judges using presentence reports who supplied pertinent data (These are the questionnaires used in the tabulation.)</u>	101

	<u>To the Prosecuting Attorney</u>	<u>To the Defense Attorney</u>
<u>Judges who do not disclose reports</u>	22	16
<u>Judges who disclose reports:</u>		
Unconditionally	22	18
Conditionally: To protect confidential data	52	62
Conditionally: When deemed necessary	2	3
Conditionally: When requested by reporting agency	<u>3</u>	<u>2</u>
TOTAL	79	85

Degree of disclosure:

Completely	63	65
Partially	12	17
In varying degree	4	3

Judges who make reports part of court record:

Open (sometimes)	13
Under seal	<u>36</u>
TOTAL	49

Judges who file reports separately from court record, but under court control 52

As a result of this survey, the Committee requested the drafting of an insert to the current statutes on presentence investigative reports which presently relate only to presentence procedures on sex crimes. The following statute has been submitted to the Committee for its consideration:

Upon conviction, the court may, in its discretion, order a presentence investigation in all cases other than those covered by s. 959.15. Any presentence investigative report made pursuant to such a court order shall be open to inspection by the prosecuting attorney and the defense attorney prior to sentence, and, on the request of either of them, a summary hearing in chambers shall be held on any matter brought to issue, but confidential sources of information shall not be disclosed unless the court otherwise directs. Such presentence investigative reports shall be filed separately, shall not become a part of the public record, and shall not be made available except upon the order of the court.

#### Corrections

The state corrections system in Wisconsin has an excellent national reputation for efficiency and modernity in its operations. It should be realized, however, that the state system does not include all the county systems, where varied problems exist, ranging from those engendered by big city conditions in Milwaukee to those characteristic of the rural areas which constitute a large part of northern and central Wisconsin. The Administrator of the State Division of Corrections is Sanger Powers, a member of the Commission and also a member of the Corrections and Juvenile Delinquency Committee. The following activities have derived from this Committee.

## County Jails and Jailors

In November of 1967, the Corrections and Juvenile Delinquency Committee began a series of discussions concerning the lack of social services in county jails in Wisconsin, the limited training afforded to jailors in these institutions, and the consequent lack of rehabilitation activities arising therefrom. As a result of these discussions, Mr. Powers agreed to run a pilot program by having the state probation and parole officer serving in the county of Trempealeau interview and counsel the prisoners in Trempealeau County Jail and advise interested agencies, institutions, and individuals in the county of the prisoner's existence as a potential client for social services and rehabilitation. In May of 1968, Mr. Powers and Judge Albert Twesme of Trempealeau County, also a member of the Committee, advised that the pilot program had been successful in terms of improving jail conditions and rehabilitation possibilities for Trempealeau County prisoners. Mr. Powers said that he was making arrangements to extend the program to other counties in Wisconsin.

At the meeting of November 10, 1967, Mr. John Baker, Secretary of the Wisconsin Correctional Service (a private rehabilitative agency in Milwaukee) and a member of the Committee, volunteered the services of that organization to conduct a survey of county jails and jailors in Wisconsin, outside Milwaukee, in order to gather information regarding the employment standards, training, and rehabilitation practices of the jails and jailors concerned. No report has yet been received on this survey, but Mr. Baker has advised that it is proceeding.

### Wisconsin Corrections Academy

In May of 1967, the Division of Corrections applied for a grant of \$33,000 from OLEA to aid in the establishment of a Wisconsin Corrections Academy for pre-service and in-service off-the-job training of state corrections personnel in prison, juvenile training school, and probation and parole services. Mr. Powers discussed the project with the Corrections and Juvenile Delinquency Committee, and the Committee thereafter authorized Executive Director Lovrien to write a letter to OLEA expressing the Committee's support for the project.

The grant was approved effective May, 1968, and the Academy began a program of thirteen training sessions of one week's duration each for groups averaging twenty in number. It is using facilities available at the Walworth Correctional Center in Elkhorn, Wisconsin.

## EVALUATION OF PROJECT

The Governor's Commission on Law Enforcement and Crime is the first agency of its type ever created in Wisconsin. In a state where the home rule tradition regarding the powers of local governments is very strong, a new state agency, such as this Commission, is always subjected to close, if not actually suspicious, scrutiny regarding the extent and nature of its powers and activities. Furthermore, the Commission was created by proclamation of the Governor, is not a statutory body, and was, therefore, regarded by many as a temporary creation, designed to meet some passing phase of public interest.

Because of these factors, the Commission and its staff moved with great care and deliberation in establishing itself as an active state government agency. Rather than draw up a comprehensive statewide detailed plan which would have excited charges of empire building and intensified the suspicions of the home rule traditionalists, it chose to emphasize its broad objectives which were already established in the public mind as highly meritorious and to deal directly with certain specific and important problem areas such as the need for minimum standards in local law enforcement and the need for central identification and criminal statistics files in the state. These areas, it will be noted, were characterized by voids in the current situation rather than by any agency or group seeking to handle them or currently handling them on an inefficient basis, so that no organized opposition in the nature of specific alternatives was likely to develop. At the same time, the

Commission and staff devoted much time and energy to the establishment of lines of liaison and support in the field of criminal justice, and particularly in the area of law enforcement where the more pressing and obvious problems, such as the examples cited above, exist.

As a result of the foregoing techniques, it is believed that the Commission has been very well received to date and is generally regarded as an agency truly dedicated to the attainment of its expressed objectives regarding the administration of criminal justice in Wisconsin. Specifically, the Commission has been successful in developing a program for the establishment of minimum standards in local law enforcement which has received so much support that its implementation in the form of legislation is confidently expected to take place in the 1969 legislative session. It has also arranged for the establishment of two NCIC terminals in Wisconsin and has conducted a survey upon which to base a legislative program for the establishment of central identification and criminal statistics files so necessary to effective state participation in the NCIC program. It has established lines of communication with the field of higher education in Wisconsin so that two baccalaureate degree programs in law enforcement are now in the planning stage, one of them scheduled to begin actual operation in September, 1968, and the other in September, 1969. With the exception of short-term non-credit courses in police subjects relating to administration and juvenile delinquency given by the Institute of Governmental Affairs in the Extension

Division of the University of Wisconsin, higher education in the state has shown little, if any, interest in law enforcement hitherto. These lines of communication have further resulted in the formation of a Law Enforcement Education Advisory Committee jointly appointed by the Commission and the Coordinating Council on Higher Education for the purpose of studying the needs of law enforcement in the higher education area.

The Commission has also conducted a manpower survey and a study on mutual aid which have developed much information concerning law enforcement not formerly centralized on a state-wide basis. It has conducted, or is conducting, studies and surveys regarding drug abuse, alcoholism, police-community relations training, presentence investigative reports, and forensic pathology which will yield additional information regarding conditions in the state and may lead to recommendations for legislative action which will improve these conditions.

From the foregoing it can be seen that, although the Commission has not yet drawn up a comprehensive plan for the administration of criminal justice in Wisconsin, it has worked in various important areas in that field in a manner productive of the type of information which will provide a basis for the planning procedure which is now a high priority item in the Commission's immediate future.

## FUTURE PLANS

With the passage of the Omnibus Crime Control and Safe Streets Act of 1968 and the creation by the Governor of a Planning and Evaluation Committee out of the Commission, it will become one of the first tasks of this Committee and the staff to draw up a comprehensive statewide plan concerning the administration of criminal justice in Wisconsin. Included in this plan will be the following projects and activities, some of which are already in progress while others have been scheduled for consideration on the basis of committee or Commission suggestions and requests.

### Law Enforcement

Alcoholism in Wisconsin: Further action is contemplated in this area upon the issuance of the survey report presently being edited. Since the final recommendations have not yet been decided upon, it is not known whether these recommendations will involve legislative action, cooperation with other agencies already interested in alcoholism as a problem, or both.

Communications: The progress towards complete installation and fully effective use of the NCIC terminals in Madison and Milwaukee will be followed and assisted where necessary.

The projected survey of law enforcement communications in Wisconsin will be reconsidered in view of the passage of the Omnibus Crime Control and Safe Streets Act of 1968, and

consultation held with James Karns, Administrator, Motor Vehicle Division, regarding renewal of his request for a grant to conduct this survey.

County or Regional Police Systems: Wisconsin has large rural areas covering many counties which are thinly populated on a permanent basis, although some of the tourist and holiday areas, particularly in the north, experience substantial but temporary population increases during the summer months. These conditions make it extremely difficult to develop efficient permanent law enforcement agencies in the various political subdivisions concerned. The possibility of improving the situation by concentrating the police powers and responsibilities of all the political subdivisions of a county, or a region, in a single law enforcement agency for the area concerned has been the subject of considerable law enforcement thinking lately. Wisconsin's problem in this area is considered sufficiently acute to merit study by the Commission staff during the coming year.

Drug Abuse in Wisconsin: Upon approval of the Law Enforcement Committee and the Commission, legislation will be drafted, where necessary, to implement the recommendations listed in connection with this survey.

Education and Training: Through its liaison with the CCHE on the jointly appointed Law Enforcement Education Advisory Committee, the Commission hopes to activate the interest of the CCHE into actual support for a wider scope

of educational programs in law enforcement. The currently developing baccalaureate degree programs at two universities in the state will be closely followed, and indications of interest in such a program at a third institution, the Wisconsin State University at Oshkosh, will be explored and encouraged if feasible.

Close contact will also continue with the Wisconsin Board of Vocational, Technical and Adult Education, the Director of which, Clarence Greiber, is a member of the Commission. This Board supervises the associate degree programs in law enforcement provided by Milwaukee Technical College and Kenosha Technical Institute which have the equivalent of junior college status in Wisconsin, and the Commission staff is presently working with the Madison Technical College, a similar institution, on plans to inaugurate a law enforcement program also looking towards an associate degree. Also active in the area of associate degree planning is Marquette University, a private institution in Milwaukee. Assistant Dean Charles Mentkowski of the Marquette University Law School is in contact with the Commission staff regarding a 64 credit hour program leading to an "associate degree in arts in law enforcement" which is now being planned at Marquette.

Kenneth Van Den Wymelenberg, law enforcement trainee liaison officer for the state, is also under the Wisconsin Board of Vocational, Technical and Adult Education. The Commission staff and Mr. Van Den Wymelenberg work closely together on training matters and he keeps the Commission well advised on

activities in this field. His assistance may be counted upon in the considerable amount of organizing activity regarding training which will be faced by the Commission staff during the developing stages of the Law Enforcement Standards Board upon the anticipated passage of the Minimum Standards Bill.

**Forensic Pathology:** This program will be continued through the Science and Technology Committee and its subcommittee so that final conclusions and recommendations concerning the coroner system and the availability and use of forensic pathologists may be developed and implemented where necessary.

**Manpower Survey:** It is planned to repeat this survey at the beginning of 1969 so that the information acquired in 1967 may be brought up to date. The scope of the questionnaire will be expanded in order to obtain additional information concerning the law enforcement agencies and personnel in Wisconsin, probably along the lines of the law enforcement inventory project which has been tried in Michigan and elsewhere.

**Minimum Standards:** The bill to create a Law Enforcement Minimum Standards Board will be introduced again at the beginning of the next legislative session in January, 1969; and, in the meantime, interest in and support for this bill will be maintained and strengthened through appropriate contacts.

Police-Community Relations: If the programs to be developed by the four cities participating in the nine-day training session in Madison are successful, it is planned to extend them on a regional basis. The original pattern of a basic training session for several law enforcement agencies leading to a program in each participating agency may also be repeated.

Police-in-the-Schools Program: Upon receipt of further information regarding the techniques of this program as practiced in Illinois, appropriate training will be arranged for likely officers and one or two pilot programs launched in Wisconsin.

Salaries for Local Law Enforcement: The Manpower Survey of Wisconsin made in 1967 yielded information on the salaries of rank and file law enforcement officers which demonstrated clearly that many of these salary ranges are at very low levels. Any attempt to raise these levels on a statewide basis would require public support, and this would be difficult to obtain in the absence of minimum standards of selection and training. However, as soon as the Law Enforcement Standards Board which will establish these standards has been created by the legislative action expected early in 1969, the Commission staff hopes to conduct a study on the law enforcement salary situation with a view to suggesting remedies for deficiencies which are now so obvious in this area.

State Central Identification  
and Criminal Statistics Files: Legislation will be drafted  
and an organization of committees and contacts set up to develop the support necessary to insure the successful completion of this project.

State Central Training Facility: At the request of the Law  
Enforcement Committee, the staff will conduct a survey concerning the possibility of establishing a central training facility for all law enforcement in the state. The State Traffic Patrol is presently looking for a new location for its training academy, formerly located in some old army buildings at Camp McCoy, Wisconsin. The time seems ripe for planning a facility, in terms of buildings and staff which will be a training center for both state and local law enforcement agencies, possibly on a joint basis and at least on a cooperative basis.

#### Prosecution

District Prosecutor Program: Although recent legislation has improved the position of district attorneys in Wisconsin through partial state subsidization of salaries, the problem of part-time and inexperienced district attorneys remains. In this connection, the Commission staff hopes to make at least a limited study of conditions in Wisconsin with a view towards evaluating the application of a district prosecutor program along the lines of the two-year pilot program now operating in Minnesota on the basis of an OLEA grant.

## Courts

**Computers in Courts:** The Courts Committee has requested a study of the possibility of improving court operations in Wisconsin through the streamlining of operational procedures with the aid of modern equipment, particularly computers. This study is also under consideration by the Commission staff.

**Disparity in Sentencing:** The Courts Committee has requested a study on the problem of disparity in sentencing in Wisconsin, with particular reference to the effect on sentencing of the arbitrary distinction between a felony and a misdemeanor as established in the various criminal statutes. The Commission staff plans to conduct, or arrange for the conducting of, this study.

**Presentence Investigative Reports:** If the Courts Committee approves the statute drafted on this problem, it will be presented to the Commission for consideration concerning final action.

## Corrections

**County Jails and Jailors:** Upon completion of the survey of county jails and jailors presently being conducted by the Wisconsin Correctional Service, consideration will be given to ways and means of achieving an improvement in caliber and performance of the institutions. Particular emphasis will be directed towards encouraging

rehabilitation procedures for county jail prisoners since it is believed that rehabilitation receives little, if any, attention in county jails at present.

Wisconsin Corrections Academy: The Commission staff will maintain close contact with the Division of Corrections concerning the operation of the Academy under the current OLEA grant. While the Academy's trainees are presently drawn entirely from the ranks of state correctional employees, the future may provide opportunities for inclusion of county correctional employees, or at least develop a prototype of training for the county people.