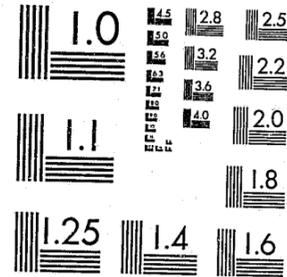


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SEP 8 1981

Madison, Wisconsin  
August, 1948

ACQUISITIONS

To the Subcommittee on Reclassification  
and Review of Administrative Agencies  
and State Services

Gentlemen:

There is transmitted, herewith, my study of law enforcement agencies in Wisconsin. This is a most interesting and challenging field of research, and further and more comprehensive studies of certain phases of it are fully warranted.

It should be clearly understood that the conclusions, recommendations and suggestions made herein for consideration are solely those of the writer, and are not to be construed as recommendations by your committee or by the Legislative Council. While many responsible persons have expressed widely divergent views on the subject, I have attempted to state my conclusions based upon the facts as I saw them.

It is hoped that this study will furnish the background material for a thorough consideration of steps to modernize and integrate our enforcement system, and that it will provoke widespread discussion of the problems involved at hearings before your committee.

Respectfully submitted,

*Philip S. Habermann*  
Philip S. Habermann

CORRELATION OF LAW ENFORCEMENT  
IN WISCONSIN

A Study Prepared For The Subcommittee  
On  
Reclassification And Review Of Administrative Agencies And State Services

JOINT REFERENCE

AUG 25 1948

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Prepared By

*Wio.*  
Philip S. Habermann  
Executive Secretary  
LEGISLATIVE COUNCIL

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Crime and law enforcement are no longer a local problem. Modern transportation and communication methods have mobilized the violator and complicated enforcement.

Wisconsin has 1861 separate law enforcement jurisdictions.

There are more than 10,000 persons in Wisconsin empowered to make arrests under varying circumstances.

Under the constitution, the governor, as the chief executive, is responsible for the preservation of law and order, but the ways and means of his accomplishing this are limited. Policing is considered a function of the executive branch of our government.

The national guard has been called out by the governor to preserve law and order on 25 occasions during the past 67 years.

The use of motor vehicles and the accompanying problems account for most of the work of our various police agencies.

The state traffic patrol has only 43 men to cover the entire state, and their police authority is restricted. As presently constituted, the force is inadequate to serve its purpose.

Our efforts in the field of highway safety have proved inadequate. The increasing accident toll necessitates our taking immediate and, if necessary, drastic steps to make our highways safe.

The state fire marshal staff should be transferred to another department, and coordinated with other law enforcement activities.

We should seriously re-examine the need for, benefits from, and method of operation of our state oil inspection bureau.

There are many state departments having inspectors, such as the state board of health and the industrial commission, whose functions cannot be efficiently combined with other policing activities since they are of such a specialized nature.

We spent nearly \$2,500,000 in 1947 for county sheriffs, county motor police and county police radio systems. Yet, our county policing systems are not uniform or fully coordinated with other policing functions. Emphasis is on apprehension, not prevention.

The office of coroner is not geared to modern conditions and should be replaced with a system of qualified, appointed medical examiners.

Our county traffic police organizations should be made more uniform and their powers expanded to cover more than traffic violations.

The office of constable should be abolished.

Our present police radio systems should be studied and unified into a more coordinated system with less expensive overlapping.

Two-way police radio has greatly increased the efficiency of the law enforcement units which have been so equipped.

The mobility of the violator plus the increase in homes and businesses scattered through rural areas gives rise to a demand for better rural police protection on a preventative basis.

The movement for a state-wide police system in Wisconsin dates back to 1915. At present we have a state highway patrol and a state crime laboratory in operation at the state level.

There are 19 states with state police systems, and 29 states with highway patrols, of which 17 have full police authority.

The opposition of organized labor in the past to a state-wide policing agency rested largely on historical incidents which are now guarded against by state and federal legislation.

From both the standpoint of economy and efficiency, there is need for coordination and consolidation of our policing activities at the state level. Cooperation of present agencies is spotty.

Civilian defense is a new problem which must be recognized in connection with our existing law enforcement agencies. A definite plan of action should be established now, and coordinated with our present enforcement and communication agencies.

MAJOR SUGGESTION: Creation of a Department of Public Safety, with an expanded police patrol, combining state-level law enforcement and safety activities into a single new department.

RECOMMENDED: Many minor changes for individual law enforcement agencies to improve their efficiency by modernizing the statutes.

You will be especially interested in the tables and charts following pages: 28, 34, 36, 50, 80 and 120.

Be sure to Note:

PRIMARY SUGGESTIONS - page - - - - - 117

SPECIFIC RECOMMENDATIONS - page - - - - - 123

CORRELATION OF LAW ENFORCEMENT IN WISCONSIN

PREFACE

Every effort was made to conduct this study on an objective basis. We heartily disagree with the good old game where you hide whatever rabbit you like in the hat; then you go looking for it with all the instruments of research, and you bellow with surprised delight when you've found it. We prefer to present all sides of the problem and let the facts speak for themselves.

One of the chief difficulties encountered in making this study was the vastness of the field of possible inquiry. Entire books have been written on some phases of the subject, and each of our law enforcement agencies could individually be given a more detailed study. Of necessity, the facts presented have been condensed and restricted to those believed to be relevant. It is hoped that the result presents a complete picture of the Wisconsin situation, and that enough supplemental material has been included to permit a comprehensive understanding of our problems.

Many suggestions gleaned from the writings of Bruce Smith, an outstanding authority on statewide and rural policing methods, have been incorporated. Other valuable material was obtained from a study by the Kansas Legislative Council. All state departments cooperated splendidly in furnishing information. Inevitably, some of the figures and laws summarized herein change, and in minor details some of the facts may have changed since they were assembled several months ago.

Preface

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## INTRODUCTION

This is a survey of the existing law enforcement agencies in Wisconsin to evaluate their efficiency and effectiveness. It is a search for evidence of duplication of effort and overlapping jurisdictions, and to determine whether there is any lack of coordination or cooperation between the various agencies. Since our problems are largely similar to those of other states, their systems and methods will be briefly examined. Suggestions will be offered wherever changes in our system are indicated by the facts disclosed.

The survey will be restricted to the crime prevention and detection aspects of law enforcement, and will not include the trial or punishment of offenders. By "law enforcement" we mean not only the enforcement of criminal statutes, but the enforcement of all penal laws, ordinances, and administrative orders by the various officers or agencies given enforcing powers.

Crime and law enforcement are not new problems. They have been with us since the beginning of civilization, and reflect some of our most persistent failings as individuals and as a nation. The fact remains, however, that law violations have tremendously increased, assumed new aspects and adopted new techniques. The advent of the automobile, the improved highway, the telephone and the radio have produced in many communities an entirely new set of conditions which cannot be met except with the aid of the most careful adaptation and planning.

Crime from its very nature no longer knows any political boundaries. It is no longer a local or state-wide problem, but is in some aspects nation-wide. The offender travels throughout the region in the same fashion as the law abiding population. In the natural course of events a number of offenses are committed at some distance from the offender's domicile. New means of transportation have greatly simplified escape from the jurisdiction where the crime was committed, and complicated the problem of apprehension.

With this in mind, we propose to examine our present law enforcement machinery in the light of 1948 conditions. Wisconsin, like the other states, early adopted the orthodox sheriff-constable system of law enforcement, and our whole system has built up around it. The adoption of this system was influenced by the institutions that existed in England at the time the colonies were established, and by the idea of government brought over by the early colonists. Deeply ingrained in the experience and consciousness of the English was the doctrine that law enforcement is the essence of government and democracy, and that it is the privilege and obligation of those who would be self-governed. The basis of local law enforcement in England was the sheriff-constable system, hence its adoption by the colonists from England. As the nation expanded westward, Wisconsin and the other new states also adopted it. Generally speaking, it may be said to have worked very well under conditions of that era.

As cities developed in size and importance, the sheriff, as the chief law-enforcing official of the county, and the town constable, who by training was rarely fitted for police work, proved inadequate as a means of enforcing law and order in these densely populated areas, so there grew up independent police systems in the various cities, with the office of marshal being established in villages. Many of these are, as a matter of course, highly capable organizations, and many fine officers have developed, but it has resulted in overlapping and un-coordinated police bodies; in conflicts of operation; in the possibility of officers working at cross-purposes, especially in the investigation of important and spectacular cases; and of jealousies, rivalries and "buck-passing", both of groups and individuals. Thus, the supplementation of the sheriff-constable system with the city and village police left the problem of law enforcement still unsolved, especially in rural areas.

In addition, the modern means of transportation and communication have virtually destroyed some of the spatial factors upon which these local police forces were originally predicated. In some instances the new facilities for transportation have virtually brought urban conditions to the open countryside. In the regions immediately surrounding our cities, the progressive multiplication of police forces has not always been followed by an increase in police effectiveness. Large city areas and many rural districts have thus found it difficult to contend with the new problems of crime repression which have grown with the passing years.

The lack of adequate police protection is of particular importance to rural areas and to the smaller municipalities which are unable to maintain adequate police forces. It is but natural that from these areas comes a demand for better protection. The automobile and improved highways further aggravate and complicate the situation by expanding the scope of the violator's activity and to make more difficult the apprehension of offenders by the local police. We have seen a decentralization of homes, businesses and recreation facilities into rural areas, which presents problems unknown 40 years ago. Local enforcement agencies find themselves restricted by jurisdictional boundary lines beyond which they can not go, while the criminal is not bound by any such restrictions.

This basic system of overlapping police jurisdictions satisfied the requirements of the time in which they were created. Even today there may be places where the plan operates reasonably well. But added to the sheriff-constable-police schemes are state conservation wardens, fire marshals, and other state inspectors, state and county traffic patrols, and still other officials with various authority for detection and arrest. As each agency is added, the possibility of duplication or overlapping increased, without a proportionate improvement in the overall effectiveness of enforcement agencies.

With this general background, we will examine in turn each of the existing law enforcement agencies. It is necessary to know exactly what we have before we can suggest what we might do about it.

## I. SURVEY OF EXISTING ENFORCEMENT AGENCIES

### A. State

Governor  
National Guard  
State Traffic Patrol  
Highway Safety Enforcement  
Conservation Wardens  
Other Conservation Commission Law Enforcement  
Activities  
State Fire Marshal  
State Oil Inspection Bureau  
Beverage and Cigarette Tax Division  
State Board of Health  
Department of Agriculture  
Industrial Commission  
Humane Officer

#### THE GOVERNOR

As chief executive of the state, the governor has the constitutional power and duty to "take care that the laws be faithfully executed", as set forth in Article 5, Section 4 of the Wisconsin constitution.

This constitutional mandate makes the governor the chief law enforcement official of the state. While he is not directly concerned with enforcement problems, and has very little actual control over law enforcement, the final responsibility for law and order rests in him. The constitution, however, is silent as to the ways and means available to the governor in the execution of this function.

Several statutory provisions amplify the governor's constitutional power. In furtherance of justice, the governor is empowered by section 14.19 to offer rewards for the apprehension and delivery of the perpetrators of crimes in certain cases where a felon escapes or wherever a heinous crime has been committed.

Under certain circumstances the governor is empowered by section 21.11 of the statutes to order into active service all and any portion of the National Guard of the state to assist him in maintaining law and order. The enabling language is broad, providing that "in the case of war, insurrection, rebellion, riot, invasion, resistance to the execution of the laws of this state, or of the United States, or in the event of public disaster resulting from flood, conflagration or tornado or upon application of any marshal of the United States, the mayor of any city or sheriff" the governor may issue a call to active service.

Since Article 5, Section 4 of the constitution provides that the governor shall be the "commander-in-chief of the military and naval forces of the state", it follows that when the National Guard or a

portion thereof is activated by the governor to enforce law and order, the governor has full direction of the operations of the force assembled.

It must be pointed out that this power of the governor is an extraordinary one and is seldom used. Since the admission of Wisconsin as a state in the Union, the governor has called the guard or portion of it only on the following occasions:

- 1881 July 22, to July 25, Eau Claire, strike riots.
- 1881 July 23 to July 30, Pepin county, to assist in capture of the Williams, alias Maxwell brothers, murderers.
- 1886 May 3 to May 30, Milwaukee, strike riots.
- 1889 July 19, Superior, strike.
- 1892 October 28, Milwaukee, aid in fighting third ward fire.
- 1893 April 15, Clinton Junction, to protect a prisoner.
- 1894 July 8, Spooner, held in armories.
- 1898 June 23 to June 30, Oshkosh, strike riots.
- 1899 June 12 to July 2, New Richmond, cyclone.
- 1902 April 2, Hayward, held in armory.
- 1905 October 4, to October 5, Rhinelander, Rhinelander fire.
- 1909 Kenosha, strike. Milwaukee companies assembled but held in armories.
- 1911 October 8, Black River Falls, flood.
- 1922 April 13, 14, 15, Trucks of Mot. Transport Company, No. 125, New London, used to haul food and forage to farmers in vicinity of New London during floods. On duty three days.
- 1922 River Falls, June 16, 17, 18, Trucks of Ammunition Train, took tents and blankets sent from Camp Douglas to tornado swept district in Barron and St. Croix counties.
- 1923 October 9 - 12, Douglas County, assisting in fighting forest fires.
- 1925 May 15 - 23, called to protect life and property in the counties of Oconto, Forest, Marinette and Langlade.
- 1929 April 7, Rice Lake, Comm. Off. Co. "D" was mobilized to protect life and property as a result of a tornado in the vicinity of St. Croix, Polk, Barron, and Sawyer counties.
- 1930 June 14, Dunn County, tornado.
- 1933 May 15 - 20, Shawano, to aid sheriff in maintenance of law and order in Shawano County in connection with strike of Wis. Co-op. Milk Pool.
- 1933 May 16 - 20, Waukesha County, Wis. Co-op. Milk Pool Strike.
- 1933 May 16 - 20, Racine County, Wis. Co-op. Milk Pool Strike.
- 1934 July 28 - 31, Kohler, strike, units at Camp Douglas were called.
- 1936 March 21, five companies, officers and enlisted men were assembled at their respective armories to await further orders. An emergency was declared with respect to a WPA strike. They were relieved from active duty on the same day.
- 1944 June 22, (Wisconsin State Guard) Tornado in southwestern Wisconsin. Monroe and Platteville companies were called out.

The governor acts in a supervisory capacity over certain law enforcement officers to the extent that any serious breaches of duty on their part can in some instances result in their removal by the governor.

Section 17.09 of the statutes provides that the sheriff, coroner, or district attorney may be removed from office by the governor for cause. Undoubtedly, "cause" would include any serious failure to cooperate with the governor in the enforcement of law and order in Wisconsin. The governor has no power of removal in the case of city, village or town police officers, and state enforcement officers appointed pursuant to the civil service provisions may be removed only as provided by civil service regulations.

STATE TRAFFIC PATROL

The state traffic patrol is operated by the enforcement division of the motor vehicle department. The statutory provision providing for the state traffic patrol and establishing its powers and duties is as follows:

110.07 Traffic officers; powers and duties (1) The commissioner of motor vehicles shall employ not to exceed 55 traffic officers to enforce and assist in the administration of the provisions of chapters 85, 110 and 194, or orders, rules or regulations issued pursuant thereto. Such traffic officers shall have the powers of sheriff in the enforcing of the above chapters and section and orders, rules or regulations issued pursuant thereto. Such traffic officers shall have authority to enter any place where vehicles subject to the provisions of chapters 85, 110 and 194 are stored or parked at any time to examine such vehicles, or to stop such vehicles while en route at any time upon the public highways to examine the same and make arrests for all violations thereof. It shall be the duty of all justices of the peace, judges, district attorneys and law enforcement officers to assist in enforcing the provisions of chapters 85, 110 and 194, and orders, rules or regulations issued pursuant thereto, and law enforcement officers shall report to the motor vehicle department all arrests and disposition of court cases involving the aforementioned statutes.

(2) The traffic officers employed pursuant to the provisions of this section shall constitute a state traffic patrol to assist local enforcement officers wherever possible in the regulation of traffic and the prevention of accidents upon the public highways. No state traffic officer shall be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions; nor shall any such traffic officer be required to serve civil processes.

Staff

The statutes provide for the employment of 55 state traffic patrol officers. At present there are 12 vacancies, with a total of 43 officers now in service. The state is divided into six administrative districts with a district captain in charge, and from four to eight officers serving under his direction. The individual officer's patrol area ranges from part of one county to five counties. The headquarters for the field work are in the state office building in Madison, and are in charge of the director of the state traffic patrol.

Each state traffic patrol officer must provide his own patrol car, which is equipped by the state with a two-way radio. The officers are compensated for the use of their private cars on the state mileage basis of 5¢ per mile for the first 2,000 miles in each month, and 4½¢ per mile for each additional mile.

The following map shows the area assignments of state traffic patrol officers.

Powers and Duties

Under section 110.07, officers of the state traffic patrol have the powers of sheriff in enforcing state motor vehicle registration laws, traffic laws, and orders, rules and regulations issued pursuant thereto. The law provides that no state traffic officer shall be used in or take part in any dispute or controversy between employer and employe concerning wages, hours, labor or working conditions; nor shall any such traffic officer be required to serve civil processes. State traffic officers have full authority to make arrests for violations of all state laws, orders, rules and regulations which they are empowered to enforce, but it is significant to note that these are restricted to motor vehicle and traffic laws.

Following is a summary of the various laws enforced by officers of the state traffic patrol:

- Sec. 85.01 Registration of motor vehicles and trailers.
- Sec. 85.02 Registration of motor vehicle dealers.
- Sec. 85.025 Licensing of vehicles in transit.
- Sec. 85.04 Title history of certain used motor vehicles.
- Sec. 85.05 Foreign licensed vehicles; reciprocity.
- Sec. 85.06 Motor vehicle lighting equipment.
- Sec. 85.07 Adjusting stations.
- Sec. 85.063 Safety glass requirements.
- Sec. 85.08 Licensing of motor vehicle operators.
- Sec. 85.09 Motor vehicle safety responsibility law.
- Sec. 85.10 to 85.93 Traffic laws; weight laws, etc.
- Sec. 110.035 School bus regulations.
- Sec. 110.10 Itinerant merchant trucker law.
- Sec. 110.16 Enforcement peddler license law (Chapter 129)
- Chapter 194 Motor carrier law.
- Sec. 218.01 Motor vehicle dealer and salesmen's licenses.

Highway Patrol

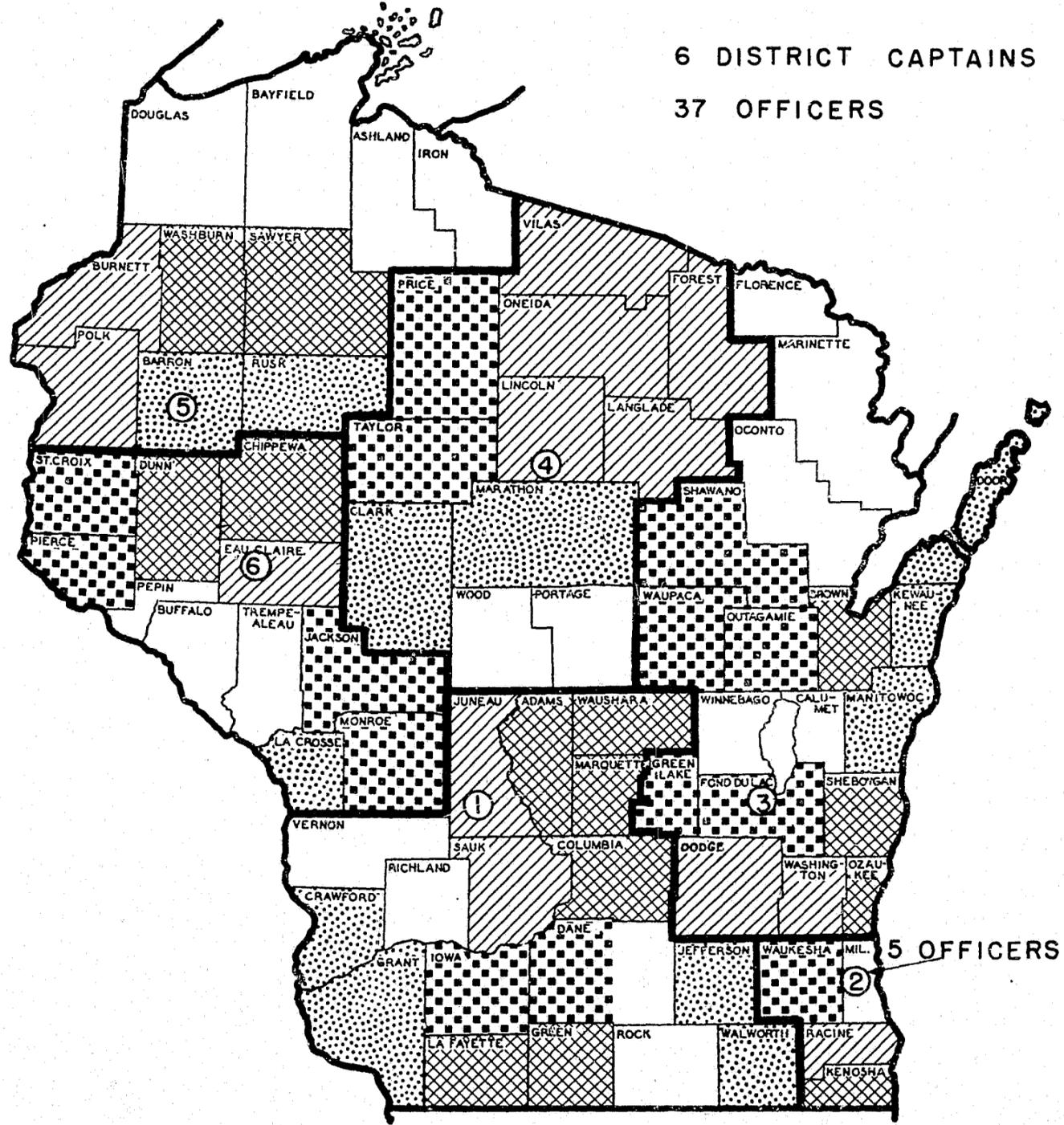
Officers are considered on highway patrol duty when traveling from point to point in their assigned territories in their patrol cars, as well as during such periods as they may be exclusively engaged in highway patrol. In 1947 state traffic officers traveled 928,722 miles, approximately 58% of each officer's time being charged to highway patrol. Obviously, many traffic law violators are apprehended and many warnings are issued in connection with highway patrol activities.

Investigations

State traffic officers are required to make numerous investiga-

# AREA ASSIGNMENTS of STATE TRAFFIC PATROL OFFICERS

6 DISTRICT CAPTAINS  
37 OFFICERS



5 OFFICERS

tions in the field for the motor vehicle department in connection with transactions involving the licensing of motor vehicles and drivers; the suspension and revocation of drivers' licenses; the regulation of motor carriers; and the licensing of motor vehicle dealers and salesmen. Over 12,000 such investigations were completed in 1947, approximately 15% of each officer's time being devoted to these activities.

#### Vehicle Inspections

Several thousand motor trucks and tractor-trailer combinations are inspected by state traffic officers annually in connection with the enforcement of motor vehicle registration laws and the motor carrier law, as well as checking for defective lighting equipment, brakes and overloading. Lighting and other equipment violations resulted in the issuance of about 18,000 5-day tickets during 1947.

#### Inspection of School Buses

Officers of the state traffic patrol annually inspect about 2,000 Wisconsin school buses, to ensure the use of safe equipment for school transportation purposes. The jurisdiction of the department is limited to school transportation vehicles owned by or under contract to school districts. All persons required under law to have school bus drivers' licenses are examined by state traffic officers.

#### Inspection of Motor Vehicle Dealer Facilities

State Traffic officers are required to inspect and report on the display and service facilities of persons and firms making application to the motor vehicle department for licenses to operate as motor vehicle dealers. If the applicant does not have suitable facilities at the first inspection, it is frequently necessary to make a re-inspection of his premises and equipment. Approximately 1500 such inspections were conducted by state traffic officers in 1947.

#### Special Details

Local police departments and county law enforcement authorities frequently request the assignment of officers of the state traffic patrol to assist them in directing traffic in emergencies, and on special public occasions when large crowds create congested traffic conditions. Scores of such requests are complied with annually, cooperation being extended to the limit of personnel available. On such occasions state traffic officers are instructed to work under the local chief of police or county law enforcement department requesting assistance. During 1947 state traffic officers spent about 15% of their time on special detail.

#### Training

In-service training of officers of the state traffic patrol is conducted once or twice annually at the state military reservation at Camp Williams, for periods of from 5 to 10 days. Classes are conducted by specialists obtained from the International Association of Chiefs of Police, the National Safety Council, the Federal Bureau of Investigation and the attorney general's office, and by various executives of the

motor vehicle department. In addition, the director of enforcement conducts frequent meetings with district commanders, who in turn conduct group meetings of officers under their jurisdiction. Officers are also assigned to attend district training schools scheduled throughout Wisconsin each year under the sponsorship of the Wisconsin Chiefs of Police Association and the FBI. Besides being required to be thoroughly familiar with the laws and regulations which they enforce, officers of the state traffic patrol must qualify in the advanced course in first aid prescribed by the American Red Cross, and participate in refresher training classes at stated intervals. Officers are thoroughly schooled in courtesy and as to the exact limitations of their authority, and the department reports that it has never, thus far, received a substantiated complaint of any officer having abused or exceeded his lawful powers.

COURT CASES 1947 - STATE TRAFFIC PATROL

Chapter 85 - Law of the Road

Unlicensed autos and trucks	839
No driver license	119
Overloaded vehicles	583
Defective equipment	30
Drunken driving	76
Driving after revocation-suspension	25
Reckless driving and speeding	109
Arterial and stop light violations	55
Illegal operation by unauthorized person	44
Illegal use of license plates	17
Miscellaneous violations	128

Total 2,024

Fines: \$24,154.90    Costs: \$7,211.34    Total: \$31,366.24

Chapter 194 - Motor Carrier Law

Authority and Tax Violations	181
------------------------------	-----

Fines: \$2,252.86    Costs: \$706.98    Total: \$2,959.84

Chapter 218 - Dealer License Law

Unlicensed Dealers and Salesmen	38
---------------------------------	----

Fines: \$1,585.00    Costs: \$209.44    Total: \$1,794.44

Chapter 129 - Peddler Law

Unlicensed Operations	1
-----------------------	---

Fines: \$25.00    Costs: \$3.33    Total: \$28.33

TOTAL: (All fines and costs) \$36,148.85

ANNUAL REPORT

ENFORCEMENT ACTIVITIES - - STATE TRAFFIC PATROL

<u>Patrol Mileage</u>	1947
State Highways	678,965
County Roads	103,691
Cities and villages	140,066

Total 928,722

Distribution of Time (Hours)

Highway Patrol	57,974
Investigations	14,086
In Court	1,267
Direct Traffic	678
Office Detail	8,213
Special Detail	14,761

Total 96,979

Inspections Completed

Motor Carriers	8,471
Automobiles	5,632
School Buses	1,885
Motor Vehicle Dealers	1,466
5-Day Tickets	17,967
Driver Licenses	21

Total 35,442

Special Services

Motorists Assisted	776
First Aid	59
Driver Tests Conducted	11,032

Total 11,867

Investigations Completed

Accidents	262
Chapter 85	10,285
Chapter 194	1,497
Chapter 110	1
Chapter 129	141
Chapter 218	265

Total 12,451

Warnings Issued

Chapter 85	1,629
Chapter 194	241

Total 1,861

Arrests

	<u>1947</u>
Chapter 85	1,907
Chapter 194	151
Chapter 218	16
Chapter 351	1
Chapter 129	1
	<hr/>
Total	2,076

Fines Imposed in Court Action

Chapter 85	\$31,366.24
Chapter 194	2,959.84
Chapter 218	1,794.44
Chapter 129	28.33
	<hr/>
Total	\$36,148.85

License Fees and Taxes Collected

Chapter 85	\$323,524.81
Chapter 194	98,574.40
Chapter 129	7,425.00
	<hr/>
Total	\$429,524.21

<u>Operating Expense</u>	<u>1945-46</u>	<u>1946-47</u>	<u>1947-48</u>
Salaries	\$142,803.19	\$168,750.68	
Travel Expense	66,691.48	67,497.98	
Other Expense	11,652.27	11,806.99	
	<hr/>	<hr/>	
Total	\$235,080.28	\$252,108.71	

Radio System \$64,000

HIGHWAY SAFETY ENFORCEMENT

There are two divisions of the state motor vehicle department which, while not directly engaged in law enforcement activities, are active in a closely allied field involving traffic regulations, namely, the safety division and the safety responsibility section.

The highway safety promotion division of the motor vehicle department was created in 1939, at which time the personnel and activities of the previous safety department of the highway commission which had been functioning since 1936 were transferred to the motor vehicle department. The provisions establishing the powers and duties of the safety division are found in section 85.141 (11) of the statutes. These include the following: tabulating and analyzing all accident reports and publishing annually and at more frequent intervals statistical information based thereon as to the number and circum-

stances of traffic accidents; compiling accident facts, consulting and cooperating with other state agencies and organizations interested in accident prevention, preparing safety publications and articles, planning conventions and conferences devoted to safety promotion, and co-ordinating the safety promotion efforts of all groups in a state-wide program of public safety. The division's staff works with local officials and groups, schools, conventions and other agencies in promoting driver education and safety training.

The staff of the division numbers eleven persons, operating under a director who is responsible to the commissioner of the motor vehicle department. The activities of the division are closely integrated with those of the registration division and the safety responsibility section in order that information concerning accidents is quickly available.

The cost of operating the safety division in the past three fiscal years is as follows:

1944-1945	\$41,151
1945-1946	\$50,491
1946-1947	\$46,848

The expenditure for the safety division represents approximately 5% of the total expenditures for the motor vehicle department.

Safety Responsibility Section

The motor vehicle safety responsibility section of the motor vehicle department is engaged in administering the safety responsibility act which appears in section 85.09 of the statutes.

The act applies solely to motor vehicles and operators. Quoting in part from 85.09 (5) (a):

"Within 60 days after the receipt of each report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any other person in excess of \$50, the commissioner shall suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a non-resident the privilege of operating a motor vehicle within this state, and if such owner is a non-resident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both deposit security in a sum which shall be sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; \* \* \*."

While it is difficult to briefly summarize the detailed operation of the safety responsibility law, it may be briefly stated that this division is engaged in examining accident reports to insure compliance with the law, and to take the necessary steps to suspend drivers' licenses and vehicle registrations when required as a result of an accident. It is the duty of the department to force compliance with

the accident reporting law and to compel persons who are involved in motor vehicle accidents to prove that they were protected by public liability and property damage insurance at the time of the accident. If they were not insured, they are obliged to either settle the damages involved and file proof of settlement; deposit security to the evaluated amount of the damages or sufficient suspension of their driving privileges.

The administration of this law is inter-related with the other sections and divisions of the motor vehicle department in order to have available the operators' license records and motor vehicle registration records.

There are approximately 29 employes on the staff of this section, and the cost of operation for the calendar year 1947 was \$56,085. This does not include the work done for the division by state traffic patrol, which conducts field investigations in checking on accident reports.

### CONSERVATION WARDENS

The law enforcement division of the conservation department is charged with the protection of the state's outdoor resources involving the enforcement of all conservation laws and commission orders regulating the taking of fish and game.

There are 95 conservation wardens employed by the law enforcement division of the commission, with more to be added. They operate in five basic areas, which are under the centralized direction of the chief warden in the commission office in Madison. A chart showing the organizational plan and distribution of wardens follows.

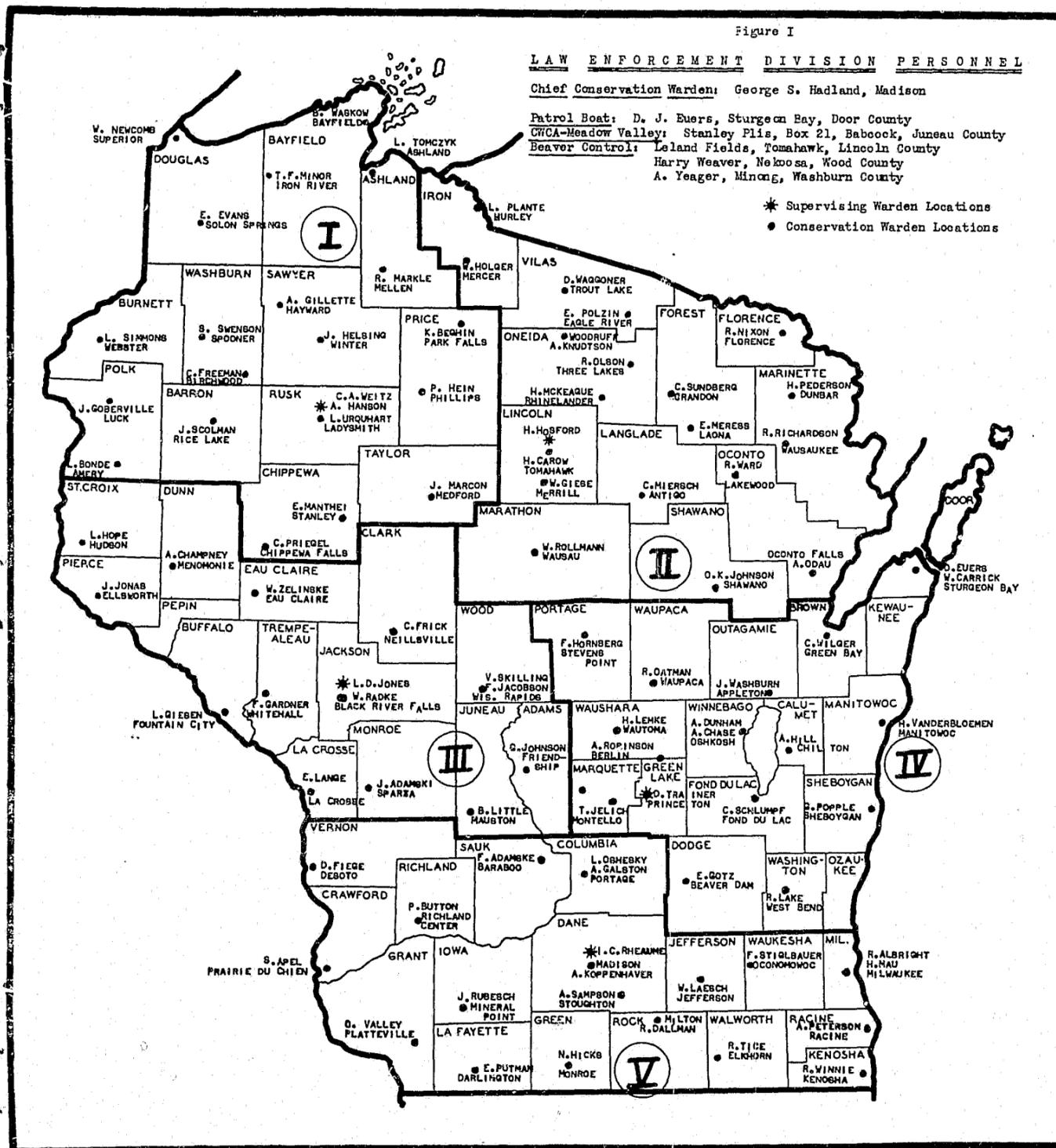
### Duties

The duties of the conservation wardens are to enforce the conservation laws laid down by statute and also the regulations adopted by the conservation commission. Some of the major duties are:

1. Enforcement of fishing regulations.
2. Enforcement of hunting regulations.
3. Enforcement of trapping regulations.
4. Conduct surveys.
5. Cooperation with other divisions of the department and state and federal agencies.
6. Stocking of fish and game.
7. Investigating deer and bear damage complaints.
8. Attending court, preparing cases, etc.
9. Enforcement of commercial fishing regulations.

Conservation wardens enforce all laws pertaining to conservation. They have the power to arrest with or without warrant under Chapter 29 when a violation is actually detected. Section 23.09 contains the conservation act and 23.10 sets up the powers and duties of the conservation wardens. They are charged with the enforcement of the following:

Wisconsin Conservation Department  
Madison 2, Wisconsin



Chapter 29 and also rules and regulations made by commission order.  
Section 343.442 - Enforcement of protected wild flowers.  
Section 348.686 (3) - Enforcement of Christmas tree law.  
Section 59.635 - Enforcement of destruction of benchmarks and landmarks which have to do with the perpetuation of landmarks, monuments and corner posts of any government survey.

Section 29.07 specifies that all sheriffs, deputy sheriffs, coroners and other police officers are ex-officio deputy conservation wardens and shall assist the state conservation commission and its deputies in the enforcement of this chapter whenever notice of a violation thereof is given to either of them by the commission or its deputies.

Each year before and after the deer season, usually a period of approximately 20 days, the law enforcement division is supplemented with manpower by the cooperation of other divisions within the department. This is not a peak season for the other divisions and it gives the law enforcement division excellent help as these men have had some training in enforcement activities and are familiar with departmental rules and regulations and policies set up by the commission.

#### Other Law Enforcement Activities

The law enforcement division of the conservation department is, of course, the one large division which exclusively is charged with the enforcement of the game and fish code. However, there are listed below the other divisions within the department which are charged with some specific law enforcement activities:

#### Forest Protection Division

#### Forest

The forest protection division is charged with the responsibility of enforcing the following sections of the statutes and conservation commission orders:

- 348.386 (3) - Christmas tree law
- 26.12 - Forest fire protection districts, organization, emergency fire wardens, county cooperation, setting fires
- 26.13 - Town fire wardens; duties, expenses
- 26.14 - Forest fires, law enforcement, police power of wardens, compensation, penalties
- 343.07 - Lighted cigarettes, etc., penalty
- 26.15 - Responsibility of wardens and citizens
- 26.19 - Destruction of forest protection equipment
- 26.20 - Fire protection devices
- 26.205 - Tractors, spark arresters
- Order
- M-39 - Fire lane travel
- M-171 (Rev.6) - Emergency fire regulations

The forest protection division cooperates with the law enforcement division in the enforcement of fish and game laws when called upon to assist. The converse is true in relation to enforcement of forestry laws by the enforcement division.

Less than one-tenth of one percent of the time spent by the forest protection division is actually spent in law enforcement of forestry laws. In relationship to the budget, this would be an expenditure of slightly in excess of eight hundred dollars annually. Two and six-tenths per cent of the total time spent by the forest protection division is contributed to the law enforcement division in the enforcement of fish and game laws.

Some cooperation is recieved from sheriff's offices, and while this has been limited in the past, it has been on an especially friendly and helpful basis.

Radio used in the forest protection division serves very little purpose in the enforcement of the laws. Its use is primarily for the detection and suppression of fires.

Forests and Parks Division

Parks

Conservation commission has police supervision over all state parks - Paragraph 8, Chapter 549, Laws of 1947.

Rules and Regulations

Indian Mounds (26.03, paragraphs 4 and 5)

Forests

Trespass

Seizure of timber or other products from public lands (26.02, 343.512, 26.09, 343.45)

Resale of nursery stock (343.655)

The amount of time spent in the enforcement of these particular laws is negligible.

Cooperative Forestry Division

The district foresters in northern and central Wisconsin are frequently concerned with timber trespass and timber larceny as it affects state forest lands and county and privately owned lands entered under the forest crop law, where the state has an interest in collecting severance taxes. Since section 77.09 applies only to the owner, the foresters of this division are concerned with sections of chapters 26, 331 and 343, referring to the unlawful cutting of timber.

It is estimated that 11 foresters each spend 14 days annually on this phase of the work, including running of lines to determine whether unlawful cutting has been done on lands with which they are concerned.

Use of Radio

The law enforcement division is now equipped with 30 FM 2-way radios in cooperation with the motor vehicle department. These 30 radios have increased the efficiency of the law enforcement division approximately 50 percent. The department believes that when the entire division is equipped with the 2-way radios, it will increase their efficiency at least 100 percent.

Cost of Operation

The cost of the law enforcement division of the conservation commission for the two previous fiscal years is as follows:

	<u>1945-46</u>	<u>1946-47</u>
Total Expenditures	\$391,372.39	\$485,426.08

STATE FIRE MARSHAL

The office of state fire marshal was created in 1907 as a separate department of state government. In 1911, the commissioner of insurance was made ex-officio state fire marshal and the duties and powers were transferred to him. In 1917, the duties of making inspections of property and the supervision of local officers such as chiefs of local fire departments in making such inspections and the duties of enforcing statutes and orders relating to fire prevention and enforcement of building codes was transferred to the industrial commission.

Personnel

The commissioner of insurance is ex-officio state fire marshal and the deputy commissioner of insurance is the assistant state fire marshal and is in charge of this activity.

There are seven deputy fire marshals and one senior clerk stenographer employed in this division. The attached exhibit shows the territorial divisions served by each deputy.

Powers and Duties

The state fire marshal through his deputies investigates all suspicious fires and if, after investigation, he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall cause such person to be prosecuted, and shall furnish the prosecuting attorney the names of all witnesses and all the information obtained by him, including a copy of all testimony taken in the investigation. (Section 200.20)

He has the power to conduct investigations and hearings and take testimony regarding fires and the causes thereof, and compel the attendance of witnesses; at all reasonable hours in the performance of his duties enter upon and examine any building or premises where any fire has occurred and seize any evidence; to keep a record of all fires occurring in the state.

Neither the state fire marshal or his deputies have any power of arrest, but must proceed to cause the prosecution of suspected persons through the district attorney. The state fire marshal or his subordinates may at all reasonable hours in performance of their duties enter upon and examine any building or premises near the same, and seize any evidence found as a result of such examination which in the opinion of the officer finding the same may be used in any criminal action which may result from such examination or otherwise, and retain it for a reasonable time or until it becomes an exhibit in the action.

Likewise, they may, upon complaint of any person, or without such complaint, enter all buildings and premises at any reasonable hour for the purpose of examination. (Section 200.22)

Finances

Prior to 1921, there was a separate tax of 3/8 of 1% on fire insurance premiums in this state for the support of the fire marshal division. Since that time, this tax has been merged with the regular state tax on fire insurance premiums and no separate tax for the support of the fire marshal division is levied.

The expenses of operating the fire marshal division in the fiscal year ending June 30, 1947 was \$33,377.15 and in the fiscal year ending June 30, 1946 was \$28,754.18.

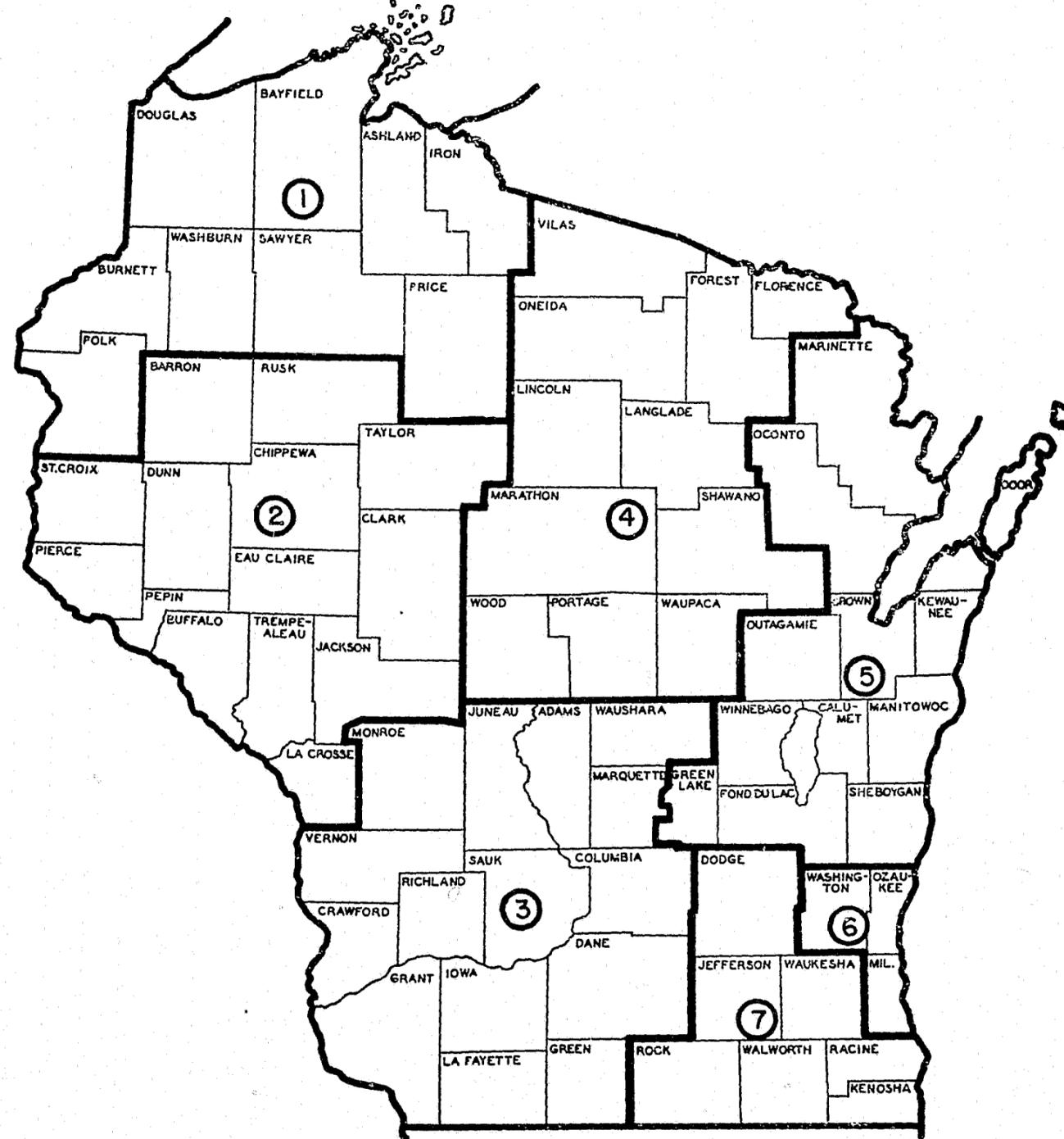
The following number of investigations were conducted during the past three years: 1945 - 177; 1946 - 208; and 1947 - 167. These resulted in 82 arrests and 16 convictions in 1945; 105 arrests and 19 convictions in 1946; and 60 arrests and 18 convictions in 1947.

STATE OIL INSPECTION BUREAU

The state oil inspection bureau operates under the jurisdiction of the state treasurer.

The main function of the state oil inspection bureau is to make petroleum product inspections. These inspections are of two main types, namely, (1) inspections of petroleum products shipped into the state, and (2) inspections of filling stations and other sales outlets. The inspections of fuel shipments are for two purposes. The first is that of determining whether or not the fuels are dangerous for the use for which intended. For example, a fuel labeled as kerosene should not "flash" (break into flame) below a certain temperature (115 degrees Fahrenheit, as specified by law). If it does, it is dangerous for heating or illuminating uses and should not be sold.

DISTRICT ASSIGNMENTS  
OF STATE FIRE MARSHAL DEPUTIES



The second purpose of the inspections of fuel shipments is to determine whether or not petroleum products, that are not dangerous when used as intended, meet the statutory specifications as to quality. Such inspections, for example, are supposed to assure motorists that they will not buy gasoline of inferior quality.

The inspections of sales outlets are mainly for the purpose of seeing that safety rules and regulations are observed. Inspections of sales outlets for the purpose of testing the accuracy of measuring devices are made by the weights and measures division of the department of agriculture.

Another function of the state oil inspection bureau is that of investigating fires in cases in which there is reason to believe that they may have been caused by the use (either proper or improper) of petroleum products.

In the exercise of its main functions, the staff of the bureau takes samples, makes tests (fire and flash tests and distillation tests), issues clearances, collects fees, supervises blending and co-mingling, and initiates a variety of reports and records.

#### Staff

The bureau has approximately 62 personnel, of which 49 are inspectors. Laboratories and offices are maintained in Milwaukee, Green Bay, La Crosse, Hudson and Superior, in addition to the central staff office in Madison. Inspection stations are located on the Wisconsin-Illinois state line on U.S. Highways 41, 14 and 51. It is the policy of the bureau to make examinations on all shipments of petroleum products coming into the state, in so far as this is possible. The law requires shippers to notify the bureau of all such shipments. The bureau in turn then conducts tests on these samples.

#### Financing

The bureau is financed by an appropriation of the inspection fees of  $1\frac{1}{2}$ ¢ a barrel (50 gallons) on gasoline and kerosene only. These are deposited in the state general fund and are appropriated therefrom (a revolving appropriation) to pay the expenses of operating the bureau. The appropriation is indefinite in amount, the total being limited only by the total fees collected.

At the end of each fiscal year the unexpended balance in this revolving account reverts to the general fund and is not available for state oil inspection purposes. During the past two fiscal years the revenues and disbursements of the bureau were as follows:

<u>Year</u>	<u>Total Revenue</u>	<u>Total Expenditures</u>	<u>Reverts To State</u>
1945-46	\$225,049	\$191,645	\$33,404
1946-47	\$272,123	\$214,837	\$57,286

Police Authority of Inspectors

Although the inspectors are charged with the duty of making examinations and inspecting petroleum products, they do not possess police authority to make arrests. Section 168.03 (3) provides that "it shall be the duty of every inspector who shall know of the violation of any provision of this chapter to notify the district attorney of the county in which the same shall occur and to make complaint before any court of competent jurisdiction, and it shall be the duty of all district attorneys to prosecute within their respective counties all cases of offense arising under this chapter."

BEVERAGE AND CIGARETTE TAX DIVISION

The beverage tax division of the treasury department is charged with the collection of state taxes applying to beer, liquor, wine and cigarettes and with the enforcement of the laws and regulations applying to these commodities. The division is also authorized to enforce certain violation of the state gambling and lottery laws.

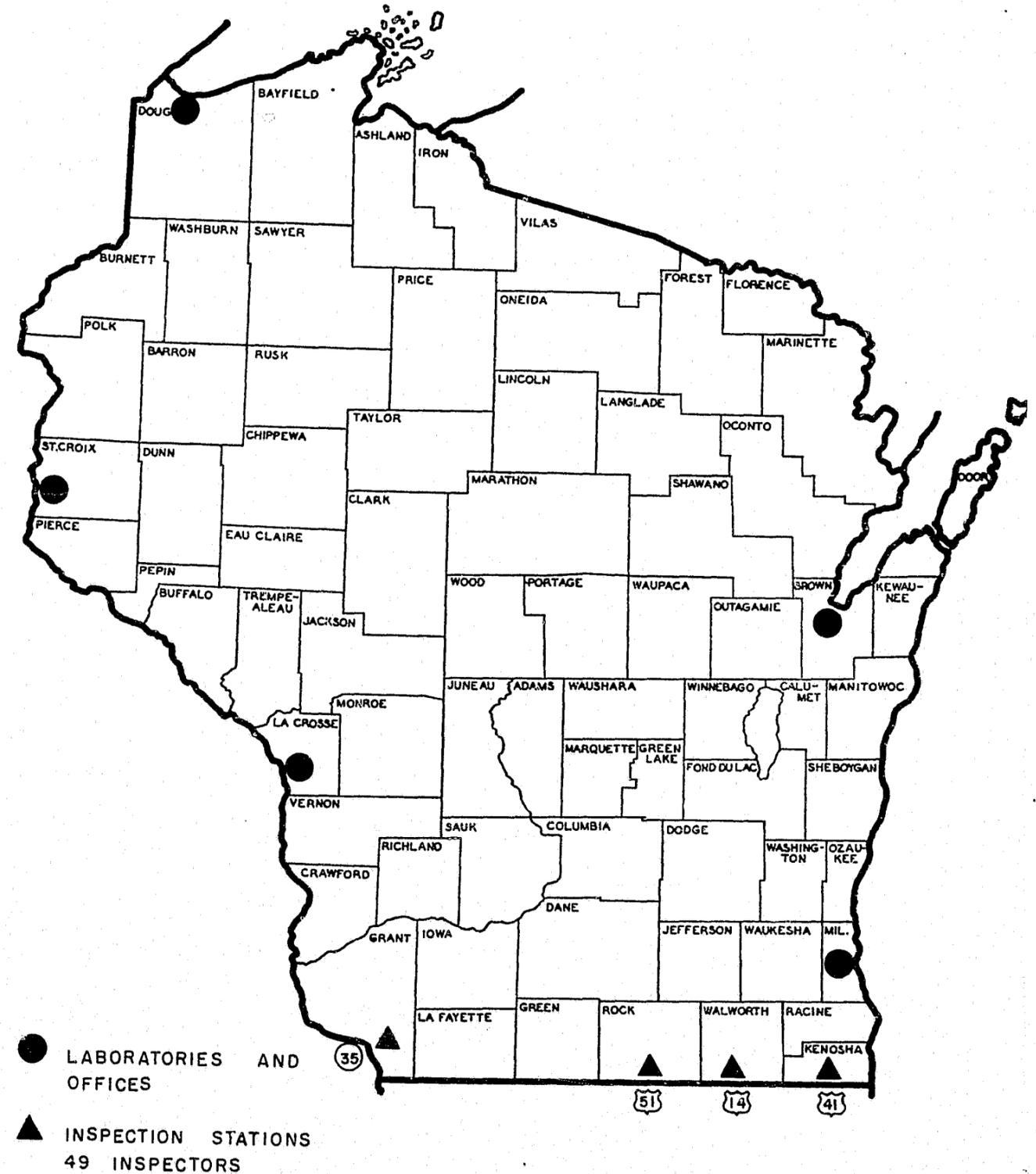
The division employs a total of 31 enforcement officers classified by the state as beverage tax division investigators. The duties of these investigators are reclassified by the beverage tax division into investigators and inspectors.

Inspectors

There are 12 inspectors who are principally engaged in the tax collection aspects of the division's activities. These inspectors operate from their posts of duty and the territory assigned to them includes approximately five counties each. The working hours of an inspector are regular. Inspectors' principle duties are:

- (a) To make regular periodical inspections approximately every 90 days of every retail premise selling cigarettes, beer, liquor or wine, which includes for the most part Class B retail liquor and beer outlets, commonly referred to as taverns, of which there are approximately 18,000.
- (b) The inspection includes checking all invoices covering purchases of taxable merchandise.
- (c) Inspection of the state and federal licenses to determine whether or not they have been properly issued and properly apply to the premise.
- (d) Inspection of each bottle of liquor, wine, packages of cigarettes, cases and barrels of beer to determine whether or not a stamp of the proper denomination is affixed thereto.
- (e) Inspection of the premise to determine whether or not state sanitary requirements are complied with.

STATE OIL INSPECTION STATIONS



Investigators

There are 19 investigators, who for reasons of efficiency are required to cover the entire state. An investigator, having appeared as a witness in a certain section of the state, for reasons of identity on future assignments is transferred to another section of the state. Their working hours are determined entirely by conditions and cannot be pre-determined. They, with very few exceptions, work week-ends and are given compensatory time off during the first few days of the week.

The duties of an investigator are as follows:

- (a) Investigators obtain evidence and make arrests for any violation of the liquor, beer, cigarette or gambling laws, which in general includes:
1. Liquor, wine or beer sales after the closing hours established by the state
  2. Sales to minors
  3. Refilling and diluting of intoxicating liquors
  4. Presence of prostitutes in retail liquor premises
  5. Liquor and beer sales without proper licenses
  6. Illegal manufacture of intoxicating liquor
  7. Sale of unstamped liquor, beer or cigarettes
  8. Gambling and lottery

Police Powers

The general procedure followed by investigators in making an arrest is as follows:

1. Investigators obtain evidence of violations of chapters 176, 66.054, 139, 176.90 and 351 when in connection with liquor and fermented malt beverage licenses.
2. After obtaining evidence of a violation, investigators report violations to the district attorney. Complaint and warrant is prepared and taken before a magistrate. Investigator signs complaint, and warrant is issued by the magistrate. Warrant is either served by the investigator or turned over to the sheriff to be served.

Authority for enforcement and arrests is designated to the beverage tax division by the following statutes:

1. Liquor laws - Section 139.27 (3) from which we quote:

"The duly authorized employes of the state treasurer shall have all necessary police powers to prevent violations of the provisions of sections 139.25 to 139.30 and the provisions of chapter 176."

2. Gambling laws - Section 14.426:

"GAMBLING LAW ENFORCEMENT. The state treasurer and such of his employes as are authorized to enforce the provisions of Chapters 139 and 176 shall enforce the provisions of sections 348.07, 348.08 and 348.09 and shall be invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of such duties. Nothing herein shall deprive or relieve sheriffs, constables and other local police officers of the power and duty to enforce the provisions of said sections, and such officers shall likewise enforce the provisions of said sections."

In addition, sections 139.09 (11) and 139.50 (21) empower the state treasurer and the personnel working under him to enforce and administer the provisions of the beer laws and the cigarette laws.

The total cost of operating the beverage tax division for the two previous fiscal years is as follows:

	1945-46	1946-47
Malt Beverage Tax (20.05 (5))	\$34,977.03	\$38,493.84
Liquor Tax (20.05 (6))	210,524.15	204,501.24
Liquor Registration (20.05 (7))	1,565.41	1,691.60
Tobacco Products Tax (20.05 (11))	66,571.49	65,387.93
	\$313,638.08	\$310,074.61

The above figures include both the tax collection and law enforcement personnel expenses.

STATE BOARD OF HEALTH

In addition to enforcing the statutes relating to public health, the state board of health has rule or order-making powers to establish additional regulations. To enforce such laws and regulations the board employs a total of 23 inspectors who operate not only as inspectors but as instructional or educational personnel in their field contact work.

These inspectors do not have powers of police officials, but they are definitely engaged in a phase of law enforcement activity. They have no powers of arrest, but act to enforce the statutes and regulations by reporting violators to the appropriate division of the state board of health for such action as is provided (such as revocation of license) or in specific cases that initiate prosecution of the violators. In the performance of their duties, these inspectors generally have the power to enter premises used in the conduct of the business involved at all reasonable hours.

A detailed description of the duties, method of operation, number and cost of inspectors working for the various divisions of the board of health is given below:

Cosmetology 6 Inspectors 1946-47 Cost: \$21,389.00

All beauty shops must meet specific requirements to comply with the sanitary and health measures. The six inspectors from this division are trained to assist in setting up a beauty shop to meet these requirements. They work with the shops prior to and after they have met compliance. Regular inspections are made on sanitary measures as well as the services given. The law covers fraudulent advertising, mal-practice or gross incompetency, unprofessional conduct, fictitious advertising, persons practicing knowing that they have an infectious disease, habitual drunkenness, or habitual addiction to habit-forming drugs. Each worker must be licensed or hold an indentured apprenticeship permit. The inspectors must check to know that the person working in a beauty parlor has been sufficiently approved by holding a license or permit. There are new features of work which have been developed since some of these people have been licensed. The inspector takes note of these features and give assistance and suggestions for possible further training in the event that the worker may not have been sufficiently trained in the new features. The manager and owner of the beauty parlor are jointly responsible for the training of an apprentice. The inspector also confers with all three in regard to the apprenticeship training to see that the apprentice is following the procedures outlined by the department. The competency of the practical work of the apprentice is observed. Checks are made to know that each beauty parlor has a full-time manager. All changes of ownership or remodelling necessitate work with the inspector in order to know that same meets the requirements of the law for a beauty parlor license. By law the division must correlate their work with enforcement of the safety and ventilating division of the industrial commission, also the plumbing laws and codes, in approval of a beauty parlor or beauty school.

Barbering 3 Inspectors 1946-47 Cost: \$12,618.00

The primary purpose of the barber division is to protect the health of the public by frequent inspection of barber shops. Three inspectors are employed full-time to supervise and assist barbers in their work and in advising of changes to be made in order to comply with the lighting and ventilating code of the industrial commission and to instruct them in giving sanitary and satisfactory service to the public. They instruct the barbers how to keep their shops clean, how their tools or instruments should be sterilized and also aid them in laying out equipment or changes to be made in a barber shop or opening a shop in a new location. They also supervise apprentice training.

Plumbing 3 Inspectors 1946-47 Cost: \$9,735.00

The bureau of plumbing and domestic sanitary engineering is charged with the enforcement of chapter 145 and the provisions of the Wisconsin State Plumbing Code and the Wisconsin Plating and Sanitation Code.

Duties of the Inspectors: At the present time this department employs three state plumbing inspectors; one located at Fond du Lac, one at Chippewa Falls and one at Milwaukee. All assignments are forwarded to the inspectors from the Madison main office on Thursday of each week. Each inspector polices a given district and is patrolling this district from Monday through Friday each week. He makes plumbing inspections, investigates complaints, meets with architects, engineers, plumbers and the general public; with city councils, village and county boards in promoting local plumbing ordinances. The field men must determine that those persons making plumbing installations in license areas are properly licensed and that apprentices are properly registered with the board and indentured with the industrial commission and are attending school. They must prepare recommendations and reports of all their activities. These reports are forwarded to the Madison office each weekend. All recommendations are made from the Madison office.

Hotels and Restaurants 10 Inspectors 1946-47 Cost: \$41,000.00

The ten field representatives, who do inspection work for the hotel and restaurant division, are allotted a specific territory in the state for which they are held responsible to keep in a sanitary condition so far as restaurants, hotels, tourist rooming houses, tourist cabins and temporary eating places licensed by this division are concerned.

They make a complete inspection of a place that is licensed; they check on the sanitation of the restaurant proper, i.e., the serving room, the kitchen, storage rooms, basement, dressing rooms and rest rooms. They also check on garbage disposal and conditions found on the premises. To safeguard the patrons, they inspect the refrigeration plants, the dishwashing equipment and a check of the hot water is made to see if it is hot enough for sterilization. In taverns they check the disinfectant if it is used in place of hot water for sterilizing; food storage is inspected and the interior of eating places is inspected to see that it is kept clean and sanitary and decorated properly. The personnel of an establishment is looked over to see that they are wearing proper clothing and headcovering, and to see that it is kept clean. They advise the employer on any unsatisfactory practices that they find.

In hotels, the matter of safety is very important. They make a rigid inspection of all the floors in a hotel to make sure that people will be able to find proper exits; that there is proper fire fighting equipment on the premises that functions and is in working condition. In hotels or rooming houses and cabins, they inspect the equipment such as beds, bedding, washing facilities and the furniture in general as well as seeing that the various rooms are properly decorated and that the electrical fixtures do not present a hazard. In fact, they see that the place is a safe and clean place for patrons.

When the fair season opens, each man is responsible for the inspection of all state-aid fairs, local fairs or street carnivals in his territory. He issues permits at this time and inspects the general condition of the grounds and also the rest rooms, plus the extra duty of collecting permits from all eating places and inspecting these to see that they are operated in a sanitary manner. His

functions constitute 90% educational and approximately 10% police power. At a fair he would have the power to close up eating places immediately if they did not conform to rules and regulations. However, in the case of a hotel, restaurant, tourist room or cottage, he would issue a written recommendation that is sent to the head of the division and the head of the division in turn will mail a notice to the operator advising him to make the required changes within a definite time. If these changes are not made, it is possible for this division head to have this place taken into court providing he has the sanction of the head of the state board of health in this matter.

Each man in the field inspects each place in his territory at least once annually. Very often a number of these places that demand special attention have been inspected possibly as many as four times a year in order to have corrections made.

Funeral Directing and Embalming 1 Inspector 1946-47 Cost: \$4,154.00

The duties of the field educator in funeral directing and embalming are to ascertain that all persons practicing embalming and funeral directing are licensed; examine preparation rooms and embalming equipment in funeral establishments; ascertain that all funeral establishments have been issued a permit to operate; convey accurate information concerning the laws and regulations of this division; investigate complaints; gather evidence on violations; check apprentices to determine that all requirements are being met; check monthly reports from apprentices; and assist committee of examiners in giving examinations and conducting schools of instruction.

Total

State Board of Health 23 Inspectors 1946-47 Cost: \$88,896.00

DEPARTMENT OF AGRICULTURE

In addition to promoting agricultural interests, the department of agriculture has the responsibility of enforcing numerous statutes and orders, including such as the food standards, weights and measures and dairy sanitation statutes. While much of the work of the department is supervisory and inspectional in nature, the department does, in several instances, have employes with police authority.

Three specific groups of employes have police powers as follows:

Sec. 93.07 (18) The department is empowered to appoint policemen for law enforcement work upon the state fair grounds and such policemen are granted all the powers of constables. Three policemen are retained on a full-time basis, and temporary policemen number as many as 75.

Sec. 93.07 (11) The department and its authorized agents are granted the powers of police officers and constables in enforcing the humane laws. Only one person is engaged in this work for the department.

Sec. 98.08 Police power is conferred on the department, its inspectors and all sealers in enforcing the statutes relating to weights and measures. These officers may arrest with or without warrant any person violating the weights and measures statutes. The department has one person in charge of these activities with seven inspectors under him.

The department of agriculture employs a number of inspectors whose duty it is to enforce the statutes and departmental regulations. While these employes are engaged in what might be considered law enforcement work, they are not given any powers of arrest and by no means are considered to be police officers. They include the following:

- Cheese graders - 8 inspectors
- Dairy plant inspectors - 25
- Food inspectors - 8
- Nursery stock inspectors - 1-4
- Apiary inspectors - a number, part-time
- Feed and fertilizer inspectors - 2
- Poultry and egg inspectors - 2-6

Several specific statutory provisions grant the department authority of search or access without warrant in the enforcement of its statutory duties. These sections are as follows:

Sec. 93.08 The department and its authorized agents are granted access to any place for law enforcement work and are empowered to open and inspect any container and take samples of any product.

Sec. 97.34 The department and its authorized agents may enter any food or drug establishment for inspectional purposes, may issue a "holding order" prohibiting the sale or movement of any food or drug pending analysis and may direct the disposal of any food or drug found adulterated or misbranded.

Sec. 94.76 The inspector of apiaries and his deputies have limited powers of search and seizure in connection with the function of apiary inspection.

Sec. 94.665 (7) Employes and agents of the department, for the purpose of inspection, are granted access to all places of business, building, and vehicles used in the manufacture, transportation, sale or storage of agricultural lime.

Sec. 94.53 The department is granted the power of search and seizure in the enforcement of federal or state plant quarantines.

Sec. 95.23 The department or its authorized agents is granted the power of search without warrant in locating diseased animals and the additional authority to examine and test suspected animals.

The department is also given certain powers and duties to investigate and detect violations. The statutes providing these powers are as follows:

Sec. 93.16 The department is granted general investigative powers in the performance of its statutory powers and duties and may issue subpoenas, take testimony and demand documentary evidence pursuant to any such investigation.

Sec. 100.22 The department shall investigate charges of discrimination in the purchase of dairy products.

### INDUSTRIAL COMMISSION

The industrial commission is charged with numerous inspectional and enforcement duties in the enforcement of statutes and codes governing safety and the construction and operation of buildings, factories, boilers, elevators, mines, electrical wiring and fire prevention facilities. To accomplish its duties the commission operates a safety and sanitation branch with seven departments, in addition to the administrative office.

The inspectional work performed by the various departments in each branch involves the investigation of accidents which have occurred, to determine whether or not the accident was caused by a failure to comply with a statute or a safety order, and routine complete inspections of factories and public places with a view of determining whether or not premises and machines are maintained in compliance with safety codes. All such inspections and investigations are made by employes of the industrial commission, except that inspections of hotels and restaurants are made for the industrial commission by inspectors of the department of health and of schools by the department of public instruction. This arrangement is made pursuant to statute which calls upon departments to cooperate and avoid possible duplication of effort.

In cases of inspection the field deputies issue special orders calling attention to failure to comply with safety orders and prescribe a time before which compliance is required.

The personnel required to conduct the inspectional enforcement program, together with the cost for 1946-47 is as follows:

General Administration	3 persons	\$37,231.90
Factory Inspection	13 persons	\$46,220.70
Building Inspection	7 persons	\$28,420.21
Boiler Inspection	3 persons	\$11,312.55
Fire Prevention	2 persons	\$ 8,405.30
Elevator Inspection	2 persons	\$ 8,331.72
Mine Inspection	1 person	\$ 5,447.50
Electrical Inspection	1 person	\$ 4,563.33
Total	32 persons	\$149,933.21

The aforementioned personnel does not include the stenographic and clerical help, the cost of which is included in the figures listed.

During 1947 a total of 6,117 certificates of inspection were given by the factory, elevator, boiler, mine and quarry and fire prevention inspectors. These same inspectors made 2,780 re-inspections and 2,969 accident investigations. The building division examined 6,925 plants, made 3,718 inspections, 2,649 office interviews and 2,035 field interviews.

The inspector or deputies have no power of arrest, but cause the enforcement of the laws and industrial commission's orders by reporting violations to the commission and making re-inspections to determine whether the conditions have been corrected.

I. SURVEY OF EXISTING ENFORCEMENT AGENCIES

B. County

Sheriff  
Coroner  
County Traffic Patrol  
Humane Officer  
Dance Hall Inspector

OFFICE OF SHERIFF

The office of sheriff is one of the oldest political offices in England and in the United States. Its origin dates back to the earliest Anglo-Saxon times. The early sheriff was appointed by the king and was his direct representative to look after his interests in the local districts. Although one of his important duties was to act as guardian of the peace, he had many other duties, judicial, fiscal, and military. The Norman kings found this office in existence at the time of their conquest of England in 1066, preserved it, and added other duties. Gradually, with the development of the king's courts, the creation of the new military office of Lord Lieutenant, and the abolition of old local sources of revenue, the office of sheriff was shorn of most of its judicial, fiscal, and military duties. In time the office thus became one having only as its important functions the acting as chief peace officer for the county, and executive officer for the king's courts when functioning in the county. \*\*

This office was early introduced in the American colonies where, as in England, the sheriff was regarded as a representative of the governor rather than as a local officer. The movement for democracy in the first half of the nineteenth century led to the general passage of laws transforming the office of sheriff into a local office and providing for the election of its incumbent by popular vote. The prime duties of the office today are those which it had in England; namely, of chief peace officer of the county and of executive officer of the courts. The former is generally deemed to include that of custody of all prisoners and responsibility for their safe keeping. The sheriff in Wisconsin is either in direct charge of the local jail or is responsible for the officer having such charge. \*\*

While we adopted the sheriff-constable system from England, its development and evolution in this country has followed a strangely different pattern. The powers of the English sheriff were progressively trimmed down until they reached the disappearing point. In this country, the powers and duties of the sheriff have been fairly consistently maintained.

The following description of the duties of the sheriff will give a clearer idea of the nature and responsibilities of the duties of this office as it now exists:

\*\* (From Principles of Judicial Administration, by Willoughby)

From the standpoint of the administration of justice, the sheriff holds the three offices of chief peace officer of the county, chief officer of the county jail, and chief executive officer of the courts. In his various capacities he has the assistance of subordinates, deputy sheriffs, constables, bailiffs, jailers, etc., the number of which varies according to the size and population of the county. It is only in his capacity as chief peace officer that we are here concerned.

Statutes Pertaining to the Sheriff

The sheriff is commonly spoken of as a "constitutional officer". This is because Article VI, Section 4 of the Wisconsin Constitution provides that a sheriff shall be chosen by the electors of each county once in every two years, and shall not serve more than two terms in succession.

Numerous sections of the statutes pertain to the sheriff and his duties, including the following:

59.23 imposes upon the sheriff his duties as custodian of the county jail and as keeper of the prisoners, and his duties in connection with the circuit court. Also provides for the service of processes, and the performance of all the duties required by law specifically requires the sheriff to enforce orders of the industrial commission relating to the sale, transportation and storage of explosives.

59.24 provides for the sheriff being the chief peace officer in the county as follows: Sheriffs and their undersheriffs and deputies shall keep and preserve the peace in their respective counties and quiet and suppress all affrays, routs, riots, unlawful assemblies and insurrections; for which purpose, and for the service of processes in civil or criminal cases and in the apprehending or securing any person for felony or breach of the peace they and every coroner and constable may call to their aid such persons or power of their county as they may deem necessary.

59.25 Transportation of criminals through other counties: rewards for their apprehension.

59.28 Sheriff; fees.

59.29 Compensation for apprehensions in other states; conditions.

59.30 Fees, how collected.

59.31 Fees, how paid.

59.32 Excessive fees.

59.33 Powers after term.

Duties in the Prevention of Crime

Section 59.24 provides that the sheriff, the under sheriff and the deputies shall keep and preserve the peace throughout the

county, and quiet all affrays, routs, riots, unlawful assemblies and insurrections. While this power is broad, and undoubtedly lays down a mandate that the sheriff shall be active in the suppression and prevention of crime, in actual practice the result ordinarily is that the sheriff only is active in apprehending offenders after the crime has been committed. While it is true that the mere existence of the sheriff and his deputies undoubtedly has some salutary effect in preventing crime through the fact that potential violators are aware of his existence and the possibility of protection, in practice the sheriff seldom maintains a patrol aimed at preventing unlawful acts. By mutual agreement, within the boundaries of municipalities having full-time police forces the sheriff relegates most law enforcement to such police forces. In rural areas where there is no active police officer, the sheriff is active only when called in, which is virtually always after a crime has been committed. One exception to this practice is the situation which exists if the sheriff's department maintains an active traffic patrol which polices the highways. In addition, some counties have full-time deputies who travel the county in the nature of a patrolling force, and act whenever necessary to prevent violations.

Compensation of Sheriff

The statutes provide in section 59.28 that the sheriff shall be entitled to receive a number of fees for various services which they perform, as enumerated by that section. In addition to such fees, most counties provide an annual salary for the sheriff, as can be seen from the accompanying table; 43 counties compensate their sheriff on a combination fee and salary basis; 3 counties reported that the sheriff is compensated on a fee basis only.

It should be noted that 25 counties have abolished the fee basis for compensating the sheriff and have placed the office on a flat annual salary. Under this system, all fees collected by the sheriff for his services are paid into the county treasury, and the sheriff receives only the salary provided by the county board.

Undersheriff

Section 59.21 provides that within ten days after entering upon the duties of his office the sheriff shall appoint an undersheriff, with the exception that such office is optional in Milwaukee county. The undersheriff is not necessarily employed on a full-time salary basis, although in many counties he serves full-time. The compensation of the undersheriff may be provided in the form of a salary by the county board, or he may be compensated on a fee basis on terms arranged by the sheriff.

Deputy Sheriff

Two types of deputy sheriffs are found in Wisconsin counties: First, the full-time deputy sheriffs who serve on a salary basis and who constitute the patrol or police force of the sheriff's department; and second, the part-time, usually unpaid, and so-called "honorary" deputy sheriffs who are located throughout the county and serve at the call of the sheriff. Section 59.21 (1) provides that

within ten days after assuming his office, the sheriff shall appoint a deputy sheriff for his county as follows: (a) One for each city and village in the county having a population of 1,000 or more, (b) One for each assembly district in the county except the district in which the undersheriff resides, which contains an incorporated village having less than 1,000 inhabitants and which does not contain a city or incorporated village having more than 1,000 inhabitants; (c) The sheriff may appoint as many other deputies as he may deem proper.

As will be observed from the accompanying table, the number of deputies appointed by the sheriff ranges from 0 to 150.

Other Employees

Other miscellaneous employees are found in most sheriff's offices. These normally consist of a jailer or turnkey, an office clerk, a jail matron and other administrative staff members. In counties where the sheriff's department is in charge of a county or city-county radio system (discussed elsewhere in this survey) several radio operators and dispatchers may also be employed on the sheriff's staff. These miscellaneous employees number from 0 to 40 in the various Wisconsin counties.

SHERIFFS - DEPUTIES

	Full-time Undersheriffs or Deputy	Civil Service	No. of Deputies	Other(*) Employees	Basis of sheriff's salary
Adams	0	No	7	-	fee & salary
Ashland	2	No	30	-	fee & salary
Barron	1	No	3	-	fee & salary
Bayfield	1	No	19	1	fee & salary
Brown	1	No	2	-	fee
Buffalo	1	No	7	0	salary
Burnett	0	No	6	1	fee & salary
Calumet	1	No	20	1	fee & salary
Chippewa	1	No	17	1	fee & salary
Clark	1	No	4	-	salary
Columbia	5	No	4	-	salary
Crawford	1	No	10	-	fee
Dane	10	Yes	55	8	salary
Dodge	1	No	30	1	fee & salary
Door	0	No	10	0	fee & salary
Douglas	3	No	20	5	salary
Dunn	1	No	12	-	fee & salary
Eau Claire	2	No	30	-	salary
Florence	0	No	12	0	fee & salary
Fond du Lac	2	No	150	-	salary
Forest	1	No	-	-	fee & salary
Grant	1	No	20	2	salary
Green	1	No	30	-	fee & salary
Green Lake	0	No	20	-	fee & salary
Iowa	0	No	20	-	fee & salary

	Full-time Undersheriffs or Deputy	Civil Service	No. of Deputies	Other (*) Employees	Basis of sheriff's salary
Iron	1	No	19	-	fee & salary
Jackson	0	No	15	-	fee
Jefferson	12	No	-	-	fee & salary
Juneau	1	No	8	-	fee & salary
Kenosha	20	Yes	0	1	salary
Kewaunee	0	No	9	-	fee & salary
La Crosse	5	No	2	1	fee & salary
Lafayette	0	No	20	-	fee & salary
Langlade	0	No	15	-	fee & salary
Lincoln	1	No	34	1	salary
Manitowoc	0	No	125	1	fee & salary
Marathon	2	No	6	-	salary
Marinette	1	No	5	3	salary
Marquette	0	No	4	1	fee & salary
Milwaukee	140	Yes	0	30	salary
Monroe	2	No	10	-	fee & salary
Oconto	1	No	4	-	fee & salary
Oneida	1	No	25	-	fee & salary
Outagamie	1	Yes	100	3	fee & salary
Ozaukee	1	No	15	0	salary
Pepin	0	No	4	0	fee & salary
Pierce	0	No	12	0	fee & salary
Polk	0	No	3	-	salary
Portage	1	No	40	0	fee & salary
Price	2	No	1	0	salary
Racine	25	Yes	4	4	salary
Richland	0	No	10	0	fee & salary
Rock	6	No	75	4	salary
Rusk	1	No	4	-	fee & salary
St. Croix	0	No	12	1	fee & salary
Sauk	0	No	6	-	fee & salary
Sawyer	1	No	5	0	fee & salary
Shawano	1	No	12	-	salary
Sheboygan	1	No	75	6	salary
Taylor	3	No	9	0	fee & salary
Trempealeau	1	No	5	0	fee & salary
Vernon	1	No	12	1	salary
Vilas	1	No	15	0	fee & salary
Walworth	5	No	83	2	salary
Washburn	1	No	12	1	fee & salary
Washington	0	No	5	-	fee & salary
Waukesha	23	Yes	0	4	salary
Waupaca	1	No	25	0	salary
Waushara	0	No	20	0	fee & salary
Winnebago	1	No	-	0	fee & salary
Wood	1	No	43	1	salary
	302		1,427	85	

(\*) Not including radio

Compiled from answer to questionnaires to counties in January, 1948.

SHERIFF

County Expenditures, 1947

From Department of State Audit Reports

	<u>Sheriff</u>	<u>Motor Police</u>	<u>Police Radio</u>	<u>Total</u>
Adams	\$ 2,869.06			\$ 2,869.06
Ashland	10,833.12			10,833.12
Barron	7,453.19	\$ 4,016.65		11,469.84
Bayfield	7,423.18			7,423.18
Brown	28,600.96	63,730.35		92,331.31
Buffalo	5,188.75	3,071.37		8,260.12
Burnett	3,190.61			3,190.61
Calumet	6,822.22	8,339.66		15,161.88
Chippewa	9,501.79	7,209.09	\$ 380.27	17,091.15
Clark	9,770.09	16,257.32	5,369.05	31,396.46
Columbia	14,274.01	4,471.12	3,010.89	21,756.02
Crawford	2,893.07	421.80		3,314.87
Dane	65,312.44	56,350.30		121,662.74
Dodge	9,001.33	19,689.12	10,009.96	38,700.41
Door	9,750.56	13,260.37		23,010.93
Douglas	26,740.69	7,611.45		34,352.14
Dunn	6,876.95	3,914.90	5,405.34	16,197.19
Eau Claire	19,149.28	9,624.47	1,026.65	29,800.40
Florence	2,441.05			2,441.05
Fond du Lac	22,820.57	31,100.02	8,701.87	62,622.46
Forest	10,777.93	2,072.95		12,850.88
Grant	12,402.05	1,732.77		14,134.82
Green	8,215.36	11,359.17	7,158.45	26,732.98
Green Lake	2,849.18		1,269.21	4,118.39
Iowa	4,842.98	3,035.20		7,878.18
Iron	10,480.03	2,574.08		13,054.11
Jackson	5,952.78	2,321.80		8,274.58
Jefferson	7,006.16	15,055.26	4,860.86	26,922.28
Juneau	11,292.96	5,611.11		16,904.07
Kenosha (1946)	75,039.81			75,039.81
Kewaunee	2,880.01	6,982.69	912.30	10,775.00
LaCrosse	20,776.39	33,679.13	6,164.62	60,621.14
Lafayette	6,348.94	3,240.67		9,589.61
Langlade	8,714.72	3,693.72		12,408.44
Lincoln	8,722.52			8,722.52

SHERIFF

County Expenditures, 1947

From Department of State Audit Reports

	<u>Sheriff</u>	<u>Motor Police</u>	<u>Police Radio</u>	<u>Total</u>
Manitowoc	\$ 11,160.13	\$ 17,328.46	\$ 6,778.48	\$ 35,267.07
Marathon	16,034.02	31,992.09	2,598.25	50,624.36
Marquette	25,092.88	11,162.56		36,255.44
Marquette	2,479.81			2,479.81
Milwaukee	189,118.45	260,794.15		449,912.60
Monroe	12,576.04	4,157.08	827.46	17,560.58
Oconto	22,271.35	10,588.90		32,860.25
Oneida	7,341.58	6,955.60	13,747.81	28,044.99
Outagamie	17,412.67	31,033.65	13,105.41	61,551.73
Ozaukee	12,740.48	10,366.59	9,703.38	32,810.45
Pepin	2,603.59	2,847.92		5,451.51
Pierce	4,395.80	4,539.45		8,935.25
Polk	6,300.26	4,252.70		10,552.96
Portage	11,609.78	14,625.33	2,599.43	28,834.54
Price	10,498.82	3,126.42		13,625.24
Racine	92,818.92			92,818.92
Richland	3,760.27	2,858.49		6,618.76
Rock	62,234.19		2,660.73	64,894.92
Rusk	8,667.59			8,667.59
St. Croix	6,033.94	5,194.32		11,228.26
Sauk	6,898.17	11,571.23	86.95	18,556.35
Sawyer	6,402.61	2,001.63		8,404.25
Shawano	16,143.28	7,335.18	341.42	23,819.88
Sheboygan	39,212.52	32,714.38		71,926.90
Taylor	8,174.63	3,334.43		11,509.06
Trempealeau (1946)	5,504.34			5,504.34
Vernon	10,099.73	10,738.27	3,107.09	23,945.09
Vilas	6,891.64	3,521.70	2,289.13	12,702.47
Walworth	15,792.65	20,808.89	8,143.40	44,744.94
Washburn	6,116.95			6,116.95
Washington	9,803.82	7,405.55	14,393.94	30,603.31
Waukesha	77,885.89		1,989.08	79,874.97
Waupaca	12,087.37	9,044.93		21,132.30
Waushara	2,971.21			2,971.21
Winnebago (1946)	22,562.03	31,005.49	10,010.25	63,577.77
Wood	23,154.53	12,384.26	6,237.18	41,775.97
TOTAL	\$1,262,066.69	\$914,116.19	\$152,888.86	\$2,329,071.74

OFFICE OF CORONER

Responsibility for the detection and the inauguration of proceedings for the enforcement of the criminal laws rests primarily upon the sheriff, the police and the district attorney. In cases where the death of a person has resulted under circumstances raising the question of the responsibility of some other person for such death, use is made of yet another agency, the office of coroner, for inquiring into the case. Where the evidence warrants, the coroner is responsible for taking the action that will result in the arrest and holding for trial of the persons believed to be responsible for the death of the deceased.

Origin and Functions

This office is one of the oldest of English and American judicial institutions. It has had a continuous existence since the twelfth century, and evidence exists that its origin goes back much further. In the early days, the coroner was the direct representative of the crown. His functions were to investigate all cases of sudden or violent death, to protect the interests of the crown in respect to such matters as treasure-trove, to take the place of the sheriff, when for any reason the latter could not act, or to cooperate with him, and to perform the duties of a magistrate for the trial of both civil and criminal cases. At a comparatively early date, however, the functions of the coroner were restricted solely to that of holding investigations, or inquests, to use the technical term, in cases of sudden or violent death or when death has taken place under "suspicious" or other circumstances that would seem to make it desirable that the cause of death should be investigated. \*\*

In the performance of this function, the office of coroner still constitutes an agency of the government for the handling of such cases. When, upon investigation, the coroner believes that the cause of a death should be investigated, he may make use of a jury especially summoned by him for that purpose, and, in conducting the inquiry with such jury, he has the general powers of a judge to summon witnesses, and, at common law, had the power to punish for contempt. Such jury consists of six men and their verdict charging a man with responsibility for the death inquired into results in his arrest either upon the coroner's warrant or upon a warrant issued by the district attorney.

This jury system was introduced from England in the American colonies and has been made a part of the judicial machinery of practically all of the states, including Wisconsin. It has undergone, however, certain modifications, the most important of which are in respect to the size of the jury employed by the coroner, and the classes of deaths which it is the duty of the coroner to investigate.

For many years state law required that the coroner hold the inquest with a jury, the jury having to be sworn in over the body. In 1945, the law was amended giving the coroner authority, at his discretion, to hold the inquest with or without a jury and, if with a jury, making it unnecessary for the jury to be sworn in over the body.

\*\* (From Principles of Judicial Administration by Willoughby)

The verdict of the coroner's jury does not have the effect of an indictment in the sense that the accused is put upon trial upon such return. Its effect is merely to hold the accused for preliminary examination by a magistrate or court, and whether the accused shall be tried or not depends upon the results of that action. The district attorney, moreover, can take jurisdiction and have a warrant issued when the coroner's jury fails to hold anyone responsible for the death of the deceased inquired into by it.

The duties of the coroner, as that office now exists in Wisconsin may be described as follows:

The coroner's most important duty is the investigation of deaths in which an element of violence involving homicide may be suspected. By statute the district attorney must require the coroner to hold an inquest as to how the deceased person came to his death in all cases where, from the circumstances surrounding the death, the district attorney finds that there is a good reason to believe that murder, manslaughter, negligent homicide, excusable or justifiable homicide has been committed, and the venue of such offense is in his county. The coroner may also proceed on his own initiative in such cases without being notified by the district attorney.

The coroner is not required to investigate industrial accidents causing death, such duty being entrusted to the industrial commission. A feature which it is important to note is that the coroner does not hold a formal inquest in all cases. He first makes what may be termed a preliminary investigation and only summons a jury for a formal inquiry when circumstances are such in his opinion as to render such a proceeding desirable.

Statutes Pertaining to the Coroner

The following sections of the 1947 Wisconsin statutes apply to the coroner:

- 59.34 (1) The coroner is required to make an inquest of the dead when required by law, except within Milwaukee County such duty and incidental powers are vested exclusively in the office of medical examiner.
  - (2) When there is no sheriff or undersheriff, to exercise all the powers and duties of the sheriff until one is elected or appointed and qualified; and when the sheriff is committed to jail, to be the keeper thereof during the time the sheriff is a prisoner.
  - (3) Serve and execute process of every kind and perform all other duties of the sheriff when the sheriff is a party to the action and whenever the clerk of circuit court addresses process to the sheriff.
  - (4) Perform all other duties required by law.
- 59.35 Special provisions relating to the coroner and medical examiner in Milwaukee County

- 59.35 Provides for services when there is no coroner.
- 59.365 Provides for the appointment of a deputy coroner.
- 59.37 Provides for fees for the coroner.

Chapter 366 provides for the calling of inquests, the calling of coroner's juries, the subpoenaing of witnesses, the taking of evidence, the verdict of the jury and the issuing of warrants by the coroner. Also provides for autopsies, burials, cremation, and a special provision for the examiner in Milwaukee County.

The need for making technical assistance available to the coroner is great. Tentative plans are now being formulated by the state crime laboratory for making its facilities and services available, and for coordinating the services of all available pathologists in the state. One state, Virginia, has made great progress in the direction of establishing a medical-examiner system, and further study should be given to what has been accomplished there.

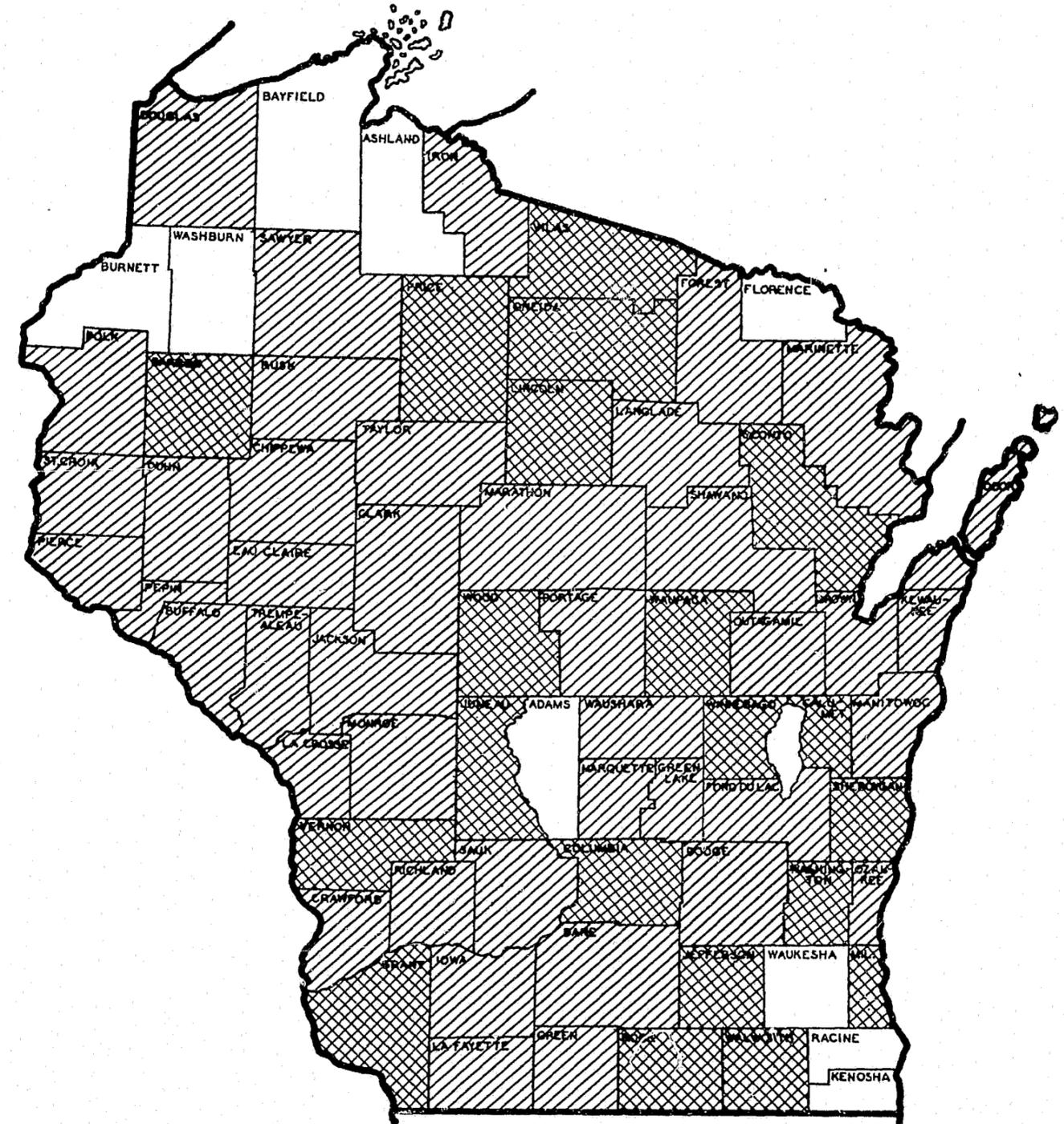
CORONER  
County Expenditures, 1947

From Department of State Audit Reports

Adams	\$ 36.25	Iron	\$ 257.25	Pepin	\$ 73.48
Ashland	196.70	Jackson	249.27	Pierce	711.95
Barron	270.52	Jefferson	323.55	Polk	419.22
Bayfield	29.25	Juneau	175.05	Portage	614.95
Brown	3,591.97	Kenosha (1946)	1,808.88	Price	189.12
Buffalo	93.25	Kewaunee	229.72	Racine	3,302.98
Burnett	200.80	LaCrosse	2,693.00	Richland	275.90
Calumet	172.65	Lafayette	94.25	Rock	1,156.00
Chippewa	441.80	Langlade	924.20	Rusk	5.00
Clark	645.30	Lincoln	74.25	St. Croix	223.55
Columbia	339.12	Manitowoc	1,824.49	Sauk	380.35
Crawford	76.70	Marathon	2,947.96	Sawyer	181.58
Dane	4,051.31	Marquette	1,360.23	Shawano	934.44
Dodge	1,069.65	Milwaukee	620.00	Sheboygan	3,783.60
Door	644.94			Taylor	402.28
Douglas	1,358.33	Monroe	132.90	Trempealeau (1946)	282.60
Dunn	167.30	Oconto	597.83	Vernon	667.04
Eau Claire	445.33	Oneida	706.52	Vilas	1,157.59
Florence	265.00	Outagamie	562.29	Walworth	1,413.23
Fond du lac	1,362.08	Ozaukee	587.80	Washburn	23.00
Forest	257.80			Washington	1,164.30
Grant	562.70			Waukesha	4,474.53
Green	123.73			Waupaca	356.55
Green Lake	212.60			Waushara	107.60
Iowa	264.88			Winnebago (1946)	1,456.50
				Wood	465.85

Total County Expenditures - 1947 - \$57,511.69

## COUNTY TRAFFIC POLICE ORGANIZATION



TRAFFIC PATROL ——— COUNTY HIGHWAY COMMITTEE  
 TRAFFIC DIVISION ——— SHERIFF'S DEPARTMENT

COUNTY TRAFFIC POLICE

All but nine counties provide special traffic patrols which operate either as a traffic division of the sheriff's department or as traffic patrolmen under the county highway committee. These officers are equipped with squad cars and patrol the county areas, mostly outside of city and village limits, to provide for the enforcement of highway regulations. In some of the nine counties, the sheriffs' full-time deputies do traffic patrol work along with their regular duties, without a separate traffic division being established.

Traffic Patrolmen

Section 83.016 provides that the county highway committee may appoint traffic patrolmen for the enforcement of laws relating to the highways or their use, or the maintenance of order upon or near the highways. Traffic patrolmen may arrest without warrant, any person who, in their presence, violates any law relating to highways or the maintenance of order upon or near highways. Any traffic patrolman, sheriff, constable or other police officer may make such arrest without warrant on the request of any other traffic patrolman, sheriff, constable or police officer in whose presence any such offense has been committed. The appointment of any traffic patrolman may be revoked at any time by the county highway committee.

Traffic patrolmen, before exercising their powers, shall be provided with a badge which shall be worn when on duty. Such badges shall be furnished to the county by the state motor vehicle department.

Traffic Division of Sheriff's Department

Section 59.21 (8) (cm) provides that where a county has previously provided for civil service for deputy sheriffs, the county board may establish by ordinance a traffic division of the sheriff's department and fix the number of deputy sheriffs who are to serve as traffic patrolmen. In such counties the provisions of section 83.016 providing for traffic patrolmen serving under the county highway committee become inoperative. The attorney general has held (36 AG 174) that a traffic division of the sheriff's department can be established only in connection with an ordinance placing deputies under civil service.

A tabulation of a questionnaire sent to all counties concerning the operation of the traffic enforcement officers follows.

In the counties that have not officially established either a county traffic patrol or a traffic division of the sheriff's office, the county sheriff and his deputies are the only county officers engaged in enforcing traffic laws. It should be noted that in virtually all the counties, whether the traffic patrol operates under the sheriff's office or the county highway committee, or otherwise, the officers so engaged are appointed deputy sheriffs so as to broaden the scope of their authority.

The effectiveness of the county traffic police, whether under the sheriff or under a committee of the county board, is greatly increased where the patrol cars are radio-equipped. Reference should be made to the discussion of police radio elsewhere in this study.

COUNTY TRAFFIC POLICE

	Traffic Patrol	Under Whose Control	No. of Officers	Civil Service	Are they Deputy Sheriffs
Adams	No	-	-	-	-
Ashland	No	-	-	-	-
Barron	Yes	sheriff	1	No	Yes
Bayfield	No	-	-	-	-
Brown	Yes	highway	16	Yes	Yes
Buffalo	Yes	highway	1	Yes	Yes
Burnett	No	-	-	-	-
Calumet	Yes	sheriff	2	No	Yes
Chippewa	Yes	highway	2	No	Yes
Clark	Yes	highway	3	No	Yes
Columbia	Yes	sheriff	2	No	Yes
Crawford	Yes	highway	1	No	No
Dane	Yes	highway	15	No	Yes
Dodge	Yes	highway	6	No	Yes
Door	Yes	highway	3	No	Yes
Douglas	Yes	highway	2	No	Yes
Dunn	Yes	highway	1	-	No
Eau Claire	Yes	highway	3	No	Yes
Florence	No	-	-	-	-
Fond du Lac	Yes	highway	12	No	Yes
Forest	Yes	highway	1	No	Yes
Grant	Yes	sheriff	5	No	Yes
Green	Yes	highway	2	No	No
Green Lake	Yes	highway	1	No	Yes
Iowa	Yes	highway	1	No	Yes
Iron	Yes	highway	1	No	Yes
Jackson	Yes	highway	1	No	Yes
Jefferson	Yes	sheriff	6	No	Yes
Juneau	Yes	sheriff	2	No	Yes
Kenosha	No	-	-	-	-
Kewaunee	Yes	highway	2	No	Yes
LaCrosse	Yes	highway	8	No	No
Lafayette	Yes	highway	1	No	Yes
Langlade	Yes	highway	1	No	No
Lincoln	Yes	sheriff	2	No	-
Manitowoc	Yes	highway	6	No	Yes
Marathon	Yes	highway	7	No	No
Marquette	Yes	highway	3	No	Yes
Marquette	Yes	highway	1	No	Yes
Milwaukee	Yes	sheriff	47	Yes	Yes

	Traffic Patrol	Under Whose Control	No. of Officers	Civil Service	Are they Deputy Sheriffs
Monroe	Yes	highway	2	No	Yes
Oconto	Yes	sheriff	4	No	Yes
Oneida	Yes	sheriff	2	No	Yes
Outagamie	Yes	highway	7	Yes	Yes
Ozaukee	Yes	highway	4	No	Yes
Pepin	Yes	highway	1	No	Yes
Pierce	Yes	highway	1	No	Yes
Polk	Yes	highway	1	No	No
Portage	Yes	highway	4	No	No
Price	Yes	sheriff	1	No	Yes
Racine	No	-	-	-	-
Richland	Yes	highway	1	No	Yes
Rock	Yes	sheriff	7	No	Yes
Rusk	Yes	highway	1	No	No
St. Croix	Yes	highway	1	No	Yes
Sauk	Yes	highway	2	No	Yes
Sawyer	Yes	highway	1	No	Yes
Shawano	Yes	highway	2	No	No
Sheboygan	Yes	sheriff	12	No	Yes
Taylor	Yes	highway	1	No	Yes
Trempealeau	Yes	highway	1	No	No
Vernon	Yes	sheriff	3	No	Yes
Vilas	Yes	sheriff	1	No	Yes
Walworth	Yes	sheriff	5	No	Yes
Washburn	No	-	-	-	-
Washington	Yes	sheriff	5	Yes	Yes
Waukesha	No	-	-	-	-
Waupaca	Yes	sheriff	2	No	Yes
Waushara	Yes	highway	1	No	No
Winnebago	Yes	sheriff	8	No	Yes
Wood	Yes	sheriff	3	Yes	Yes
	9 No 62 Yes	20 sheriff 42 highway	252	6 Yes 55 No	49 Yes 12 No

Compiled from answers to questionnaires to counties in January, 1948.

HUMANE OFFICERS

Humane officers have broad police powers. Section 58.07 (1) of the statutes provides that the superintendent or other chief officer of any humane society, upon approval of his appointment by the governor, is vested with the powers of a police official and constable, and may exercise the same throughout the state. There does not appear to be any restriction or limitation governing the use of such police powers by the humane officer.

Any agent of a humane society, appointed for the purpose of aiding in the enforcement of the laws for the prevention of punishment or cruelty to animals, children, women, aged people or criminals in any municipality and whose appointment as such shall have been approved by the governor is vested for that purpose with the powers of a police officer and constable in such municipality. Thus, in the case of "agents" of humane societies, the police power is restricted to enforcing the laws within the scope of the society's purpose. See section 58.07 (2).

The authority of any such superintendent or agent of a humane society shall be evidenced by the governor's certificate of approval. All police officers are required to cooperate with him in the exercising of his functions. Since 1934 there have been approximately 36 superintendents or agents of humane societies authorized and approved by the governor.

The department of agriculture also has statutory duties in the enforcement of laws concerned with prevention of cruelty to animals. The department is empowered by section 93.07 (11) to superintend and assist in the organization of humane societies in the several counties and to administer and enforce laws relating to humane education and the prevention of cruelty to animals. For this purpose the department and its authorized agents, when engaged in this work, shall have the powers of police officers and constables.

In practice, it has been customary for the chief officers of humane societies, as well as agents of such societies, to restrict and exercise the powers created by statute to cases involving inhumane treatment to animals, although the powers given undoubtedly would enable them to act in other fields of law enforcement.

#### DANCE HALL INSPECTORS

Section 59.08 (9) of the statutes empowers county boards to enact ordinances regulating and licensing dance halls and other places of amusement. Upon the passage of such an ordinance the county board shall select from persons recommended by the county board a sufficient number thereof whose duty it shall be to supervise public dances according to assignments to be made by the county board. Such persons while engaged in supervising public dances or places of amusement shall have the powers of deputy sheriffs, and shall make reports in writing of each dance visited to the county clerk, and shall receive such compensation as the county board may determine and provide.

The ordinances regulating such dance halls or amusement places provide license fees adequate to cover the cost of administering the inspection program. The several counties have a varying number of dance hall inspectors, depending upon the number of dances held.

## I. SURVEY OF EXISTING ENFORCEMENT AGENCIES

### C. Municipal

1. Town Law Enforcement Officers
  - a. Constable
  - b. Town Police Officials
2. Village Law Enforcement Officials
  - a. Village Marshal
  - b. Village Trustees
  - c. Village Police Department
3. City Law Enforcement Officers
  - a. City Police
  - b. Fire Chiefs
  - c. Truant Officers
4. Fire Chiefs

#### TOWN LAW ENFORCEMENT OFFICERS

#### The Constable

Like the sheriff and the coroner, who are concerned with the administration of rural justice, the constable may be traced by direct line back to the Anglo-Saxon times. In England, the constable was originally a powerful local officer, the appointment carrying with it great honor. The office later became subject to election, and after the appearance of the justices of the peace most of the powers of law enforcement were taken away from the constable and assumed by the justices of the peace, the sheriff and the coroner, the constable being constrained to make arrests upon warrants issued by them. From being officers of wide discretion in conserving the public peace, the English constable sank to the status of a retainer to the justices.

The early colonial constable, like the sheriff, was patterned after the English constable and was given a wide range of powers and duties. These included the summoning of the electors to town meetings, the collection of taxes, settlement of claims against the town, preparation of election returns, impressment of laborers for repair of the highways and command of the night watch. The constables for each town, usually two in number, were placed in direct control of the local police arrangements.

Thus during the colonial period the constable was the constitutive officer of the town, and as such, rather naturally acquired certain responsibilities which lay outside the field of law enforcement. But in all the colonies, in addition to the odds and ends of public business placed upon him, the constable had the function of preserving the peace and bringing offenders to justice.

Wisconsin, in common with the other mid-western states, adopted the sheriff-constable system of the eastern colonial states, and the statutory provisions relating to the office have continued to the present time virtually without change.

The constable is the chief police officer of the Wisconsin town, of which there are 1,272. Section 60.19 of the statutes provides that biennially, in the odd numbered years, at the annual town meeting there shall be elected in each town "so many constables, not exceeding 3, as shall have been ordered by the last preceding town meeting".

Section 60.53 provides that every constable shall execute and file an official bond.

Section 60.54 provides as follows:

60.54 Constables' duties The constable shall be a ministerial officer of justices of the peace, and it shall be his duty:

- (1) To serve within his county any writ, process, order or notice, and execute any order, warrant or execution lawfully directed to or required to be executed by him by any court or officer.
- (2) To attend upon sessions of the circuit court in his county when required by the sheriff.
- (3) To inform the district attorney of all trespasses on public lands of which he shall have knowledge or information.
- (4) To perform the duties required in chapter 66, prohibiting the sale of liquors to Indians.
- (5) To impound cattle, horses, sheep, swine and other animals at large on the highways in violation of any duly published order or by-law adopted at an annual town meeting.
- (6) To cause to be prosecuted all violations of law of which he has knowledge or information.
- (7) To perform all other duties required by any law.

Section 60.55 provides for the fees which the constable receives for the performance of his duties.

The following points may be summarized from the above statutes:

1. The constable is primarily the ministerial officer of the justice of the peace.
2. The constable is charged with "causing" the prosecution of violations of law of which he has knowledge or information. The constable's power to arrest without warrant is not entirely clear.
3. The office is compensated for on a fee basis, the fees being very small. The constable is almost never a full-time officer.

#### Other Town Police Officials

Town boards are empowered by section 60.29 to appoint other police officials. Subsection 8 of that section provides as follows:

(8) Police To appoint policemen, a superintendent of police and a night watchman for service at any other place in the town when needed to protect persons or property or to preserve order at any assemblage for moral, religious or educational purposes.

In those towns which include within their boundary an unincorporated village, section 60.29 further provides:

(6) Boundaries of Unincorporated Village To designate and cause to be recorded by the town clerk of the boundaries of any unincorporated village located within the town.

(7) Village Police To appoint, when the public good requires it, not exceeding three policemen, one superintendent of police and one night watchman, for service in the village.

The practice throughout Wisconsin indicates that these powers are ordinarily exercised only in exceptional situations, particularly where there is an unusual concentration of population in a town, such as in resort areas or in a community adjoining a city, or in towns requiring special police patrols for highway traffic law enforcement.

#### VILLAGE LAW ENFORCEMENT OFFICIALS

##### The Village Constable

It is very difficult to draw any distinction between the village constable and the traditional town constable, which office has previously been discussed. Except for the difference in the areas from which they are selected, they usually act as exact counterparts of each other.

Section 61.19 of the statutes provides that at the annual spring election in each village in odd numbered years there shall be chosen a constable.

Section 61.29 provides:

61.29 Constable The constable shall execute and file an official bond, and shall be governed in every respect by the law prescribed for constables in towns.

No further discussion of the powers and duties of the constable in villages will be given here, since they are the same as those provided for town constables.

##### The Village Marshal

Section 61.19 of the statutes, which provides for the election of certain village officials, also provides that other officials may be appointed annually by the village board at their first meeting after the first Tuesday in April. Under this authority many, if not the majority of villages, appoint a village marshal. The statutes provide that such official shall have the following powers and duties:

61.28 Marshal The village marshal shall execute and file an official bond. He shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. It shall be his duty to obey all lawful written orders of the village board; to arrest with or without process and with reasonable diligence to take before the justice of the peace every person found in such village in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of such village. He may command all persons present in such case to assist him therein, and if any person, being so commanded, shall refuse or neglect to render such assistance he shall forfeit not exceeding ten dollars. He shall be entitled to the same fees allowed to constables for similar services; for other service rendered the village such compensation as the board shall fix.

While the marshal has all of the powers of a constable, he clearly has the duty to arrest offenders without process. He is more a true police officer than is the constable.

Many villages appoint more than one marshal, one being a day marshal and the other being a night marshal or, as they are commonly called, night watchmen. While the constable is usually a part-time official paid only on a fee basis, a marshal usually serves on a full-time basis and is compensated by a fixed salary voted by the village board. In addition to this salary, he may be entitled to fees earned in his capacity similar to that of a constable.

Village Trustees

Section 61.31 of the statutes gives the village president and each trustee the following powers:

- 61.31 Peace Officers, who are (1) The president and each trustee shall be officers of the peace, and may suppress in a summary manner any riotous or disorderly conduct in the streets or public places of the village, and may command assistance of all persons under the same penalty for disobedience provided in section 61.28. (2) Every village police officer shall possess the powers, enjoy the privileges, and be subject to the liabilities conferred and imposed by law upon village marshals.

This section has the affect of giving the president and trustee the powers of arrest possessed by the village marshal. There are 358 village presidents and an estimated total of 1,600 village trustees in Wisconsin who are thus empowered within the limits of their respective villages.

Village Police Department

Section 61.65 of the statutes provides that every village having a population of 5,000 or more must have a police department. However, this applies only to several villages which for various reasons have not chosen to operate under the city form of government.

Other villages of lesser population often have a so-called "police department" or "policemen", but such officer or officers are usually appointed as marshals, and the name "police" is used to designate the positions, or is popularly applied. This is particularly true where a special traffic officer is appointed.

CITY LAW ENFORCEMENT OFFICERS

City Police

In the 160 Wisconsin cities the police function rests primarily with a police department headed by a chief of police, but at the same time, the mayor and aldermen have concurrent authority. The applicable statutes are as follows:

62.09 (8) (a) Mayor The mayor shall be the chief executive officer. He shall take care that city ordinances and state laws are observed and enforced and that all city officers and employes discharge their duties.

(d) Except in cities that have adopted subsection (6) of section 62.13, he shall be the head of the fire and police departments, and where there is no board of police and fire commissioners shall appoint all policemen, and he may, in any city, appoint watchmen to serve without pay, and in case of riot or other emergency, appoint as many special policemen as may be necessary.

62.09 (14) Alderman Policemen Every alderman shall have the powers of a city policeman.

62.09 (13) Police The chief of police shall have command of the police force of the city under the direction of the mayor. It shall be his duty to obey all lawful written orders of the mayor or common council. The chief and each policeman shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables; shall arrest with or without process and with reasonable diligence take before the police justice or other proper court every person found in the city in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state or ordinance of such city and he may command all persons present in such case to assist him therein, and if any person, being so commanded, shall refuse or neglect to render such assistance he shall forfeit not exceeding ten dollars. They shall collect the same fees allowed to constables for similar services.

In all cities of 4,000 population and over the police department and the chief of police operate under the jurisdiction of the board of police and fire commissioners as is provided by section 62.13 of the statutes. This board, however, is in effect only a personnel

supervising body and, except where the board has been given optional powers by vote of the electors pursuant to section 62.13 (6), has no control or direction over the policing activities of the chief or other members of the department.

#### Organization of City Police Forces

City police forces in Wisconsin range from the large departmentalized forces in cities such as Milwaukee, Racine and Madison to the one-man police force in our smaller cities. By statute each city (cities ranging in population from 587,472 to 293, with 99 cities having less than 4,000) must have at least one police officer. In small cities where only one such officer is appointed, he is automatically the chief of police. Cities have no marshals and seldom have constables; the functions of both such officers being consolidated in the police department.

From available information it is estimated there are approximately 3,000 full-time paid police officers in Wisconsin cities. This includes chiefs, patrolmen, and in small cities night watchmen and night police.

The organization of city police departments varies greatly in accordance with the number of officers on the force. The larger cities are departmentalized into patrol forces, detective bureaus, traffic divisions, and other branches. In addition, numerous cities have personnel assigned as operators or dispatchers for the local police radio system. Additional personnel may be in charge of the jail.

The majority of Wisconsin cities have motorized equipment assigned to the police department. Even the smaller cities with only one or two officers usually have one squad car for their use. The larger municipalities have numerous squad cars, and many utilize motorcycles in the traffic division. Some cities provide ambulance service under the police department, although in other cities this is furnished through fire departments. Where a police radio system is in service, it is customary to have police department vehicles radio equipped.

#### Enforcement Activities

City police forces are primarily engaged in enforcing law and order within the area of their respective cities. Police officers have broad powers to arrest with or without process persons engaged in disturbing the peace or violating any state law or municipal ordinance. These powers are limited to the city, except traffic violators may be pursued across the municipal boundary and apprehended in the adjoining municipality. Primarily the police department is engaged in enforcing municipal ordinances, including traffic regulations. While the work in enforcing state criminal laws is important, it is a secondary part of their activity.

The sheriff's department is not empowered to enforce local ordinances, but does enforce statutory provisions anywhere in the county. By mutual agreement the general practice is that the sheriff does not exercise his policing authority within city boundaries where the area is policed by a city force. In case of felonies, the

line of jurisdiction is not clear, although it is customary for the city police department to call in the sheriff whenever a serious crime has been committed. This is especially true in the smaller municipalities, while the larger city police forces maintain complete jurisdiction over all crimes. Likewise, the county traffic patrols, whether operated by the sheriff's department or county highway department, seldom exercise their authority within city limits, although they clearly have the power to do so. By working in cooperation and mutually respecting each others territory, there has been little conflict between sheriffs and city police departments.

#### Truant Officers

Cities of the first, second and third class must have one or more truant officers, appointed by the school board. In cities of the fourth class, the police officers may be appointed truant officers, and in all towns and villages the sheriff, his undersheriff and deputies shall be the truant officers.

Section 40.73 (4) (c) provides that "truant officers shall have the power to apprehend without warrant any child found violating the provisions of sections 40.70 to 40.73, (compulsory school attendance statutes), and cause such child to be placed in some school".

In addition, truant officers have the power to visit factories and other places of employment to ascertain whether any minors are employed contrary to law. Such officers must investigate suspected cases of unlawful absence from school, and shall promptly notify parents of the requirements of the law. If after notification the parents fail to comply, the truant officer is required to begin and prosecute criminal proceedings against the offending parents.

Truant officers other than policemen in cities receive such compensation as is provided by the school board. When the sheriff or his deputies act as truant officers they receive the same fees as provided for such officers in criminal acts, unless they are on a salary basis, in which case they receive only actual expenses.

#### Fire Chiefs

The chiefs of municipal fire departments, including both paid and volunteer departments in cities, villages and towns, have powers as police officers under certain circumstances. These powers fall into two categories: those of a special or emergency nature which exist during a fire, and the general powers given the fire chief in his capacity as a fire safety inspector. There are 550 fire departments in Wisconsin.

Section 213.095 of the statutes provides that the fire chief and other executive officers of a fire department, when on duty at a fire or in response to an alarm for a fire shall have the authority to suppress any tumult or disorder or to order all individuals or companies to leave the neighborhood of any fire, and to command from the inhabitants of the city or town all needful assistance for the suppression of fires and in the preservation of property exposed to fire. Such officers also have authority to go upon or enter any property or premises and to do whatever may be reasonably necessary in the performance of their duties while engaged in the work of

extinguishing any fire or performing any duties incidental thereto.

Section 101.29 provides that the chief of the fire department of every city, village or town is constituted a deputy of the industrial commission for the purpose of inspecting buildings and premises, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Written reports of such inspections and findings of violations must be made to the industrial commission.

The chief of every fire department is required by section 200.19 to investigate the cause, origin and circumstances of every fire occurring in his municipality by which property has been destroyed or damaged when the damage exceeds \$25.00. He also must report all fires of unknown origin and especially investigate as to whether such fire was the result of carelessness, accident or design. Investigations must be commenced within two days of the fire, and within one week of the fire a written report must be filed with the state fire marshal.

I. SURVEY OF EXISTING ENFORCEMENT AGENCIES

D. Miscellaneous

Trainmen  
Other Officers

TRAINMEN

Under certain circumstances conductors are given broad powers of arrest. Section 351.55 (2) provides as follows:

"Railroad conductors are hereby invested with the powers of sheriffs or constables in regard to offenses under this section occurring upon trains or cars in their charge, and may arrest summarily and without process and detain any person violating any of its provisions until the car or train shall arrive at some usual stopping place, where an officer authorized to make arrests may be, to whose custody he may deliver such offender, with a written statement, specifying generally in what respect he has misbehaved; or if there be no such officer present to receive the offender the conductor may deliver him to the ticket or freight agent at such place, with such statement, who shall detain the offender in his custody, and may exercise the power of a sheriff or constable in regard to persons charged with crime in doing so until such officer may be obtained to take charge of the offender, to whom he shall be delivered, with such statement made by the conductor, and such officer shall take the person so offending into custody and forthwith institute a complaint against him for such offense before a justice of the peace in his county, and such justice shall have jurisdiction to try such offender and impose the punishment authorized by this section."

Section 351.61 of the statutes requires conductors to enforce the statute prohibiting intoxicated persons from remaining as passengers on public transportation vehicles, as follows:

"351.61 Conductor, police power to enforce section 351.60  
The conductor or operator of a railway train or car on any railroad or street railway or interurban motor bus included within the provisions of section 351.60 shall summarily arrest, with or without warrant, any person violating any of the provisions of section 351.60, and for such purpose shall have the same power and authority as any peace officer, including the power to summon assistance, and such conductor shall further have power to deliver any such person to any policeman, constable or other public officer of the county in which such offense was committed, and it shall be the duty of such officer to bring the person charged with such offense before the nearest justice of the peace or municipal court of the county where said offense was committed, and to make a complaint against such person. Provided, that if the car or bus on which such arrest is made does not stop within the county within which offense was committed, then such conductor shall deliver the person so arrested to some sheriff,

constable or police officer of the county wherein such car shall first stop after such arrest, who shall deliver the person so arrested to some judge or justice of the peace of the county in which the offense was committed, for trial."

While the authority granted conductors by the above two sections is broad, inquiries disclosed little evidence of the exercise of such powers by Wisconsin conductors.

#### OTHER OFFICERS

There are numerous other persons with limited police authority, either on a full or part-time basis. These include special guards or police at the state fair grounds, guards at state penal institutions, state capitol police and the like. Some of these may be given additional power by appointment as deputy sheriffs. Since their duties are so limited and specialized, they are not discussed herein.

## II. PRESENT AIDS TO CORRELATION AND INTEGRATION OF LAW ENFORCEMENT AGENCIES

1. Radio Systems - State, County, City
2. State Crime Laboratory
3. Federal Bureau of Investigation

### POLICE RADIO SYSTEMS

Almost complete and in many instances multiple coverage of the entire state by police radio systems is now provided by the several systems in operation. By late 1948 a total of 69 police radio stations are expected to be in operation. These are partly of the older type AM or amplitude modulation type, of which there are 21 stations, and the new FM, or frequency modulation type, of which there are 48 stations. The units of government operating the stations are as follows:

State of Wisconsin: Four stations in operation, three additional to be completed in 1948. All FM, one channel.

County: 22 FM and 3 AM stations, operated to serve the sheriff's department and county traffic patrol.

City-County: 14 FM and 11 AM stations, jointly owned and operated by a city and the county to serve both county and city officers.

City: Five FM and seven AM stations, operated by city police departments.

### Technical Features

It is unfortunate that there are in operation two separate types of police radio systems, namely, FM and AM types of receiver-broadcast equipment. This situation arises by virtue of technical improvements in the field of radio science, the AM type of stations being the traditional sort which have been in operation for many years, and the FM stations being the newer development. There are many technical differences between the two types of stations which need not be discussed here, but there is a decided advantage in the use of FM equipment. As a result all new stations are of this type, and the existing AM stations are converting as rapidly as possible. Equipment costs for such a conversion are necessarily high, and limited funds will not allow an immediate conversion of stations to FM, however desirable this might be. At the same time, AM parts and equipment are becoming increasingly difficult to obtain and as replacements become necessary the conversion will be affected.

The resulting situation is doubly unfortunate in that the FM and AM stations cannot interchange or receive messages without having dual equipment. That is, a police patrol car equipped with AM apparatus cannot interchange messages with a neighboring city or county FM station. However, this problem is partially remedied by the

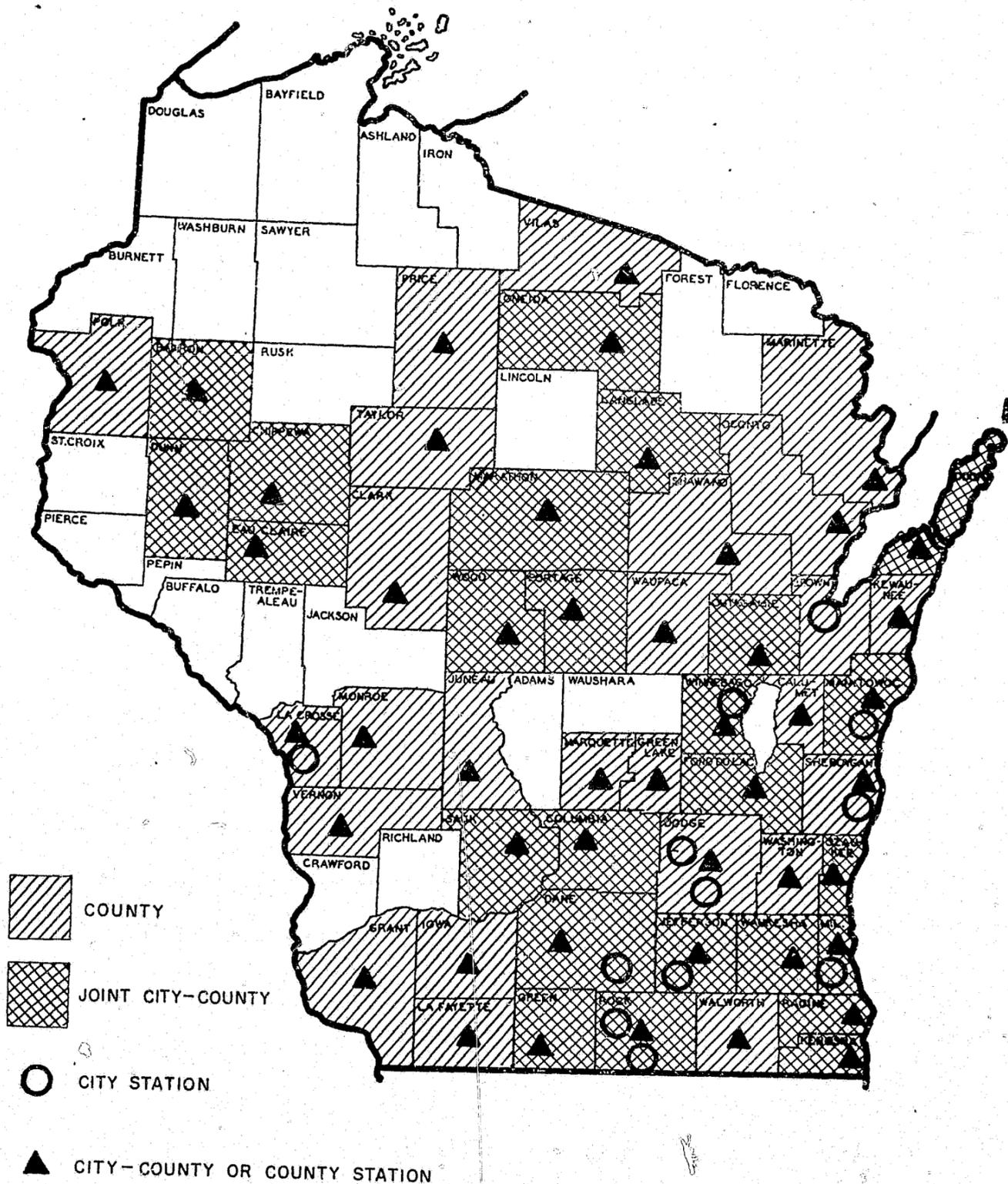
monitoring of other police stations by the use of extra equipment at the central police radio station, with the re-broadcast of such messages as is desired.

The following chart and map shows the location of all police radio stations in the State of Wisconsin.

POLICE RADIO STATIONS IN WISCONSIN

<u>State</u>		<u>Frequency</u>
FM - WDAZ	Hayward	42380
FM - WEBH	Tomahawk	"
FM - WIZR	Baraboo-Madison	"
FM - WCJA	Delafield	"
FM - WBZG	Black River Falls	"
FM -	Menomonie	"
FM -	DePere	"
<u>County</u>		
FM - WJWR	Clark County	39580
FM - WMRQ	Monroe County	37900
FM - WMVS	Marquette County	39580
FM - WKPY	Iowa County	39580
FM - WQXO	Dodge County	39420
FM - WJUL	Juneau County	37900
FM - WOAZ	Vilas County	37900
FM - WBAJ	Marinette County	37900
FM - WPEV	Oconto County	37900
FM - WHNO	Brown County	37900
FM - WJLH	Green Lake County	39580
FM - WRPQ	Washington County	39580
FM - WGNF	Shawano County	39420
FM - WERI	Grant County	39420
FM - WFQF	Waupaca County	39420
FM - WVCM	Polk County	39420
FM - WJHF	Taylor County	39580
FM - WFVF	LaFayette County	39580
FM - WQSM	Price County	39420
FM - WBWL	Vernon County	39420
FM - WMPE	Walworth County	39580
FM -	Kewaunee County	39580
FM -	Richland County (Proposed)	39580
AM - WSTF	LaCrosse County	31500
AM - WBOA	Sheboygan County	33500
AM - WKLU	Calumet County	33500
<u>City-County</u>		
FM - WKIV	Barron County - City of Barron	37900
FM - WNGX	Chippewa County - City of Chippewa Falls	37900
FM - WEKD	Dunn County - City of Menomonie	37900
FM - WBHT	Eau Claire County - City of Eau Claire	39580
FM - WRJK	Green County - City of Monroe	39580

POLICE RADIO STATIONS IN WISCONSIN



City-County (Cont'd.)

Frequency

FM - WFDW	Fond du Lac County - City of Fond du Lac	39420
FM - WDAW	Ozaukee County - City of Port Washington	37900
FM - WQWS	Langlade County - City of Antigo	37900
FM - WITL	Oneida County - City of Rhinelander	37900
FM - WASD	Dane County - City of Madison	39580
FM - WRIT	Rock County - City of Janesville	39420
FM - WQLJ	Racine County - City of Racine	39580
FM - WSOR	Columbia County - City of Portage	39580
FM - WRAJ	Jefferson County - City of Jefferson	39420
AM - WKZQ	Door County - City of Sturgeon Bay	33500
AM - WBIQ	Outagamie County - City of Appleton	33500
AM - WAKE	Winnebago County - City of Oshkosh	2382
AM - WMPD	Waukesha County - City of Waukesha (To change to FM)	2450
AM - WPEP	Kenosha County - City of Kenosha	2450
AM - WJZH	Wood County - City of Wisconsin Rapids	31900
AM - WRNG	Portage County - City of Stevens Point	31500
AM - WBDX	Marathon County - City of Wausau	31900
AM - WBSY	Manitowoc County - City of Manitowoc	33500
AM - WJUP	Sauk County - City of Baraboo	31500
AM - WPKD	Milwaukee County - City of Milwaukee	2450

City

FM - WQTH	City of LaCrosse	154,000 K.C.
FM - WDBD	City of Stoughton	39580
FM - WRLP	City of Ft. Atkinson	39420
FM - WRHX	City of Watertown	39420
FM - WGSO	City of West Allis	154,000 K.C.
AM - WDCJ	City of Two Rivers	33500
AM - WRNI	City of Beloit	37,200
AM - KNHB	City of Green Bay	2382
AM - WFUD	City of Neenah	33500
AM - WSUB	City of Evansville	31500
AM - WSTG	City of Beaver Dam	31500
AM - WQMW	City of Sheboygan	33500

Note: Stations with a frequency of 37900 are subject to change.  
As far as can be determined, all radio-equipped squad cars are equipped with two-way radio sets.

STATE POLICE RADIO SYSTEM

With funds appropriated by the 1947 legislature, construction of the state police radio system is now under way. Main transmitter stations are in operation at Baraboo, Delafield, Tomahawk and Hayward. Present plans call for the completion of main transmitter stations at Black River Falls, Menomonie and DePere by the end of 1948. The personnel assigned to the state police radio consists of a supervisor of communications in the state traffic patrol headquarters at Madison, and the following number of police radio dis-

patchers on duty at the respective stations:

- Baraboo - 6
- Tomahawk - 5
- Hayward - 3
- Delafield - remote from Baraboo
- Black River Falls - 4
- Menomonie - remote from Black River Falls
- DePere - 4

At Baraboo the state traffic patrol also operates a state police radio-telegraph station, through which contacts can be made with law enforcement departments of many other states.

All patrol cars operated by state traffic patrol officers are equipped with two-way FM radio installations. The effective range of the police radio stations and their location is shown on the accompanying chart. The use of radio equipped patrol cars permits the effective direction of the activities of the officers of the state traffic patrol. Conversely, each state traffic officer can instantly contact headquarters for the purpose of obtaining required information from departmental records, to seek assistance or to report his whereabouts.

Recognizing the need for fullest possible cooperation between all law enforcement agencies, the state traffic patrol is, within the limitations of facilities and personnel at its disposal making the service of the state police radio system available to other departments.

Conservation Department

Under an inter-departmental agreement the state police radio system furnished dispatching service to radio-equipped cars of state conservation wardens. In return, the conservation department has made available to the state traffic patrol housing and transmission lines, etc., at Hayward, Tomahawk and Black River Falls. It is anticipated that within the next two years the conservation department will have about 90 radio-equipped cars in service.

State Crime Laboratory

The facilities of the state police radio system have been made available to the director of the state crime laboratory.

Municipal & County Law Enforcement Agencies

Over 50 municipal and county law enforcement departments which now have police radio stations depend upon the state police radio system for the transmission of emergency information from the files of the motor vehicle department, relating to the ownership of vehicles, drivers' records, stolen cars, etc. The state police radio-telegraph station is continually utilized to transmit emergency out-of-state messages to and from local Wisconsin law enforcement departments. The state police radio station at Tomahawk provides the only police radio-telephone contact between Wisconsin and the Michigan State Police.

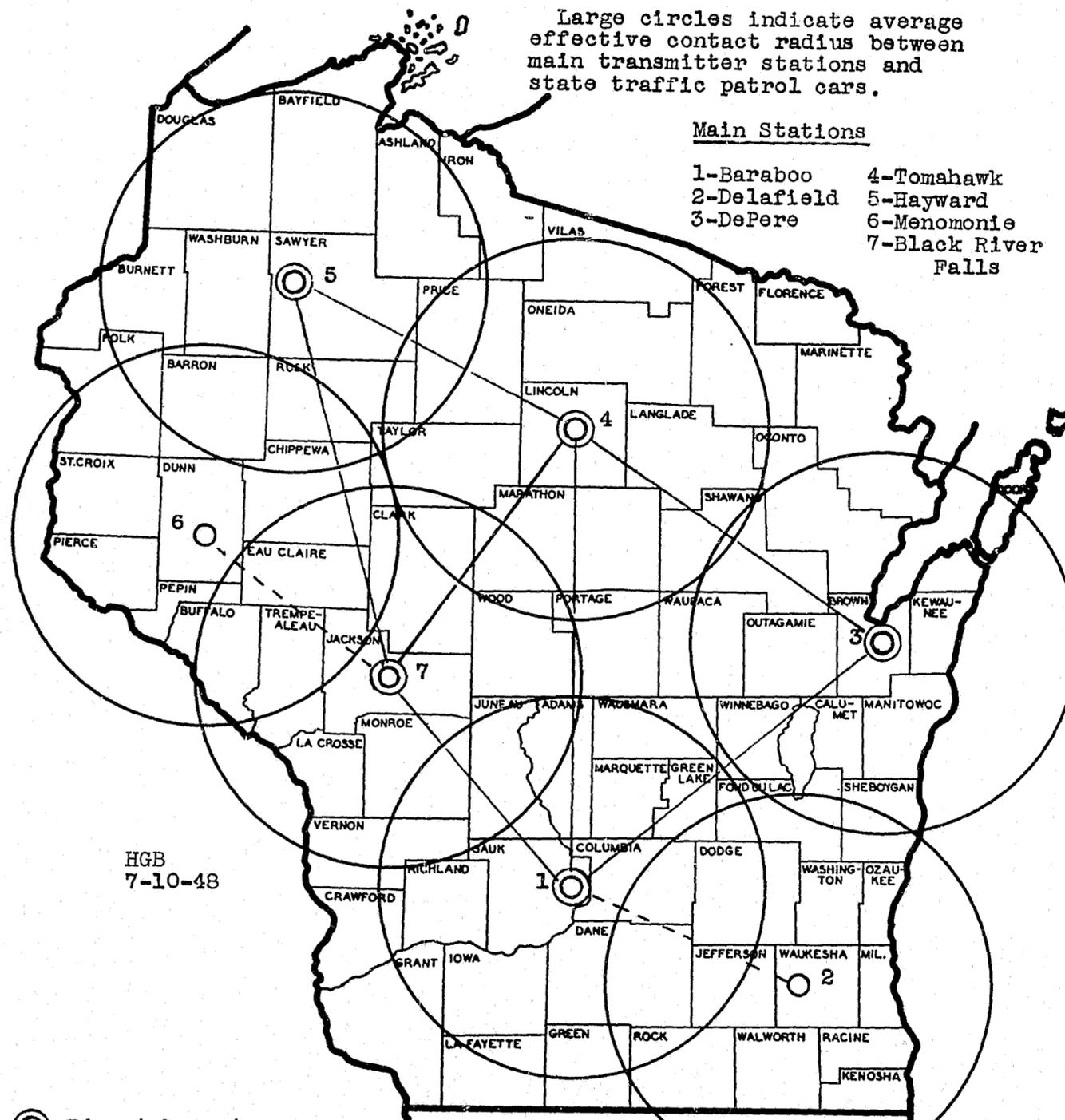
# WISCONSIN STATE TRAFFIC PATROL

## STATE POLICE RADIO SYSTEM

Large circles indicate average effective contact radius between main transmitter stations and state traffic patrol cars.

### Main Stations

- 1-Baraboo
- 2-Delafield
- 3-DePere
- 4-Tomahawk
- 5-Hayward
- 6-Menomonie
- 7-Black River Falls



- ⊙ Dispatch Centers
- Remote Radio Control

At Baraboo the State Traffic Patrol also operates a modern police radio-telegraph station through which contacts can be made with other state police radio systems.

Conservation Telephone Network

A little known, yet far-flung, and very useful communication system is the telephone system maintained by the forest protection division of the conservation department between units of its forest rangers and fire wardens. This includes over 2,000 miles of telephone line, and is entirely a private system. Its use is primarily in notifying conservation personnel in the suppression of forest fires.

1947 Police Radio Activity Record

<u>Station W-I-Z-R (Baraboo)</u>	<u>Station W-C-J-A (Delafield)</u>	
Motor Vehicle File Check	(Radio-Telephone)	19,601
Messages Relayed	" "	2,391
All-Station Messages	" "	3,038
Miscellaneous Messages *	" "	26,274
Radio-Telegraph Messages Handled #		<u>2,960</u>
Total Messages Recorded		54,264
<u>Station W-E-B-H (Tomahawk)</u>		
Motor Vehicle File Checks		2,660
Stolen Cars; Persons Wanted, etc.		2,175
Messages to and from State Traffic Patrol cars and local law enforcement departments		<u>22,669</u>
Total messages recorded		27,504
<u>Station W-D-A-Z (Hayward)</u>		
Motor Vehicle File Checks		1,395
Stolen Cars; Persons Wanted; Missing Persons, etc.		1,535
Messages to and from State Traffic Patrol cars and local law enforcement departments		<u>19,820</u>
Total messages recorded		22,750

Grand total for all stations: 104,518 messages

Note: \* Miscellaneous messages include traffic with mobile units of the state traffic patrol; reports on weather and road conditions; out-of-state messages, etc.

# These figures cover part-time operations of Radio-Telegraph Station WIZR due to shortage of radio-telegraph operators. This service, like police radio-telephone service, should be on a 24-hour basis.

## STATE CRIME LABORATORY

By the enactment of chapter 509, the 1947 legislature created the state crime laboratory. An annual appropriation of \$70,000 is provided for the execution of its functions, and an initial sum of \$50,000 was created for the purchase of supplies and special equipment.

The state crime laboratory operates under the control of a state crime laboratory board, which is located in Madison. This board establishes rules and policies controlling the operation of the laboratory. The board consists of seven members, five of whom shall be appointed by the Governor with the consent and advice of the Senate. The attorney general and a staff member of a University department, as designated annually by the president of the University, are ex officio members, with the same authority as the five persons appointed by the Governor. The board holds at least four meetings annually, and such special meetings as are required. Board members receive no compensation besides necessary expenses. The board appoints the superintendent of the crime laboratory, who devotes his entire time to such duties.

### Purpose of the Crime Laboratory

The purpose of the laboratory is to establish, maintain and operate a state crime laboratory in order to provide technical assistance to local law enforcement officers in the various fields of scientific investigation in the aid of law enforcement. It is the duty of the laboratory to maintain services for the preservation and scientific analysis of evidence material to the investigation and prosecution of crimes in such fields as ballistics, chemistry, handwriting comparison, metallurgy, comparative micrography, lie-detector or deception test operations, finger printing, toxicology, and pathology.

The laboratory is also required to act as an intelligence center for the clearance of information between law enforcement officers. In furtherance of this purpose it shall issue bulletins weekly or more often if occasion may require by mail, wire or radio, including information on property stolen and property recovered in communities of the state and in addition, shall operate a current modus operandi file on criminals operating in the state and such interstate criminals as will be likely to operate in the state or seek refuge in the state. The laboratory shall at all times collaborate and co-operate fully with the federal bureau of investigation in its clearance of intelligence matters between law enforcement officers in the state and to that end shall at all times keep the federal bureau of investigation fully informed of intelligence matters cleared through the laboratory.

The laboratory shall co-operate and exchange information and intelligence with other similar organizations in other states.

### Limited Powers

The superintendent and employes of the laboratory are not peace officers and have no power of arrest or to serve or execute criminal process, nor shall they be appointed as deputy sheriffs nor in any

manner clothed with police powers by appointment or election to any office. They shall not undertake investigation of criminal conduct except upon the request of a sheriff, coroner, chief of police, village marshal, district attorney, attorney general, or governor.

The head of any state department may request investigations but in such cases the services shall be limited to the field of health, welfare and law enforcement responsibility which has by statute been vested in the particular state department.

Upon such request the laboratory collaborates fully in the complete investigation of criminal conduct including field investigation at the scene of the crime and for this purpose may equip a mobile unit or units including lie detectors or deception test equipment. The services of the laboratory available to such officers shall include appearances in court as expert witnesses free of charge to the municipalities or state officers or departments.

### Evidence Privileged

Evidence, information, and analysis of evidence obtained by the superintendent or employes of the laboratory are privileged and not available to persons other than law enforcement officers, but in criminal proceedings either the state or the defense may subpoena the superintendent or employes of the laboratory. Upon request of a defendant in a criminal action, approved by the presiding judge, the laboratory conducts analysis of evidence upon behalf of such defendant.

Upon the termination or cessation of the criminal proceedings, the privilege of the testimony obtained by the laboratory may be waived by the superintendent. Thereafter, the superintendent and employes of the laboratory may be subpoenaed in civil actions in regard to any information and analysis of evidence previously obtained in such criminal investigation, but the laboratory shall not be engaged in any investigation requested solely for the preparation for trial of a civil matter.

### Cooperation with the University

So as to facilitate the coordination of the work of the laboratory with the research departments located at the University of Wisconsin, the crime laboratory board and the university are authorized to agree upon the use of laboratories and physical facilities in the University, and for the exchange and utilization of personnel between the laboratory and the university.

### Present Status of the Crime Laboratory

The laboratory is presently concerned with the following primary problems: (1) acquisition of laboratory quarters, (2) equipping the laboratory, (3) acquiring and equipping a mobile field unit, (4) recruiting trained specialists, and (5) performing a limited service function where technical assistance is requested by district attorneys, sheriffs, and police chiefs. This service at present is limited to investigation of major offenses and also to the laboratory fields

in which the superintendent is qualified. This technical assistance will be extended and expanded, however, when objectives (1), (2) and (4) listed above have been realized, and then (5) will also be expanded.

The laboratory will soon move into a building acquired by the university adjoining the campus. Offices and technical laboratories will be established there pending the time when a building can be constructed.

#### Aims

The ultimate aim of the laboratory is sixfold: (1) establishment and maintenance of a laboratory which will be looked to by the courts and scientific institutions as a model of scientific and professional excellence and attainment, (2) ultimate affiliation with the University of Wisconsin as an affiliated scientific institution, (3) free exchange of facilities between the University of Wisconsin and the state crime laboratory, (4) the training of laboratory technicians or specialists, (5) extension and broadening of practical applications of laboratory techniques in problems of judicial proof, making the results of these applications and improvements available to the courts in actual cases; state, city, and county law enforcement agencies; and to students of the law, and (6) availability to the University of Wisconsin of certain case materials, personnel and facilities of the laboratory for lecture and training primarily for graduate students or students enrolled in upper division studies.

### FEDERAL BUREAU OF INVESTIGATION

The federal bureau of investigation is the investigative arm of the United States Department of Justice, headed by the attorney general, who is the chief legal officer of the United States.

The functions of the FBI are twofold. As a fact-finding agency, it investigates violations of federal laws and presents its findings to the attorney general, his assistants and the United States Attorneys who decide whether the people involved are to be brought to trial. As a service agency, it assists law enforcement in identification and technical matters, and the collection and distribution of uniform crime data.

To do the work the FBI has special agents assigned to 51 field divisions throughout the United States and in Puerto Rico, Alaska and Hawaii. Each of these divisions is under a special agent in charge who reports to the director in Washington, D.C. Within an hour a special agent can arrive at practically any point in the country where his services may be needed. Every case investigated in the field is supervised and coordinated in Washington.

#### Origin of the FBI

Although the FBI did not become well known until after the great crime wave of the "thirties", the organization was in existence many years before. The FBI dates back to 1908, when Attorney General Charles Bonaparte directed that department of justice investigations

be handled by a small group of special investigators. In the following year the name "Bureau of Investigation" was assigned to this group.

The small organization gradually grew during the succeeding years. The White Slave Traffic Act passed in 1910 added greatly to the work of the bureau in those early days. The Selective Service Act of World War I and espionage laws to block the work of spies brought new duties. Then the National Motor Vehicle Theft Act was passed in 1919 to curb the increasing transportation of stolen automobiles from state to state.

In 1924 J. Edgar Hoover was appointed director of the bureau. Gradually the procedures and organization of the bureau was revised. Congress approved the transfer of fingerprints at Leavenworth Penitentiary and the criminal records maintained by the International Association of Chiefs of Police to the FBI. Thus, began what is now known as the Identification Division of the FBI.

Training schools for special agents and accountants were started in Washington to equip future G-Men with modern crime-detection methods. These offer courses in federal law, accounting, fingerprint science, crime scene searches, interviews, photography, firearms and jujitsu.

In 1932 the FBI crime-detection laboratory was established to provide scientific aids in criminal investigations and to serve as a scientific clearing house for evidence and crime problems submitted by police and sheriffs throughout the country.

Experts, whose efficiency is judged by the skill of their work and not by the number of convictions in their cases, develop secret writing, identify handwriting, examine firearms, develop latent fingerprints, examine explosives, hairs, fibers, blood stains and conduct thousands of other examinations annually.

#### Jurisdiction of Federal Agents

The primary interest and duty of FBI agents is to investigate and apprehend persons violating federal statutes. These agents have no police power or authority to arrest or investigate in cases involving state law or municipal ordinance violations. However, many violations of state law automatically become violations of federal acts when state lines are crossed, such as when a stolen motor vehicle is driven into another state, or a kidnapped person is transported across the state line. In such cases the FBI will cooperate closely with local authorities. Even on request from local authorities, the federal agents will not render assistance in investigating or apprehending violators of local laws. The Unlawful Flight to Avoid Prosecution statute, also known as the Fugitive Felon Act, enables federal fugitive process and apprehension by FBI agents of persons fleeing inter-state to avoid prosecution for state crimes of murder, burglary, assault with a dangerous weapon, robbery, kidnapping, extortion accompanied by threats, rape, and felonious attempts - in any of these specified crimes.

Assistance on Technical Matters

In the field of scientific criminal investigation a number of services are available to Wisconsin law enforcement agencies from the FBI for the asking. No charge is made for such services.

The complete facilities of the crime detection laboratory not only are available to the FBI and other governmental agencies but also to local law enforcement officials who have technical problems in connection with any criminal investigation even when no federal law has been violated. In addition to making investigations the FBI laboratory will supply the experts necessary to testify in the results of their work. These services include the technical analysis and consultation by techniques of such matters as blood examinations, documentary examinations, firearms identification, number restoration, poison examination, soil analysis and the like.

The bureau is of material assistance in identification matters. The FBI's collection of fingerprints and identification data dates back to 1924. The identification division was established to meet the insistent demand of police officials for a central exchange of criminal identification data. Records of both the National Bureau of Criminal Identification and the Leavenworth Penitentiary Bureau were consolidated and the 810,000 fingerprint cards formed the nucleus for the collection, which has grown phenomenally. On June 1, 1948, there were over 108 million fingerprint cards in the FBI's file. While there is some duplication, it is estimated that these represent about 65 million individuals.

In addition to identification of fingerprints, the bureau maintains a general appearance file, a missing persons record, and other similar sources of identification. These facilities may be called upon by local enforcement officers.

Services Rendered to Wisconsin in 1947

The FBI rendered state and local law enforcement agencies in Wisconsin the following services during 1947: The FBI laboratory conducted examinations of 647 specimens of evidence in response to 198 requests received from duly authorized police agencies. During this same year 103 law enforcement agencies submitted a total of 12,605 sets of criminal fingerprints and 6,576 sets of non-criminal prints, all of which were searched through the identification records following which the respective agencies were furnished with any information the bureau had previously received concerning the individuals in question. Also, 64 latent fingerprints examinations involving single fingerprints were conducted by the single fingerprint section of the identification division for Wisconsin agencies. In the 1947 fiscal year the bureau furnished police instructors to assist in thirty-five police training programs conducted for the benefit of state and local police organizations.

The following services of the FBI are available upon request in connection with the training of local police:

1. The FBI National Academy
2. The organization of training schools on local, zone or state-wide basis.
3. Aid in preparing schedules fitted to the needs and wishes of law enforcement departments upon request.
4. Furnishing FBI instructors and aid in getting other qualified instructors for training purposes.
5. Statistics re police training in Wisconsin in which the FBI participated. For example, in 1947, the FBI participated in 34 schools of the zone, in-service, firearms training, photography, police administration, defensive tactics and recruit types. In 1948, 31 schools were participated in.

Other Federal Agencies

Numerous other federal law enforcement agencies in addition to the FBI are active in Wisconsin. Usually they work independent of local agencies, but on occasion cooperate with or assist them. In many instances local officials call upon these agencies for assistance, or refer certain crimes to them. These agencies include:

- Alcohol Tax Unit (Treasury)-
- Immigration Border Patrol (Justice)
- Customs (Treasury)
- Post Office Inspectors
- Secret Service (Treasury)
- Intelligence Unit (Treasury)-
- Coast Guard
- Army
- Navy
- Bureau of Narcotics (Treasury)-

III. VIOLATIONS AND ARRESTS; DISPOSITION OF FINES, FORFEITURES  
AND PENALTIES

VIOLATIONS AND ARRESTS

Since law enforcement activities result in the detection and arrest of violators, a brief summary of the subject of arrest is necessary.

Criminal laws are those the violation of which is either a felony or a misdemeanor. Any crime punishable by imprisonment in the state prison is a felony, while those crimes in violation of state laws which are punishable only by a fine or by imprisonment in other than the state prison, or by both such fine and imprisonment, are misdemeanors.

Violations of city, village, town or county ordinances are not misdemeanors, nor is the violation a criminal one. The violator is subject upon conviction to a forfeiture, which is similar to a fine, and the action to collect it is a civil action rather than criminal in nature.

At common law arrests for other than felonies were not permissible without a warrant except for acts causing a breach of the peace committed in the presence of the officer. Officers can also arrest without warrant for felonies not committed in their presence upon reasonable ground to believe a felony has been committed and the person arrested has committed it. The constitution of this state provides that the common law shall remain in force until changed by the legislature.

Also by common law, a citizen can arrest without warrant one committing a felony in his presence, but a citizen has no power to arrest one committing a misdemeanor in his presence. By common law peace officers may arrest without warrant for any felony and any misdemeanor committed in their presence, but an officer may not make an arrest for a misdemeanor not committed in his presence without a warrant. Section 361.44 of the statutes further provides:

- (1) **WHEN LAWFUL.** An arrest by a peace officer without a warrant for a misdemeanor is lawful whenever the officer has reasonable grounds to believe that the person to be arrested has committed a misdemeanor and will not be apprehended unless immediately arrested or that further personal and property damage may likely be done unless immediately arrested.

The prosecution of a municipal ordinance is a civil action. The violator need not be arrested, unless it is necessary to make an arrest to prevent a continuation of an offense, or to prevent the defendant from getting beyond the jurisdiction of the court. The defendant can simply be sued to enforce the forfeiture as in any civil action.

Since the sheriff, his deputies, all constables, village marshals and city policemen are "peace officers" under common law, they have authority to arrest without warrant for felonies and for misdemeanors committed in their presence. Sheriffs and their deputies, however, are empowered to "keep and preserve the peace", which relates to violations of state laws. They cannot enforce city, village or town ordinances.

It must also be pointed out that local police officers are powerless to make arrests outside their own jurisdictions, except where authorized by statute in cases of "hot pursuit". Thus each sheriff and his deputies are powerless outside of their home county, and city, village and town police officers have jurisdiction only within the limits of their own municipalities.

DISPOSITION OF FINES, FORFEITURES AND PENALTIES

An effective law enforcement system results in prosecutions which culminate in the imposition of fines, forfeitures or penalties. To this extent the law enforcement agencies produce revenues which are partially attributable to their operation. This revenue, however, in many instances is not available to defray the expense of the law enforcement agencies.

Article X, Section 2 of the Wisconsin Constitution provides that "the clear proceeds of all fines collected in the several counties for the breach of the penal laws" shall be paid into the state treasury and set aside in a separate fund called the "school fund", which shall be applied exclusively for school purposes.

The supreme court held in State vs. Casey, 5 Wis. 318, that the proceeds of all fines collected for a breach of the penal laws belong to and constitute part of the school fund. However, this section applies only to penalties or fines for breaches of penal statutes, and not to penalties for violations of municipal ordinances which are payable to the municipal treasury. Platteville vs. Bell, 43 Wis. 488.

Thus by statute the fines accruing from the prosecution for the violation of any state penal or criminal provision accrue to the school fund. Forfeitures or penalties for violation of municipal ordinances, including city, village, town and county ordinances, accrue to the municipal treasuries. By practice, these revenues are generally considered to off-set the cost of the court system and accrue from the operation of the courts, and are not allocated to the policing agencies which apprehend the violators. In cities having a police pension system, section 62.13 (9) (a) provides that 25% of all such fines shall be paid into the pension system.

Under the present statutes and constitutional provision it is not possible to use any of the increase in fines from penal laws which might result from increased efficiency of law enforcement activities to defray the increased cost of such enforcement. This is undoubtedly in accord with the better theories of police administration and justice, that the arresting or enforcing officers shall not benefit directly or indirectly from fines accruing as a result of enforcement activities.

The theory behind this thinking is that no encouragement is offered to the enforcing officers which might make them over-zealous in law enforcement.

#### Prosecution and Punishment

While this survey is limited to law enforcement and does not touch upon the prosecution and treatment of the violator, those matters should not be ignored. A sound enforcement system soon breaks down if the violators are not prosecuted, or are let off with minor fines or punishments. Likewise, the probation and parole system must be adequate to insure violators being restrained as long as they remain dangerous to society. Because of the importance of each of these phases of law enforcement, they should be separately studied to insure their adequacy.

#### IV. THE DISTRICT ATTORNEY

##### His Duties and Place in Law Enforcement

While the district attorney is not a police officer and has no power of arrest, he is so closely connected with the enforcement of our laws in his role as prosecutor that a short summary of his duties is deemed essential.

In actual practice, especially in the case of major crimes in rural counties, the district attorney sometimes plays an important if unofficial role in investigating and apprehending the criminal. He is called upon because of his experience and knowledge of law, and because of a misconception by the public of his duties and the lack of trained police officers to conduct the investigations.

#### Duties

The office of district attorney is created by the constitution but the duties pertaining to the office are not therein set out. Our supreme court has said on a number of occasions that the duties of the office are statutory. In addition to his statutory duties the district attorney has certain "expected" functions which he performs as a matter of course although not required to do so.

This statement is devoted to the duties of the district attorney so far as they involve the enforcement of the criminal law. The district attorney also represents the county in civil litigation and advises and consults with the county board and county officers in regard to their duties.

Section 59.47 requires the district attorney to prosecute or defend all actions, applications or motions, civil or criminal, in the courts of his county in which the state or county is interested or a party, and if the venue of the action is changed to another county, then to prosecute or defend it in such other county. It also requires him to prosecute criminal actions before a justice of the peace or other magistrate when requested by the justice or other magistrate, except common assault and battery and use of language tending to create a breach of the peace; and upon like request to attend and conduct preliminary examinations before such magistrates. He is also required to attend and advise grand juries, when requested to do so. He is also required to brief and argue criminal cases from his county in the supreme court, when requested by, and under the supervision of, the attorney general.

Under section 355.17 he is required to investigate the facts and circumstances of criminal cases after the accused has had his preliminary examination and been bound over for trial. He is then required to file an information in the court having trial jurisdiction, or if he determines that no information should be filed, then to file a statement setting forth his reasons in fact and law for not filing an information. If the court approves such a statement, that ends

the case and the defendant is discharged, but if the court does not approve the statement, he may order the district attorney to file an information. Under section 59.47 (1) it is his duty then to try the case.

It will be observed that the statutes do not require the district attorney to investigate crimes until after a preliminary examination has been held. There are a number of specific exceptions to this rule, where, by express statutes, the district attorney is required to initiate prosecutions on his own motion. But his normal duties so far as the statutes are concerned do not begin until he is requested by a magistrate to attend a trial or preliminary examination. He does not have a duty to investigate until after the accused is bound over for trial.

Although in some states the district attorney has a duty to investigate violations and commence prosecutions on his own motion, that is not the usual situation. The duties of the office are usually prescribed in much the same fashion as in this state, so far as we are informed.

An additional discretionary duty was added to the office by the 1945 legislature, which authorized district attorneys to swear complainants and issue warrants returnable before some magistrate of the county. Secs. 360.02 (2), 361.02 (2), Stats. But they are not required to do so.

In actual practice the district attorney is expected to, and does, perform many functions which are not expressly required by statute. The extent of his work in this connection depends on the situation in his particular county. Some counties have a large amount of crime and the district attorney is kept very busy. (In Milwaukee County he has a number of detectives assigned to his office by the city police department and the sheriff.) In other counties his duties are less arduous because fewer offenses are committed.

With certain exceptions, the district attorney usually approves all warrants before they are issued. Under the statutes, justices of the peace and other magistrates have authority to issue criminal warrants when requested by any complainant who swears to a complaint under oath. In practice the wise district attorney arranges that no warrants are issued without his approval, since many magistrates are in practice not qualified to determine whether the facts alleged and the evidence available justify a prosecution. So general is this practice that the laity, and even the bar, frequently speak of warrants as being "issued" by the district attorney, even though the actual issuance of the warrant is usually done by a magistrate and prior to 1945 could not be done by the district attorney.

Likewise it is the practice of district attorneys to investigate criminal complaints before commencing a prosecution, particularly in the case of more serious offenses. The investigation may be either wholly informal or in part by formal procedure such as a coroner's inquest or a "John Doe" proceeding. The latter is a secret investigation held before a magistrate at which witnesses are subpoenaed and examined under oath. It is common knowledge, of course, that the grand jury system has fallen into disuse and is practically obsolete in this state.

The statutory duty of investigating crimes is vested in the sheriffs, constables, city police, village marshals, and certain state officers such as deputy fire marshals, game wardens, beverage tax agents, etc. In some fields the district attorney does little investigating himself but in the ordinary run of criminal offenses, such as homicide, burglary, larceny and the like, he generally takes a very active part either personally or through his assistants, both before and after criminal proceedings have been commenced.

The district attorney has the exclusive authority to try criminal cases in his county except that the attorney general may be authorized by the governor or either house of the legislature to assist him or to take over the prosecution. (In arson cases the attorney general is required to assist, but in practice is seldom called upon.) With the exception of common assault and battery and the use of language tending to create a breach of the peace, no privately employed attorney may appear for the state in any criminal case and it is reversible error to permit a private attorney even to assist the district attorney. (This does not mean that private attorneys may not be appointed by the court as special prosecutors, which the statutes provide for, but when so appointed such an attorney has all of the powers and duties of the elected district attorney.)

The district attorney has full charge of the case so long as it is in the trial court. When a criminal case reaches the supreme court the attorney general becomes the attorney of record. He has authority to request the district attorney to brief the case and to supervise his activity in that regard. In practice, the attorney general usually takes over the case in the supreme court except in cases arising in Milwaukee County, which are usually briefed and argued by the district attorney's office. With that exception, the district attorney seldom takes a very active part in presenting the case in the supreme court.

#### The Attorney General

The attorney general counsels and advises with district attorneys in connection with all of their duties. A great deal of this consultation necessarily relates to criminal matters and is handled in three general ways: (1) by means of formal opinions, (2) by means of general informal correspondence, and (3) by personal conferences or over the telephone. The attorney general does not have authority to dictate the action of the district attorneys, except in specific cases that are mentioned in the statutes, but the advice received by district attorneys from the attorney general or his assistants is very generally followed.

As mentioned above, the attorney general may be required by the governor or either house of the legislature to assist the district attorney or even to undertake the burden of the prosecution. This power is used sparingly and only under unusual circumstances. Including arson cases (where authority to assist district attorneys is provided by statute) the attorney general's office participates in the trial of an average of perhaps three or four criminal cases a year. The office is not organized to undertake a voluminous program of trial work, but is able to be of assistance in various types

of situations where the district attorney is either disqualified or feels that the specific case is one in which he needs assistance. Very occasionally a prosecution is of such importance to the state government itself that it is considered proper that the attorney general prosecute it, as in the case of State vs. Pfeifer, which by order of Governor Goodland was tried by an assistant attorney general in Dane County in the fall of 1947. Another type of case required by law to be prosecuted by the attorney general is violation of the law regulating lobbying in the legislature (sec. 346.26 (3) Stats.). Two persons were prosecuted under that law in 1947.

As mentioned above, the attorney general is the attorney of record in criminal cases in the supreme court. From time to time also, convicted persons apply to the supreme court for writs of habeas corpus, and these are also handled for the state by the attorney general.

All request for extradition received by the governor are referred to the attorney general for approval and when a hearing is held before the governor the attorney general frequently represents the demanding state. If the alleged fugitive sues out a writ of habeas corpus it is usually defended by the district attorney of the county where the fugitive is being held but on some occasions the attorney general has appeared in such matters as well.

## V. STATE-WIDE POLICING SYSTEMS

Summary of state police systems in other states and movement in Wisconsin to establish such a system.

Many responsible and highly-regarded persons favor the creation of a state police body with full powers, and the elimination or absorption of some or all of the local police agencies. There are potent reasons, other than the opposing arguments which are given voice, why nothing has been done so far in Wisconsin.

A state-wide police under a single administration has been proposed in this state but rarely thoroughly discussed. Part of the reason for avoiding the topic has been political, and part of it a prejudice against "state control", but a major cause has been the lack of factual information and comparative detail upon which to build a case.

Vollmer and Parker, eminent police authorities, explain the causes of the inertia in police reorganization in somewhat more detail:

"The need for coordination and consolidation of all the police activities within each state is admitted though not always acknowledged. Yet in most of the states nothing has been done about it. The reasons are varied and more or less obvious. Reverence for old, established political institutions, such as the office of sheriff, marshal, or constable; the political strength of these officials; the difficulties associated with amending state constitutions; the opposition of labor to the establishment of state police; the apathetic public, uninformed generally concerning crime and its appalling extent and quite ignorant of what should be done about it; and finally the fact that there are only a few experts who really know how to organize an adequate, efficient, and economical police service, properly controlled, and administered without fear or favor - these are some of the things that are hindering the movement toward the essential centralization."

### Wisconsin Proposals

As early as 1915 a state police department was proposed for Wisconsin, two years prior to the establishment of state police in Michigan and New York. Not until 1929 was the plan again offered, but in following sessions numerous bills have been offered. Legislative records show the following bills relating to the establishment of a state police system or a state bureau of criminal apprehension and detection have been proposed:

#### 1915 Session

145, S - Senator Monk. Relating to the establishment and maintenance of a state police department. Indefinitely postponed.

617, A - Mr. Bradley. Relating to a state police board.  
Indefinitely postponed.

1929 Session

156, S - Mr. Roberts. Relating to a state detective service.  
Indefinitely postponed.

231, S - Senator Markham. Creating a department of public safety  
and transferring to such department the enforcement of certain  
statutes.  
Withdrawn by author, with unanimous consent.

1931 Session

279, S - Senator Mueller. Creating a bureau of detection and  
apprehension.  
Withdrawn by author.

1939 Session

271, A - Mr. Vaughan. Creation of a department of radio in-  
telligence, for the purpose of apprehending criminals,  
teaching police officers in criminal apprehension work,  
coordinating local authorities by means of radio and direct-  
ing them in modern identification methods.  
Indefinitely postponed.

651, A - Mr. Schenk. Creating a bureau of criminal apprehension.  
Indefinitely postponed.

932, A - Mr. Olson. Creating a committee to study a radio police  
system for the state.  
Engrossment refused.

1937 Session

196, A - Mr. Schenk. Relating to a bureau of criminal identifica-  
tion, records and statistics; to provide for a director there-  
of; to prescribe his duties; to require peace officers,  
persons in charge of certain institutions and others, to  
make reports respecting crimes and criminals to such bureau.  
Action incomplete due to sine die adjournment.

1933 Special Session

J. R. 21, A - Mr. Bachhuber. To create an interim committee to  
investigate the advisability of a radio intelligence call  
system. Ruled not germane to the Governor's call.

1939 Session

84, S - Mr. Bolens and others. Relating to the prevention of  
crime and the apprehension of criminals by radio communica-  
tions. Indefinitely postponed.

336, A - Mr. Alfonsi and others. Creating a department of  
radio intelligence for the purpose of apprehending criminals,  
preventing crime, promotion of highway safety, and aiding  
the present established law enforcement officers.  
Action incomplete due to sine die adjournment.

359, A - Mr. Hipke. Relating to the prevention of crime and  
the apprehension of criminals by radio communications.  
Action incomplete due to sine die adjournment.

1941 Session

77, S - Senator Mack by request of chiefs of police association.  
Relating to the prevention of crime and the apprehension of  
criminals by radio communications, and to create a state  
bureau of police radio communication.  
Action incomplete due to sine die adjournment.

281, S - Senator Laird, by request. Relating to the creation  
of a department of radio intelligence for the purpose of ap-  
prehending criminals, preventing crimes, promoting highway  
safety and aiding the present established law enforcement  
officers.  
Action incomplete due to sine die adjournment.

794, A - Mr. Krohn. Relating to the creation of a department  
of radio intelligence for the purpose of apprehending  
criminals, promoting highway safety, and aiding the  
present established law enforcement officers.  
Action incomplete due to sine die adjournment.

1943 Session

140, A - Mr. Krause. Relating to the creation of a bureau of  
criminal investigation and to cooperate with peace officers  
of the state in the detection of crime and the apprehension  
of criminals. Division of criminal statistics to be es-  
tablished.  
Indefinitely postponed.

J.R. 93, A - Mr. Krause. Relating to the appointment of a  
joint interim committee to study the advisability of  
creating a state crime detection bureau.  
Rejected.

1945 Session

49, A - Mr. Krause. Relating to the creation of a bureau  
of criminal investigation and a crime detection laboratory.  
Action incomplete due to the sine die adjournment.

257, S - Committee on State and Local Government, by request.  
Creating a department of public safety, and coordinating  
state law enforcement.  
Action incomplete due to sine die adjournment.

**CONTINUED**

**1 OF 3**

1947 Session

- 192, A - Committee on Judiciary. Creation of a state crime laboratory under the control of the state crime laboratory board.  
Enacted into law - Chapter 509.
- 425, S - Committee on State and Local Government. Providing that the state traffic patrol shall be known by no other name than the state traffic patrol.  
Non-concurrence.

No attempt has been made to study these proposals to determine their merit or whether an effective and extensive effort was made to explain them and promote their passage. The defeat of previous proposals should bear little weight in any consideration of future proposals. It is significant that the state crime laboratory was established by the 1947 legislature.

Any proposal mentioning state police has traditionally been treated in legislative circles in Wisconsin and elsewhere as a "hot potato". Because no thorough study of possible improvements in our law enforcement system can be made without at least considering whether or not a centralized police organization is feasible or desirable for Wisconsin, it is deemed worthwhile to briefly outline the origin, development and present status of state police systems.

Origin and Development of State Police Systems \*

It is a recognized fact that the influence of English institutions has been largely responsible for the lines of development taken by many of our own institutions, especially in the field of local government. Consequently, we find the almost universal adoption in America of the English sheriff-constable system of law enforcement, transplanted without appreciable change. It is not surprising, therefore, to find that attempts to improve the machinery of law enforcement both in America and the British Empire have followed very similar methods in both the problems of rural, frontier protection and the policing of thickly settled urban districts.

In all instances the method has been the same - essentially that of increasing and extending the geographical limits of police jurisdiction, with a view to the coordination of police activities over a larger area than that represented by the English or American county. To meet the problem of frontier police protection in the British Empire there were established such organizations as the Royal North West Mounted Police, the Australian Troopers, and the Royal Irish Constabulary, all organized along military lines. To meet the urban problem, several of the larger, more thickly populated administrative counties of England developed highly organized county police systems.

In the United States similar developments have almost universally taken the form of state police systems. The history of the movement and the factors conditioning it can be roughly broken up into four periods.

\* From "STATE POLICE" - Research Report, Kansas Legislative Council

1. The "Border Patrol" Period. The earliest form of state police force to make its appearance was that represented by the Texas Rangers, established in the days of the Texas Republic, largely for military service on the Mexican Border. The General Council of the Provisional Government of Texas (1835) authorized three ranger companies "who shall be subject to the orders and direction of the Commander-in-chief of the Regular Army". This function of border patrol, characteristic of this early period, has persisted to the present day, and although a certain amount of criminal investigation has been undertaken since 1904 the rangers still retain much of their frontier character. General re-organization was effected by statute in 1874, 1901, and 1919. It is interesting to note that there exists, side by side with the rangers in Texas today, a highway patrol force similar to the one at present operating in Kansas. There has also been in Texas during the last few years considerable agitation for a general reorganization and consolidation of these forces into a Department of Public Safety.

In 1865 a few "state constables" were appointed in Massachusetts. While their chief function was the suppression of commercialized vice, they were also granted general police powers to be exercised throughout the state. Massachusetts may therefore be said to have been the first to establish a general state police force. The new body was rudimentary in its conception and organization, and became the subject of recurrent legislative revision. In 1879 this process culminated in the establishment of the Massachusetts District Police, a state detective unit, which in turn was absorbed by the state patrol set up in the new department of public safety in 1920.

Following the inception of the Massachusetts system in 1865, there was a long period which witnessed no extension of the state police idea. In 1903 a small state force was established in Connecticut, modeled after the Massachusetts District Police of that day. Like the latter, the Connecticut force was chiefly intended for the more effective suppression of commercialized vice, but it was also charged with certain inspectional duties and with the investigation of suspicious fires. The force was too small to make any system of regular patrols possible. Its organization was loose, and responsibility for administration was ill-defined. After experiencing many vicissitudes, it was extensively reorganized in 1927, and began to exercise state-wide police duties as a major part of its functions.

The Arizona Rangers were established in 1901 and the New Mexico Mounted Police in 1905. Both were virtually border patrol forces on the order of the Texas Rangers, and were disbanded a few years later, having apparently become involved in politics.

2. Beginnings of the Modern State Police System. The second period in the development of the state police idea in the United States may be said to have begun with the establishment in 1905 of the Pennsylvania "State Constabulary", as it is popularly known.

Hitherto, there had been no idea of rural police patrol and protection as we understand it today. Nor had this modern concept any particular influence on the early developments in Pennsylvania,

which at that time was involved in a particularly violent series of industrial strikes, especially in the coal and iron districts. The demonstrated incapacity of the local officers to cope with the situation had led to the commissioning of private "Coal and Iron" police, who were paid and controlled by the mining companies and whose violence and partisanship exceeded even that of the strikers.

The consequent difficulties led Governor Pennypacker to describe his situation in supervising enforcement of the state's laws with a touch of exaggeration and no little humor. He said:

"In the year 1903, when I assumed the office of chief executive of the state, I found myself thereby invested with supreme executive authority. I found that no power existed to interfere with me in my duty to enforce the laws of the state, and that by the same token, no conditions could release me from my duty so to do. I then looked about me to see what instruments I possessed wherewith to accomplish this bounden obligation - what instruments on whose loyalty and obedience I could truly rely. I perceived three such instruments - my private secretary, a very small man; my woman stenographer; and the janitor, a negro. So I made the state police." (Quoted from Justice to All, by Katharine Mayo.)

The Governor of Indiana found it necessary to order out the state militia to enforce a statute prohibiting race-track gambling. The Governor of Colorado experienced a somewhat similar difficulty, declaring that:

"I am required by the constitution to enforce the laws. But there is not a sheriff or other county officer that is dependent upon me; he can defy me; he can say, 'I will not enforce those laws'. What is the efficiency of my office under those circumstances? The only power I have is to call out the militia to suppress something."

Three considerations, then, seemed to stimulate the organization of state police forces during this period: the first was the need for a general executive arm of the state. The second was closely related to the disturbed industrial conditions in the coal and iron regions, and the demonstrated incapacity of sheriffs, constables, and the organized police forces of small communities to contend with them successfully. The third arose from a realization that the sheriff-constable system had broken down and the rural districts were left exposed without adequate police protection.

Other agencies and devices for maintenance of the peace and the protection of life and property had been painfully evolved - for centuries in the case of sheriffs, constables, and city police, and for several scores of years in the case of the earlier state police forces. But the Pennsylvania force was not evolved in any strict sense of the term. It was "made", and in the making, whether from accident or design, there was a sharp break away from established tradition. Schemes of organization and control which had become embedded in accepted police practice were ignored in the formation of this new body. Its establishment in 1905 marked the beginning of a new era in rural police administration.

The distinguishing characteristic of this force consists in the extensive administrative powers granted to the superintendent of state police, who is responsible to the governor of the commonwealth alone. From the very beginning it has operated as a mounted and uniformed body which, using a widely distributed system of troop headquarters and sub-stations as a base of operations, patrols the rural and semi-rural portions of the entire state even to the little-frequented byways and lanes. In its highly centralized scheme of structural organization, and its policy of continuous patrol throughout the rural areas, the Pennsylvania state police constituted a distinct departure from earlier state practice.

The war gave considerable stimulus to the state police movement. In 1917 the agitation which had been going on in New York for a decade or more took definite and successful form. The department of state police created in that year very closely followed the pattern first laid down in Pennsylvania. Even such minor rearrangements as were affected were prompted largely by experience in the latter state.

The Michigan state police was hurriedly organized in the same year as a war measure, largely for the protection of the war industries from communist and I.W.W. activities, and in 1919 was accorded permanent status by the legislature, being later consolidated with a state department of public safety, as in Massachusetts. The Colorado Rangers owed their creation in the same year (1917) to similar conditions. They were, however, organized along the pattern of the Texas Rangers, and were disbanded in 1923 after a political campaign in which they were a leading issue.

3. "Reorganization and Expansion" Period. Beginning in 1919, another period is characterized by rapid extension of the state police idea, reorganization of the existing forces, and expansion of their duties. In it also lie the beginnings of the "Department of Public Safety", first instituted by West Virginia in 1919. However, despite the broad administrative implications of its name, this body in West Virginia was devised solely for general police work. Though this feature was patterned closely after the Pennsylvania plan, the scheme or organization provided a wide departure by introducing a bipartisan board of commissioners who divide with the superintendent responsibility for the control of personnel, but have no active participation in other administrative matters in the department.

In 1921 New Jersey established a department of state police, the statutory basis of which is very similar to that of Pennsylvania and New York. Since that time it has undergone extensive expansion and today enjoys a prestige and position practically equal to that enjoyed by the older systems.

Michigan, likewise in 1921, organized a department of public safety, consolidating therein its state police, fire marshal, and a number of regulatory and inspection agencies. Rhode Island in 1925 organized its department of state police, patterned largely after Pennsylvania, and Oregon, in 1931, followed a similar course.

Meanwhile, some of the older state police forces were undergoing extensive revision. In Massachusetts, which had originally led the way in establishing the practice of state police protection, there was effected in 1920 a complete consolidation of all state agencies in any way related to the administration of the public safety function. Coincident with this was the establishment of a statewide, uniformed, patrol force which was patterned closely after the Pennsylvania model. Connecticut likewise abandoned its loose scheme of overhead organization, involving general direction and control by a police board composed of ex officio members, and in 1927 completed a series of major changes which brought the Connecticut state police into line with Pennsylvania and the other states which had followed its lead.

4. Period of Highway Patrol Development During this period of extensive expansion of the state police idea, other rudimentary state police forces were being organized in the form of "state highway patrols", usually as subordinate units of the department of highways, of the commissioner of motor vehicles, the public service commission, or of the attorney-general department.

State highway patrol forces had been developed for the primary and specific purpose of enforcing the motor vehicle laws on state highways. The beginning of a new movement in the development of state police is marked by the gradual expansion of these functions to include all highways within the state, and as in Maine in 1929, the extension of the powers and functions of the patrol to include the maintenance of general police patrols and the conduct of criminal investigations throughout the state. In 1947 there were 29 of these forces, of which 17 had been clothed with general police powers under all or special circumstances.

On the whole such general police powers have not been exercised extensively enough to make these forces directly comparable with those adhering to the Pennsylvania system. There are also other differences. Thus, by the very nature of their constitution, these forces are not directly responsible to the governor of the state alone. More significant than all else, they do not partake of the true state police tradition. The volume of general criminal work which they perform is relatively so small as clearly to distinguish them from the older state police forces which enforce the provisions of the penal law as a day-to-day obligation.

At best, therefore, these forces which have cautiously advanced from specialized traffic control units, are but an intermediate stage between the state police proper and the more recent highway police organizations.

Significant Periods and Dates in the Development of State Police Systems

1. The "Border Patrol" Period

- 1835 - TEXAS Ranger established.
- 1865 - MASSACHUSETTS "State Constables" established.
- 1879 - MASSACHUSETTS "District Police" organized; state detective force primarily.

- 1901 - ARIZONA Rangers established; similar to Texas Rangers.
- 1903 - CONNECTICUT Police established; similar to Massachusetts District Police; vice control, primarily.
- 1905 - NEW MEXICO Mounted Police; similar to Texas Rangers.

2. Beginnings of the Modern State Police System

- 1905 - PENNSYLVANIA State Police established.
- 1917 - NEW YORK Department of State Police established; similar to Pennsylvania.
- 1917 - MICHIGAN State Police established; similar to Pennsylvania.
- 1917 - COLORADO Rangers established; similar to Texas Rangers.
- 1919 - MICHIGAN State Police given permanent status.

3. "Reorganization and Expansion" Period

- 1919 - WEST VIRGINIA Department of Public Safety organized; similar to Pennsylvania State Police.
- 1920 - MASSACHUSETTS Department of Public Safety organized with uniformed patrol.
- 1921 - NEW JERSEY Department of State Police established; similar to Pennsylvania State Police.
- 1921 - MICHIGAN Department of Public Safety organized; similar to Massachusetts Department of Public Safety.
- 1923 - COLORADO Rangers disbanded.
- 1925 - RHODE ISLAND Department of State Police established.
- 1927 - CONNECTICUT Department of State Police reorganized.

4. Period of Highway Patrol Development, with Full Police Powers

- 1929 - Highway Patrol of MAINE given police powers.
- 1931 - OREGON Department of State Police established; similar to Pennsylvania State Police
- 1931 - MISSOURI State Highway Patrol created.
- 1932 - KENTUCKY State Highway Patrol created.
- 1932 - VIRGINIA Department of State Police created.

- 1933 - NEW MEXICO State Police created.
- 1933 - WYOMING State Highway Patrol created.
- 1935 - ARKANSAS State Police created.
- 1935 - INDIANA Department of Public Safety created.
- 1935 - IOWA Department of Public Safety, Highway Safety Patrol Division created.
- 1935 - TEXAS Department of Public Safety created.
- 1936 - LOUISIANA State Department of Public Safety, Division of State Police created.
- 1937 - GEORGIA State Patrol created.
- 1937 - KANSAS Highway Patrol created.
- 1937 - NEW HAMPSHIRE State police created.
- 1937 - OKLAHOMA Department of Public Safety, Oklahoma Highway Patrol created.
- 1937 - SOUTH DAKOTA, Division of Motor Patrol, State Highway Commission created.
- 1939 - ALABAMA Department of Public Safety created.
- 1947 - VERMONT Department of Public Safety created.  
During this period, 12 states created highway patrols which have police authority over traffic violations only:
- 1929 - CALIFORNIA State Highway Patrol created.
- 1929 - MINNESOTA Department of Highway Traffic Control Division created.
- 1930 - TENNESSEE Department of Safety, Highway Patrol created.
- 1931 - ARIZONA Highway Patrol created.
- 1933 - OKLAHOMA Department, Public Safety, Oklahoma Highway Patrol created.
- 1935 - COLORADO State Highway Courtesy Patrol created.
- 1935 - MONTANA Highway Patrol created.
- 1935 - NORTH DAKOTA Highway Patrol created.
- 1937 - NEBRASKA Safety Patrol created.
- 1938 - MISSISSIPPI Department of Public Safety created.

- 1939 - FLORIDA Department of Public Safety, Highway Patrol Division created.
- 1939 - WISCONSIN Enforcement Division, Motor Vehicle Department created.

Present Status of the Movement

The map following shows the present status of state police and highway patrol systems in the United States. There are at present 19 "state police systems" in operation, 14 of which are organized as departments of state police, and five as units of departments of public safety.

The remaining twenty-nine states maintain highway patrols, 17 of which have been given full police authority, under all or special circumstances.

A brief synopsis of the statute creating the various agencies follows the map, together with a chart showing the size of police forces and costs of operation.

JOINT REFERENCE

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STATE POLICE SYSTEMS\*

With full police authority  
As of July, 1947

State	Name of Department	Date Created	Annual Appropriation		Number of Police and Civilian Personnel		
			Salaries and Wages	Total Appropriation	Police	Civilian	Total
Alabama <sup>a</sup>	Department of Public Safety	1939	\$ 480,102	\$ 667,000	151	70	221
Arkansas	Department of Ark. State Police	1935	303,790	568,037	93	37	130
Connecticut	Department of State Police	1903	1,285,659	2,086,190	300	161	461
Delaware	Delaware State Police	1923	266,000	339,500	101	29	130
Georgia <sup>a</sup>	Georgia State Patrol	1937	460,211	700,000	150	75	225
Idaho	Dept. of Law Enforcement, the State Police	1929	78,687	140,635	45	0	45
Illinois	Dept. of Public Safety, Div. of State Police	1923	2,799,443	4,565,601	501	232	733
Indiana <sup>a</sup>	Dept. of Public Safety, Ind. State Police	1935	775,000	1,335,000	242	94	336
Iowa <sup>a</sup>	Dept. of Public Safety, The Highway Safety Patrol Div.	1935	193,732	450,000	92	13	105
Kansas	Kansas Highway Patrol	1937	342,000	440,000	80	10	90
Kentucky	Kentucky State Highway Patrol	1932		500,000	160	19	179
Louisiana <sup>a</sup>	State Dept. of Public Safety, Div. of State Police	1936		775,616	180	26	206
Maine	Dept. of State Police	1925	364,622	605,103	110	76	292
Maryland	Maryland State Police	1921	600,280	1,125,647	216	77	292
Massachusetts	Massachusetts State Police	1921	736,260	1,381,260	300	128	428
Michigan <sup>a</sup>	Michigan State Police	1917	1,290,470	2,010,270	380	154	534
Missouri	Missouri State Highway Patrol	1931	975,000	1,650,000	226	137	363
Nevada	Nevada State Police	1923	28,400	44,500	7	0	7
New Hampshire <sup>a</sup>	New Hampshire State Police	1937	150,365	223,615	48	6	54
New Jersey	Dept. of State Police	1921	1,577,268	2,153,350	412	103	515
New Mexico	New Mexico State Police	1933	141,765	250,000	42	11	53
New York <sup>b</sup>	New York St. Troopers, Executive Dept., Div. of State Police	1917	1,833,798 <sup>c</sup>	3,374,223 <sup>c</sup>	653	68	721
N. Carolina <sup>a</sup>	Dept. of Motor Vehicles, State Highway Patrol	1927	490,160	863,456	162	47	209

State	Name of Department	Date Created	Annual Appropriation		Number of Police and Civilian Personnel		
			Salaries and Wages	Total Appropriation	Police	Civilian	Total
Oklahoma	Dept. of Public Safety, Oklahoma Highway Patrol	1937	\$ 774,730	\$1,040,080	156	148	304
Oregon <sup>d</sup>	Dept. of State Police	1931	1,100,430 <sup>e</sup>	1,669,445 <sup>e</sup>	293	26	319
Pennsylvania	Pennsylvania State Police	1937	2,995,992 <sup>c</sup>	4,500,000	1,361	139	1,500
Rhode Island	Rhode Island State Police	1925	270,500	398,350	76	10	86
S. Carolina	Motor Vehicle Div., South Carolina Highway Patrol	1930	462,805	575,652	196	68	264
S. Dakota	State Highway Commission, Division of Motor Patrol	1937			26	3	29
Texas	Texas Dept. of Pub. Safety	1935	2,001,102 <sup>f</sup>	3,268,612 <sup>f</sup>	520	365	885
Utah	State Highway Patrol	1925	265,000	265,000	65	4	69
Vermont	Dept. of Public Safety	1947	•••••	355,000	55	•••	•••
Virginia	Dept. of State Police	1932	985,795	2,274,525	440	95	535
Washington <sup>a</sup>	Washington State Patrol	1921	593,575	828,063	190	96	286
West Virginia	W. Virginia State Police, Department of Public Safety	1919	604,000	1,169,300	200	58	258
Wyoming <sup>a</sup>	Highway Dept., State Highway Patrol	1933	35,757	165,000	12	4	16

a As of December 31, 1944.  
b As of April 1, 1947  
c For the fiscal year ending March 31, 1947.  
\* Prepared from data furnished by the states to Council of State Governments

d For the fiscal year beginning August 1, 1947.  
e July 1, 1944 -- June 30, 1945.  
f For the fiscal year beginning September 1, 1947.

STATE HIGHWAY PATROLS

Authority Limited to Traffic Violations  
As of July 1, 1947

State	Name of Department	Date Created	Annual Appropriation		Number of Police and Civilian Personnel		
			Salaries and Wages	Total Appropriation	Police	Civilian	Total
Arizona	Arizona Highway Patrol	1931	\$ 223,891	\$ 298,891	67	0	67
California	Calif. State Highway Patrol	1929	4,490,641	6,144,854	1,095	303	1,398
Colorado <sup>a</sup>	Colorado St. Highway Courtesy Patrol	1935	215,000	300,000	85	16	101
Florida	Dept. of Public Safety, Highway Patrol Division	1939	700,000	1,200,000	158	99	257
Minnesota	Dept. of Highways, Traffic Patrol Division	1929	450,054	700,726	135	17	152
Mississippi	Dept. of Public Safety	1938	300,000	600,000	100	45	145
Montana	Montana Highway Patrol	1935	225,000	375,000	73	6	79
Nebraska	Nebraska Safety Patrol	1937	266,280	600,000	120	18	138
N. Dakota	N. Dakota Highway Patrol	1935	204,600	413,000	42	8	50
Ohio	State Highway Patrol	1933	1,013,422	1,878,322	278	120	398
Tennessee	Dept. of Safety, Highway Patrol	1930	550,000	750,000	192	45	237
Wisconsin	Enforcement Division, Motor Vehicle Department	1939	195,000	311,000	55	18	73

STATE POLICE ORGANIZATIONS

There are four types of state police forces: (1) The full-fledged independent state police force, with full state-wide police authority, typified by the Michigan type of organization. (2) State police systems which operate as a division of a department of public safety, typified by the Massachusetts organization. (3) State highway patrol forces which are given full police authority under certain or all circumstances, but which basically operate as a branch of the state highway department. (4) State highway traffic patrols which do not have authority to arrest for other than traffic violations, and cannot be termed a state police force. Wisconsin is in this class.

The true state police systems are those which fall in the first two classes outlined above. There is, of course, a wide variation of organizational plans and methods of operation, as well as scope of authority and special duties delegated to the police force.

In those states having a department of public safety with the state police force operating as a branch thereof, a state police force is apt to be delegated certain types of special duties, notably inspectional. While some of these duties are handled by special agencies in the department of public safety, nevertheless the patrol forces are likely to share a certain amount of responsibility for their enforcement. In these states the department of public safety is not a variation of state police but is rather a method of organization, for problems of administration of the various public safety agencies of the state in which the state police force is included, but only as a part of a larger whole.

The first department of public safety was created in Massachusetts in 1920, and has probably reached its highest development in that state. On first glance, its organization seems to be very involved. However, analysis shows that the department consists primarily of three divisions, those of fire prevention, inspection, and state police, together with several smaller bureaus concerned largely with registration and inspection services. Although the boxing commission is included in the department it provides no problem of administration.

It will be noted that with the exception of the state fire marshal, the chief of the division of inspections, and the boxing commission, the appointment power of the commissioner is complete in the department. Thus in actual administration the principle of responsibility for supervision and control by the administrative head is not violated.

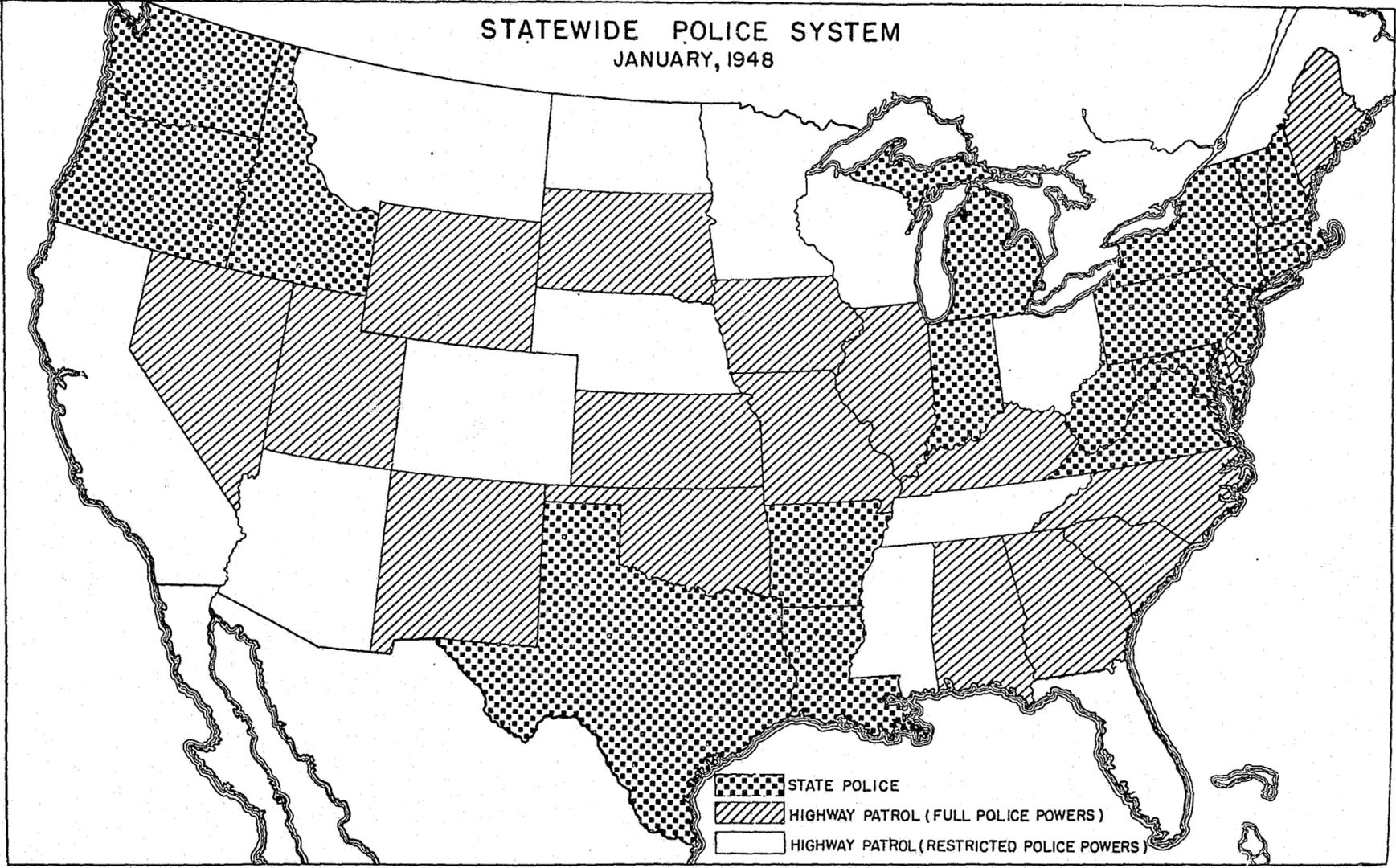
The organization of such a department of public safety has thus far been an outgrowth of a department of state police, rather than the attempted simultaneous development of all public safety functions. For a complete recognition of the state's public safety function, such a department may be the best solution. But mere consolidation of existing or anticipated agencies may not produce the desired result, especially if the focal point of the department, in this

case the state police, is in anticipation rather than in existence.

It is interesting to note that Michigan formerly had a department of public safety, of which the state police was a part, but that several years ago the state police system was reorganized as a separate and independent entity.

To illustrate the basic organization of several types of state police agencies, charts are included for the states of Michigan, Massachusetts and Texas.

STATEWIDE POLICE SYSTEM  
JANUARY, 1948



STATE POLICE SYSTEMS  
WITH FULL POLICE AUTHORITY  
Revised to January, 1948

Arkansas: Laws of 1945, Act 231

A state police department is established for the purpose of enforcing highway laws and to render more effective the apprehension of criminals and the enforcement of law. A part-time police commission is created to oversee the department. Members of the department have general police powers throughout the state. Officers may not be used in connection with labor disputes.

Connecticut: 1930 General Statutes, Sec. 2291-2300

A state police department is created under a commissioner with general powers as to law enforcement. The state police may be used to suppress riots or civil commotion.

Idaho: Code 1932 and 1940 Supp., Sec. 65-2801

The division of state police is organized under the department of law enforcement which is charged with certain regulatory and general law enforcement powers. It is the duty of the police to patrol the highways, detect and arrest for offenses against the motor vehicle law, and in general enforce all laws of the state. The patrol is vested with general police powers and cooperates with local police in general law enforcement.

Indiana: Laws of 1945, Chap. 344

A department of state police is created under a superintendent. State police are peace officers and shall have general law enforcement powers and in particular with reference to motor vehicle violations. The state police shall cooperate with federal and local police in law enforcement. Political activities are forbidden.

Louisiana: Laws of 1936, Act. No. 94

A department of state police within the state department of public safety is created under a superintendent appointed by the governor. It is the duty of the state police to enforce the criminal and traffic laws of the state. Members of the force shall be peace officers and shall possess such authority throughout the state as is enjoyed by local police officers. The state police shall cooperate with all other law enforcement agencies. State police shall not be used in industrial disputes except where violence has occurred. Local officials may contract with the superintendent for assignment of a stipulated number of officers to such locality to enforce both state and local laws.

Maryland: Code 1939, Article 88B, 88C

A department of state police is created under a superintendent. It is the duty of the police to enforce the criminal laws and motor vehicle laws of the state. The police may not, except under certain

circumstances, act within the limits of any incorporated municipality except as local officers request or the governor directs.

Massachusetts: General Laws 1932, Chap. 22, Sec. 9A

A department of public safety is created with a division of state police. Police officers appointed possess throughout the state all the powers of general law enforcement. The police may not be used in labor disputes except where actual violence has occurred and then only at the direction of the governor.

Michigan: Compiled Laws 1929 and Supplement, Chap. 24, Sec. 556-558; Laws of 1945, Chap. 231

The Michigan state police is created as a uniformed force vested with all the powers of deputy sheriffs in the execution of the criminal laws of the state and in all laws for the discovery and prevention of crime. The force may cooperate with all other law enforcement agencies. The commissioner is empowered to promulgate regulations relating to fire hazards.

1945 Sup. Chap. 21, Sec. 582.

In a state of emergency the state patrol shall be under the direction and control of the governor.

New Hampshire: Laws of 1937, Chap. 134

A department of state police is created under a superintendent appointed by the governor with the advice and consent of the Council. The superintendent shall issue such rules and regulations as necessary for efficient administration of the department. Police employees shall be ex officio constables throughout the state, shall patrol the highways enforcing the highway and motor vehicle laws as well as all criminal laws of the state. They may serve criminal (not civil) process and make arrests under proper warrants in all counties. The department shall cooperate with other law enforcement agencies.

New Jersey: Revised Statutes 1937, Title 53.

A department of state police is created under a superintendent appointed by the governor for a term of five years with the advice and consent of the senate. The members of the state police shall be peace officers of the state, shall primarily be employed in furnishing adequate police protection to the inhabitants of rural sections and shall in general have the same powers and authority as are conferred by law upon police officers and constables. They shall have power to prevent crime, to pursue and apprehend offenders and to obtain legal evidence necessary for convictions. They shall have power to execute any lawful warrant or order of arrest and may make arrests without warrant for violations committed in their presence or for felonies.

New York: Thompson's Laws 1939, Executive Law, Art. 9-A

Functions, powers and duties of the superintendent of state police shall belong to the executive department and be exercised through the division of state police. The superintendent may establish within the division of state police a bureau of investigation and assign to it such officers as required for the purpose of investigating and detecting violations of the criminal laws of the state. Scientific crime detection methods may be employed. The general duty of the state police is to prevent and detect crime and apprehend criminals. They are empowered to cooperate with any other department of the state or with local authorities. They shall have general powers of arrest. Towns and villages may contract with the state police for assignment of members of the force for local police protection.

Oregon: Compiled Laws 1940 (Bancroft Edition), Title 91, Sec. 701-734.

A department of state police is created under a superintendent appointed by the governor for a four year term. The department shall be charged with the enforcement of all criminal laws. The members of the department shall have all the powers given to peace officers of the state; they are authorized and empowered to prevent crime, to pursue offenders, and obtain evidence. They shall cooperate with other departments of the state and with other law enforcement agencies. A detective bureau may be created within the department. The duties of game and fish wardens are transferred to the department of state police. The duties of the prohibition commissioner's office, the fire marshal's office, the powers of the secretary of state and the highway commission as to traffic violations are likewise transferred. A scientific crime detection laboratory may be created within the department.

Pennsylvania: Laws of 1937, No. 455

The Pennsylvania motor police force is organized under a commissioner appointed by the governor and confirmed by the senate. The motor police are charged with assisting the governor in the administration and enforcement of all the laws of the commonwealth. In addition, it is the duty of the police to cooperate with local governments in the detection and prevention of crime and the apprehension of criminals, to aid in the enforcement of the game laws, to collect criminal identification data, and to enforce all highway and motor vehicle laws. The members of the motor police are empowered to make arrests without warrant for all violations of the law, including laws regulating the use of highways, and to serve and execute warrants issued by local authorities.

No. 52, Laws of 1943. The name of the Pennsylvania motor police is changed to the Pennsylvania state police.

Rhode Island: Laws 1939, Chap. 660, Sec. 20

There is created within the executive department the "Rhode Island state police" under the supervision of the superintendent. Its duties shall be (a) to provide a uniformed force for law

enforcement, (b) prepare rules and regulations for law enforcement, (c) maintain facilities for crime detection and suppression, (d) enforce laws relating to prevention of fires, (e) to suppress arson and investigate origin of fires, (f) control traffic and maintain safety on the highways.

Texas: Vernon's Statutes 1936, Art. 4413, (1) - 4413.

A department of public safety is created under a commission appointed by the governor. The commission shall appoint a department director. The Texas Rangers are placed under the jurisdiction of the department. They shall have authority to make arrests and execute process in criminal cases. The Texas highway patrol is transferred to the department of public safety and vested with all the powers of Texas Rangers as well as those of enforcement of the highway and motor vehicle law. The bureau of intelligence in the Texas Rangers shall collect and analyze information of criminal activity in the state.

Vermont: Public Acts 1947

The state police department is transferred from the Commissioner of motor vehicles to the department of public safety. In addition to enforcement of highway traffic and motor vehicle laws, state police shall be peace officers with all police powers.

Virginia: Code 1942, Sec. 587 (71a)

The Department of state police is established, headed by a superintendent, holding his office at the pleasure of the governor. Its members are vested with the powers of sheriff for enforcing criminal laws and highway traffic laws.

Washington: Remington's Revised Statutes 1940, Sec. 6362-59 to 6362-64

The members of the Washington state patrol shall exercise throughout the state the police powers and duties vested in sheriffs and peace officers generally. The governor appoints the chief of the patrol, determines his compensation, and may remove him at will. The chief of the patrol may appoint a sufficient number of officers and may remove them for cause.

Laws of 1945, Chap. 44. The state patrol is empowered to erect and maintain throughout the state stations for the inspection of vehicle equipment.

Laws of 1945, Chap. 76. Creates in the state patrol a commercial motor vehicle safety division to have exclusive jurisdiction over the safety of operation of all motor vehicles.

West Virginia: Code 1943, Supp. 1947, p. 81

The Department of public safety is organized under the supervision of a superintendent, consisting of four companies or platoons made up of designated officers and troopers, who are authorized to make arrests anywhere within the state of all persons charged with violation of

any state or federal law or any person who was a witness to any violation. They shall cooperate with local officers in enforcement of local laws and of all laws. Members of the department may procure warrants upon cause for the arrest of persons suspected of law violation.

\* \* \* \*

STATE HIGHWAY PATROL SYSTEMS  
WITH FULL POLICE POWER

Alabama: Code 1940, Title 36, Section 69

The creation of a state highway patrol is authorized which, with authorization by the governor in writing, shall have the power of peace officers throughout the state. The director of the department of public safety and the governor shall prescribe rules and regulations.

Delaware: Code 1935, Chap. 166. Laws of 1947, Chap. 49

The state highway commission is authorized to appoint traffic officers to be known as state police and to create 5 state police stations to be staffed with members of the State Police, whose primary duties shall be to compel the enforcement of all laws relating to the weight, speed, and operation of vehicles on the public highways. They shall be vested with full police powers in the prevention and apprehension of crime.

Georgia: Laws of 1937, No. 220, pp. 322-337.

The law creates a department of public safety for Georgia and authorizes the creation of the Georgia state patrol. It is made the primary duty of the patrol to patrol the highways throughout the state and to prevent and investigate criminal acts in connection with traffic and motor laws.

Illinois: Revised Statutes 1941, Chap. 121, Sec. 308-314

The department of public safety is authorized to appoint not to exceed 350 persons as state highway maintenance police. The specific duty of these police is to enforce the provisions of the motor vehicle law. They shall cooperate with local police in enforcing the laws of the state.

Iowa: Code 1939, Sec. 1225.06 - 1225.29

There is created a department of public safety under an appointive commissioner. This officer shall administer the highway safety patrol. The duties of the highway safety department are those of

general law enforcement and officers shall have the powers of peace officers throughout the state. These powers shall not be exercised within the limits of any city or town except as local officials desire. The department enforces the motor vehicle law, investigates all fires, and collects and classifies criminal identification material.

Kansas: 1937 Supp. to General Statutes 1935, Sec. 74-20a01 to 74-20a14.

A state highway patrol is created. Patrolmen enforce the motor vehicle and highway laws. They have powers of peace officers in performing these duties, and when working with or at the request of local law enforcement officers they have the general powers of law enforcement officials.

Kentucky: Laws of 1932, Chap. 106, Sec. 18

In addition to all other enforcement agencies, the highway commission and the state tax commission are authorized to issue commissions to their employees, or any of them, as highway patrols, and such employees shall have all the powers of peace officers in respect to the enforcement of the motor vehicle laws of the state and shall assist local officers in general law enforcement.

Maine: Revised Statutes 1944, Chap. 13, Sec. 1-6

The creation of a state highway police force is authorized. The specific duties of the police are to patrol the public roads, to investigate and deal with all traffic violations and law violations generally. Officers have general police powers. They cooperate with local officials in law enforcement.

Missouri: Laws 1945, Sec. 8348-50

The Missouri state highway patrol is created under a superintendent appointed by the governor with senate confirmation. The duties of the highway patrol are to police the state highways, to enforce the highway and motor vehicle laws. Officers have the powers of peace officers within the limits of highway patrol activity; they may pursue criminals and arrest for crimes committed in their sight.

Nevada: Compiled Laws 1929 with 1938 Supplement, Sec. 7434-7456

The Nevada state highway patrol is created under a superintendent appointed by the governor. The state police officers shall have power to make arrests for any crime, they shall suppress all riots and affrays, they may serve any criminal process within the state, they shall cooperate with local authorities in law enforcement, and in general shall perform all duties required of any peace officer.

Chapter 157, Laws of 1943. The following additional duties are delegated to the state police: aiding other law enforcement officers in enforcing state motor vehicle laws; enforcing traffic regulations; and promoting safety in connection with highway travel. Authorizes the superintendent of police to purchase automobiles for the use of the force.

New Mexico: Laws 1939, Chap. 73, Sec. 2 - Amended Laws 1941, Chap. 147, Sec. 24

There is created a separate division known as the "Division of courtesy and information of the state of New Mexico". Members of the division shall be conservators of the peace within the state with full power to apprehend, arrest and bring before the proper court all law violators within the state. They shall be ex officio deputies and agents authorized to collect the gasoline excise tax. They shall be charged with the enforcement of all the motor vehicle and highway laws of the state.

Laws of 1943, Chap. 83 and 1945, Chap. 32

They shall cooperate with municipal and district health officers.

North Carolina: Code 1939. Sec. 3846 (yy) - 3846 (sss)

The department of revenue is directed to assume the control and supervision of the division of the state highway patrol. The division shall patrol the state highways and enforce all laws and regulations pertaining to motor vehicles and highways. To this end and purpose, members of the patrol may serve warrants and make arrests. Various district headquarters shall be established. The highway patrol shall perform other duties as delegated by the department of revenue including inspection and enforcement work of the various state departments. The patrol may make arrests at any time for certain crimes of violence.

Oklahoma: Statutes 1941. Title 47, Sec. 351-372

A department of public safety is created which shall consist of three divisions to be known as the division of registration, the division of highway patrol, and the division of traffic control and regulation. Members of the division of highway patrol shall have the powers of peace officers for the purpose of enforcing the motor vehicle law, and the enforcement of the several parts of the law is made the primary duty of the division. The division shall properly patrol the highways of the state and cooperate with local police officers in enforcing all the laws of the state as well as those relating to the operation of motor vehicles and the use of highways.

South Carolina: Code 1932, Sec. 6004-6005

The field personnel of the motor vehicle division used in the enforcement of the traffic and motor vehicle laws shall be known as the "South Carolina highway patrol". The state highway department is authorized to employ officers and patrolmen who shall patrol the highways of the state.

Amended laws 1947, Act 175.

Additional powers and authority are conferred on officers and patrolmen to include the same held by deputy sheriffs for enforcing criminal laws.

South Dakota: Code 1939, Chap. 44.06

A superintendent, appointed by the state highway commission, shall, under the direction of such commission, have charge of the division of motor patrol. The duties of the patrol are to assist in the enforcement of all laws and regulations pertaining to the operation of motor vehicles and motor carriers. It is the further duty of the patrol to prevent and detect crime, to enforce the criminal and traffic laws of the state and to such end the members of the patrol shall have the same powers of law enforcement as sheriffs and constables.

Chapter 273, Laws of 1943. A state constabulary is created and empowered when convoked to perform all the duties now devolving upon the agents of the division of criminal investigation of the Attorney General's office, and in addition thereto such powers as may be necessary to preserve and protect the peace, security, safety and welfare of the state and people. The constabulary is to be convoked by the attorney general with the approval of the governor whenever in his judgment necessity shall exist therefor.

Utah: Revised Statutes 1933 and 1939 Supplement; Sec. 36-2-4 (12)

The state road commission shall have power to divide the state highways into sections for the purpose of patrolling and policing the same, and may employ persons to form such patrols. The patrols may arrest any persons believed guilty of a violation of any traffic or motor vehicle law.

Wyoming: Statutes 1945, Sec. 60-900-904

A state highway patrol is established under a superintendent appointed by the state highway commission. The patrol shall enforce all the motor vehicle laws of the state. The patrol shall be subject to call by the governor for emergency purposes and used at his discretion. In the performance of such duties the patrol is vested with full police powers.

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STATE HIGHWAY PATROLS  
AUTHORITY LIMITED TO TRAFFIC VIOLATIONS  
Revised to January, 1948

Arizona: Code 1939, 66-701

The Arizona state highway department shall maintain a division to be known as the Arizona highway patrol. The appointment of not to exceed one patrolman for each 3,500 motor vehicles is authorized. The patrol is vested with the authority of peace officers for the purpose of enforcing the laws relating to motor vehicles and the use of the highways but may not be used as peace officers in connection with any strike or labor dispute.

California: Deering's Code 1937, Div. 2, Chap. 2, Sec. 135

A state highway patrol is established under the department of motor vehicles. Powers of the patrol are limited to traffic violations except in pursuing offenders or arresting for crimes committed in the presence of officers or upon the highways.

Laws of 1943, Chapter 1002

Whenever the governor proclaims a state of extreme emergency or whenever the state is under martial law, the California highway patrol and all wardens and enforcing officers of the divisions of fish and game shall be under the supervision, direction and control of the adjutant general.

Colorado: Laws of 1947, Chap. 273

The state highway courtesy patrol is established under the supervision of the Colorado state patrol board, which is vested with the enforcement of motor vehicle and other laws with respect to transportation.

Florida: General Laws of 1939, Chap. 19551

The division of the Florida highway patrol is created under the department of public safety. It is the duty of the patrol to enforce highway and motor vehicle laws. State patrol officers do not perform the duties of general law enforcement officers.

Minnesota: Minnesota Statutes 1927 with Supplement, Chap. 13, Sec. 2554

The commissioner of highways is authorized to appoint members of a highway patrol force. These officers shall enforce the provisions of the laws relating to the protection of and the use of trunk highways, and upon such highways shall have general law enforcement powers. In pursuit of offenders officers shall have equal powers on other highways. The patrol may not be used in labor disputes.

Minnesota also has a Bureau of Criminal Apprehension.

Mississippi: Code 1938 Supplement, Chap. 122 A, Sec. 1336-1350

A commissioner of public safety shall be appointed by the governor and confirmed by the senate for a term of four years. The Mississippi highway safety patrol is organized under the commissioner. The duty of the patrol is to enforce the various motor vehicle laws of the state. Patrolmen may arrest for crimes committed upon the state highways within their view. They may, under certain conditions, assist local officers in the apprehension of fugitives. The patrol shall not serve the purpose of militia nor shall it be used in labor disputes.

Montana: Revised Code 1935, Chap. 150

A Montana highway patrol is created under the control and supervision of the Montana highway commission. The patrol shall enforce

motor vehicle safety laws and may arrest for certain felony offenses where the crime is committed in their presence or where the arrest is requested by any peace officer.

Nebraska: Revised Statutes 1943, Chap. 60 - 431

There is established in the department of roads and irrigation the Nebraska safety patrol. The chief officer shall be the superintendent of law enforcement and public safety. The safety patrol shall be used primarily for the enforcement of traffic and motor vehicle laws and handling traffic in the state.

North Dakota: Laws 1947, Chap. 262, 39 - 0303

The superintendent of the state patrol with the approval of the commissioner of highways may appoint not more than 40 patrolmen, who shall constitute the division of highway safety and patrol. Their duties shall be to enforce the laws of the state relating to the protection and use of the highways and to cooperate with sheriffs and police in enforcing same.

Ohio: Code 1934, Sec. 1181-2 - 1181-8

There is created in the department of highways a division of state highway patrol administered by a superintendent appointed by the director of highways. It is the duty of the state highway patrol to enforce the highway and motor vehicle laws of the state and to regulate traffic on the state highways.

Tennessee: Code 1938, Sec. 11460-11465

The Tennessee highway patrol is created as a division of the department of administration. It is the duty of the patrol, under direction of the commissioner of finance and taxation, to patrol the state highways and enforce all laws, and all rules and regulations of the department of highways and public works and to assist the commissioner of finance and taxation in the collection of all taxes and revenues going to the state.

1938 Code, Sec. 11450

There shall be a state police force designated "Tennessee State Police", the officers of which shall be appointed by the governor whose duties shall be when acting under order of the governor to suppress all affrays, riots, routs, unlawful assemblies, or other acts of violence to persons or property. Any department of the state may be designated by the governor to execute the provisions of the statute.

Wisconsin: Statutes 1941, Sec. 110.07

The commissioner of motor vehicles shall employ not to exceed 55 traffic officers to enforce and assist in the administration of the state motor vehicle laws. Officers shall have the powers of sheriffs in the execution of these duties. Officers employed shall constitute a state traffic patrol to assist local officers in traffic regulation and the prevention of accidents. The force shall not be used in labor disputes.

THE TEXAS DEPARTMENT OF PUBLIC SAFETY

The Texas department of public safety was created primarily as a coordinating and assisting agency. The headquarters unit comprises six major subdivisions: the crime laboratory, identification, accounting, communications, police training and the Rangers. Here detection, communications, training, etc., are grouped together and are supervised by an assistant director. On the other hand, all motor vehicle activities are united under a traffic division which, in turn, has four bureaus: license and weight, safety education, drivers' license and certificate of title, and highway patrol. The 14 district stations are lined up with the traffic division.

It should be noted that Texas has both a traffic patrol and Texas Rangers, which are the state police arm of the headquarters division.

(See the following chart)



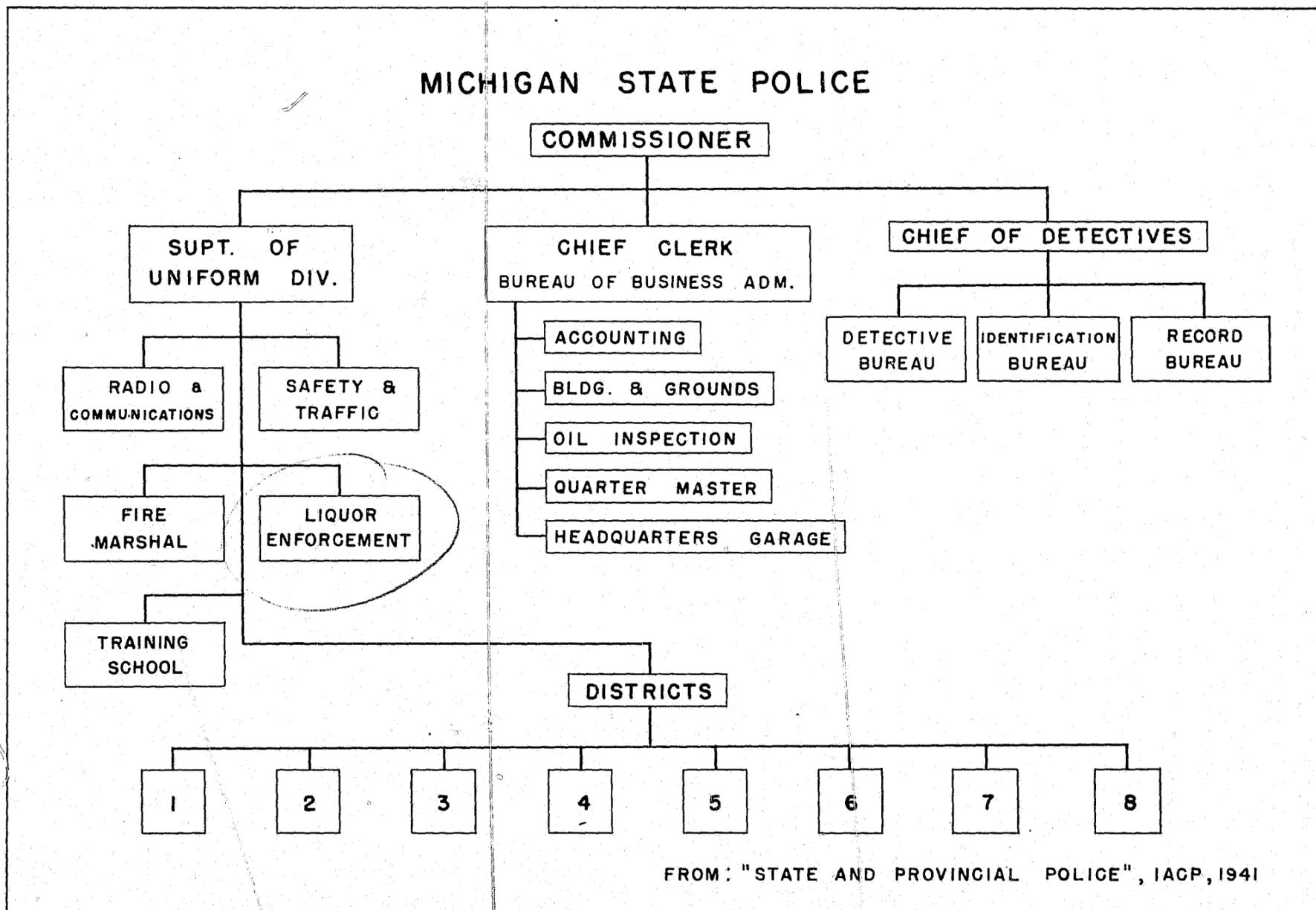
THE MICHIGAN STATE POLICE

In Michigan two major departments operate directly from the commissioner's office: the uniform division and the detective division. In addition, there is a bureau of business administration which provides for such functions as accounting, oil inspection, quartermaster, buildings and grounds and headquarters garage. The uniform division (headed by a superintendent) includes a radio and communications section, a safety and traffic section, the fire marshal, liquor enforcement unit and training school. The eight districts directly line into the uniform division.

On the other hand, three bureaus make up the detective division (headed by a chief of detectives): the detective bureau, the record bureau, and the identification bureau. Such a system utilizes the uniform division as the primary point of contact between headquarters and the field service, groups all criminal apprehension and detection functions together, and in similar fashion combines such miscellaneous functions as accounting, equipment services and various inspection activities. As will be observed, however, there is not a clear distinction between the primary and auxiliary functions.

(See the following chart)

# MICHIGAN STATE POLICE



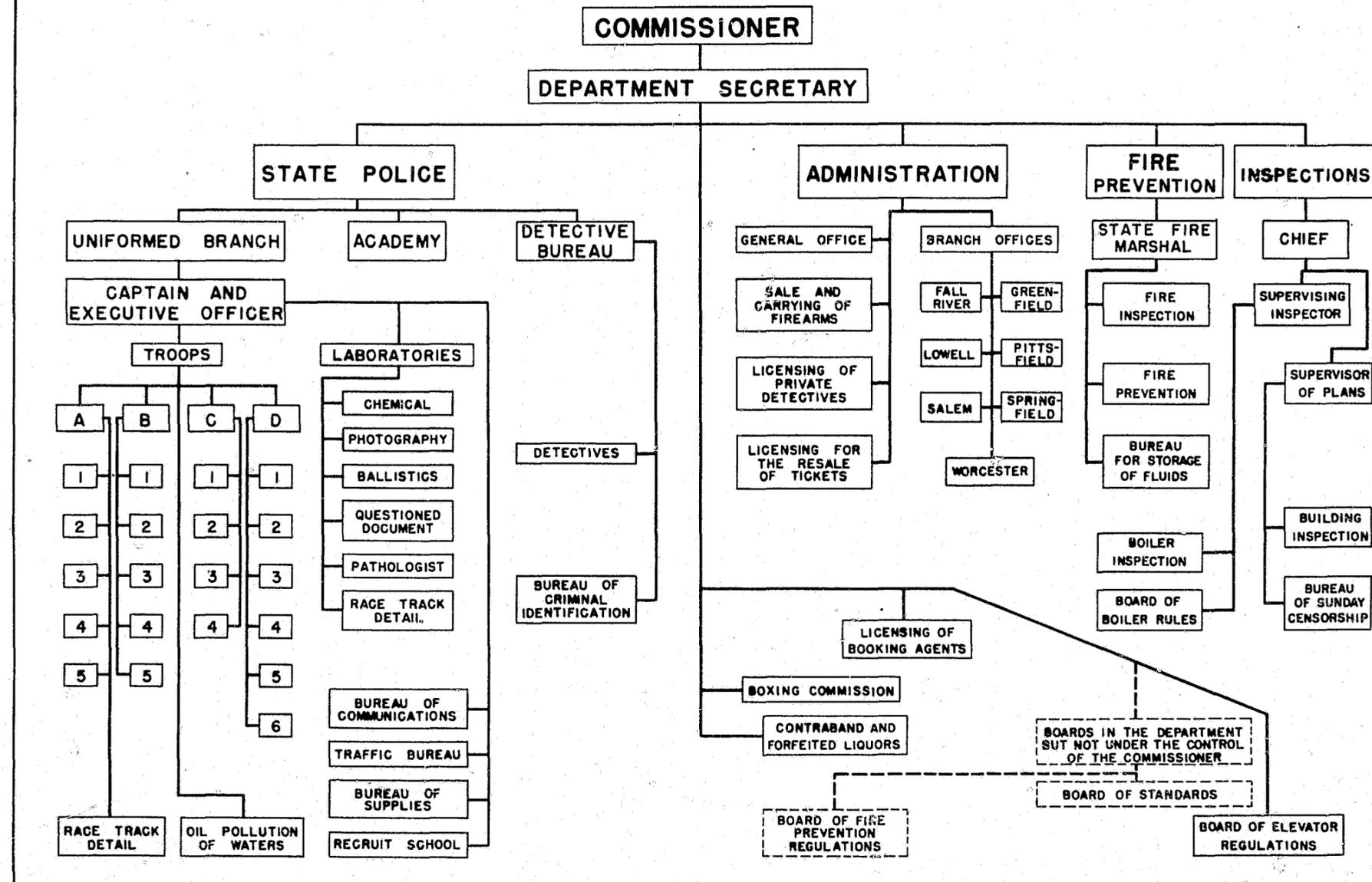
FROM: "STATE AND PROVINCIAL POLICE", IACP, 1941

THE MASSACHUSETTS DEPARTMENT  
OF PUBLIC SAFETY

The Massachusetts department of public safety illustrates the type of organization used in the state with the oldest department of public safety. It combines all public safety forces and the state police into one department.

(See following chart)

# MASSACHUSETTS DEPARTMENT OF PUBLIC SAFETY



STATES IN WHICH STATE POLICE OR HIGHWAY POLICE  
OPERATE UNDER A DEPARTMENT OF PUBLIC SAFETY

In 13 states there exist departments of public safety which include as one of their divisions the state police or state highway patrol. A discussion of the functions of a department of public safety is included elsewhere in this report, with details concerning the Massachusetts Department of Public Safety. The states where such organization is in existence are:

State Police

Highway Patrol

Indiana

Alabama

Louisiana

Florida

Massachusetts

Georgia

Texas

Illinois

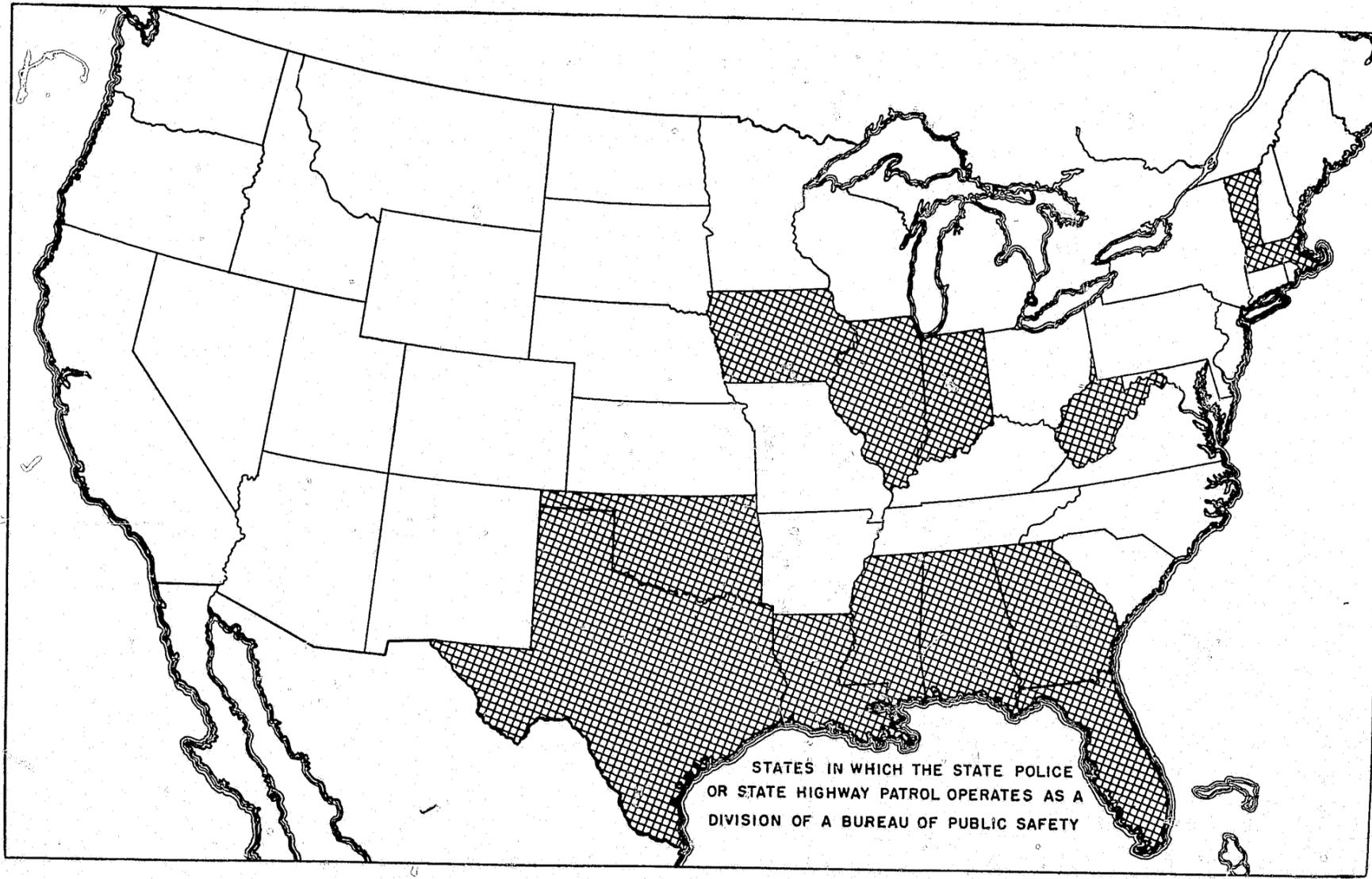
Vermont

Iowa

West Virginia

Mississippi

Oklahoma



GENERAL AUTHORITY OF STATE POLICE \*

Powers and Duties

The powers of state police may be divided into two classes: general powers and special powers.

The general powers of the state police are universally those of all sheriffs and peace officers in criminal jurisdiction, (in Michigan they may also serve civil process), and are limited in territorial jurisdiction only by the state boundary. There are, however, certain statutory and self-imposed restrictions upon the exercise of this power noted below in "Restrictions upon Powers," and "Relations with Local Officers." These general powers are self-explanatory, including, in brief, power to arrest upon warrant, or without warrant if the crime is committed in their presence, to turn the apprehended person over to the proper authorities, to collect evidence, and appear as witness in court.

Besides these general powers and duties, there have been imposed by statute in practically all states a number of special duties. Because the state police are widely distributed throughout the entire state and its members are in close and daily touch with local conditions, it is but natural that other administrative departments should turn to them for assistance. Thus far the state police have been eager to aid and to cooperate with other state departments in performing duties which are not directly concerned with the enforcement of criminal statutes. This is particularly true of the forces which have been under heavy attack from organized labor, and in one or two cases there is good reason to believe that they have followed this policy as a means of strengthening their positions in the state government, and thereby becoming, so far as possible, indispensable to its administration. As a result, it is common to find the state police burdened with a number of special duties essentially foreign to police work, which may seriously handicap them in the performance of that prime function.

Nevertheless, certain of these duties are not essentially inimical to police work, and may logically be included. Typical of these are fire, fish and game warden duties, and certain types of motor vehicle control duties.

Some states designate the state police as fire wardens. In that capacity they command the services of any person in extinguishing forest fires. Other states designate them as state fish and game wardens. In that capacity they may search game bags without warrant and arrest for violation of the fish and game laws.

In many states the state police have been specifically charged by statute with the enforcement of various motor vehicle laws, particularly those of a regulative or preventative nature, such as the examination of brakes and lights, or the examination of applicants for drivers' licenses.

\* Adapted from "STATE POLICE" - Kansas Legislative Council

In view of the continuous rural patrol which these forces perform and their direct and continuous responsibility to higher authority, it would appear reasonable to include in the functions of state police, duties of this nature, as coming sufficiently within the normal category of police duty. States which have granted these powers to their state police have found that such delegation has not seriously impaired their efficiency in their purely police duties, and that, on the whole, their execution of these special functions has been very satisfactory. The practice, according to Bruce Smith, holds no concealed dangers.

On the other hand, there are certain other types of functions which the state police have been required to perform which are inspectional or regulatory in their nature, and which do impair their efficiency in patrol and criminal apprehension work. For example, in one state a large percentage of the time of the state police is taken in the examination of applicants for drivers' licenses. To them has also been delegated the inspection and regulation of outdoor advertising, weights and measures, amusement parks and pawnshops. In other states they are designated as health officers, and as inspectors of motion picture houses, delegated the duty of transferring prisoners, or charged with the examination of public halls and theaters. In some states, they have maintained a system of firearm registration, and in others enforce rules regarding the storage and use of explosives.

However closely allied these activities may be, and however important their effective enforcement from the standpoint of state administration, the fact remains that they cannot be performed to any considerable extent without the danger of seriously reducing regular and systematic patrols. All signs nevertheless point to a continuance of the pressure for an extension of such regulatory and inspectional work. If a distinction is to be drawn between the various types, Bruce Smith believes it might be well recognized that only those duties should be delegated to the state police, as a patrol force, which can reasonably be performed as a routine matter in the ordinary course of patrol. Whenever a special squad becomes necessary, or men are regularly diverted from patrol duty in order to serve other state departments, the process of patrol dispersion has commenced.

The police sphere is already so wide as to make it but a short step to add functions which are foreign to police duty. The danger lies in the tendency to bit by bit increase the scope of the patrol force's duties, particularly with quasi-police work, without making any provision for additional personnel and facilities adequate to handle the additional responsibility. Hence it is the cumulative effect rather than the individual accretions which threatens seriously to diminish the number of active patrolmen and to divert the attention of the remainder from what must always be the fundamentals of police work.

On the other hand, the department of public safety which exists in some states is definitely organized to include the performance of these special duties. The "state police", under such a department, is organized as a special division for purely police work,

and the other duties are performed in large part by specialized divisions, and only to a small degree by the state police.

#### Restrictions upon Powers

Although state police are universally given by statute the powers of sheriffs and peace officers generally, two types of restrictions must be considered. In many states there are imposed by statute restrictions upon the use of the state police in certain regions or under certain circumstances. In addition to these statutory restrictions there are many self-imposed restrictions of the department, either in the form of department rules or general practice.

Many of the statutory restrictions of a general nature are without special significance and constitute merely assurances that the force shall be employed in a proper and legal manner, or declarations of a policy to that effect. Thus in West Virginia the state police are enjoined not to "interfere with the rights or property of any person except for the prevention of crime" and are prohibited from acting as election officials or detailing or ordering any member to duty near any voting precinct. Most of the restrictions are merely a reiteration of the general restrictions upon all peace officers.

Of far more importance than these general restrictions are those statutory limitations upon the exercise of statewide power with respect to riots and disorder. Quite without exception these have been introduced to meet the demands of organized labor and as a formal disavowal of any intention to interfere arbitrarily with the lawful rights of participants in industrial conflicts.

Experience shows that the opposition of organized labor to state police forces rests largely upon two contentions. The first is that state police are primarily intended for strike duty and that all other services and activities are subordinate to it. Whether or not this be true, the facts show that riot duty has not been a frequent function of the state police, except in three states, Pennsylvania, New York, and West Virginia, and that in these states it has over a period of years consumed only a small fraction of their time.

#### Relationship with Local Officers

Where a state police force exists there is another aspect to the problem other than the purely statutory relationship discussed under "Restriction upon Powers". It is concerned principally with the maintenance of comity and cooperation between the state police and the local sheriffs, municipal police and other officers.

The primary function of the state police is and has always been the patrolling and policing of the rural areas. Two problems therefore have arisen. First, should the state police include in their patrols municipalities maintaining organized police forces? Second, what should be their relationship to the sheriffs and constables into whose jurisdiction they come with concurrent powers?

In the last analysis, the day-to-day relationship of the state police with local police authorities resolves itself into an avoidance of affront to the latter or injury to their sensibilities. In most cases, the statutes enjoin the state police to cooperate with all other police bodies, both urban and rural. Such provisions sound well but mean little or nothing of themselves. For by its very nature, the work of the state police overlaps that of the sheriffs and constables, and the moment the state officers step within city limits, they face further and more serious danger of conflicting professional pride and interest.

In a few states the state police may exercise certain powers with respect to sheriffs and constables in times of grave public emergency. As a general rule, however, their police jurisdiction is coordinate with that of local officers, and is distinguished from theirs only by its state-wide character. There may have been instances where friction between state and local police officers has assumed serious proportions in the handling of major criminal cases, and every state police force in the county is face to face with the problem in some degree or other. New York makes a conscious effort at minimizing the difficulty by keeping contact with county officials through frequent visits by troop officers. Probably this method serves a useful purpose by providing some sort of substitute for purely professional relations, but that is not altogether satisfactory. There would seem to be no formal method for disposing of the difficulty once and for all, since the definite subordination of either party to the other raises still more serious questions, and the definition of mutually exclusive jurisdictions would severely limit both in their capacity as general law enforcing agencies.

The question of state police relations with city police departments has received more consideration. Without exception, the administrative heads of the state police have adhered closely to the manifest intent of the legislatures, and have confined the normal work of the force to the rural districts. But this does not obviate the necessity of pursuing offenders into the cities or the service of criminal process there. The usual and most effective method for dealing with such situations is to require the state policeman to present himself at the city police headquarters, state his errand, and ask for the assistance of the local department.

Conflicts between the state and city police may nevertheless arise in spite of these precautions and for the most part arise in connection with the laws prohibiting the various forms of commercialized vice. Almost every state has at least a few communities which are known as "wide open towns", and the governor who has a state police force at his command is very likely to direct it to intervene and to conduct raids over the heads of the city police. This practice has been used in Pennsylvania, Massachusetts, and Michigan, where the real purpose underlying such action consists in exposing vice conditions as a means of stimulating the local authorities to action, and of arousing public sentiment to the point where it will demand continuance of such activity.

Although the Connecticut statute prohibits the state officers from including incorporated places within their patrols, and there seems to have been no special activity in the suppression of vice—they have nevertheless exercised the state-wide criminal jurisdiction accorded them by responding to all complaints, without regard to corporate boundaries. Substantially the same is true of Pennsylvania, although the cities of Philadelphia and Pittsburg are customarily avoided.

New York and New Jersey have been disposed to avoid intervention in the cities. This is especially true of the New York force, which from the very beginning has greatly emphasized the rural patrol feature. On a few occasions this body has acted independently in various cities, in cases not involving strike duty, but always at the request of the proper local authorities. The first general departmental order issued to the force was "Stay out of the cities".

Opinion based upon experience has not as yet sufficiently crystallized to produce a general and consistent policy in this field. The two factors involved very nearly balance one another. On the one hand, there is the state's responsibility for law enforcement and the generally unquestioned right of the governor to employ state forces without regard to corporate boundaries. Opposed to this is the view of most state police administrators to the effect that this right with its attendant responsibility is not sufficiently recognized and understood, and that its exercise only tends to impair the effectiveness of the state police in major cases in which the aid and assistance of the city police is occasionally indispensable.

The frequent intervention of the Rangers in communities where law enforcement had collapsed was vigorously defended by Governor Neff of Texas in an address delivered in 1922 in which he said:

"There is no such thing as local self-governed in regard to violations of the law . . . Every crime that is committed is a crime against the state. The state enacts laws, not the counties. When county officers protest against the state sending her Rangers . . . to enforce the law, the protest is always made for the benefit of the criminals and not the law-abiding people."

This broad question of jurisdiction represents the most difficult problem with which the state police have had to contend and one which as yet hold little promise for early solution. While it is not as yet sufficiently serious to handicap most of the forces in their day-to-day operations, some definite decision should be made. Certainly a long step will have been taken if the state police can establish themselves as a connecting link between urban and rural police agencies, but there seems to be a little present likelihood that the city forces will suddenly cease to resent raids which are conducted by outside authorities, no matter how desirable such action may appear to be in an abstract sense.

THE CONTROVERSY WITH ORGANIZED LABOR \*

The opposition of organized labor to state police forces has rested largely upon two contentions. The first is that state police are primarily intended for strike duty and that all other services and activities are subordinate to it. Whether or not this be true, the facts show that riot duty has not been a frequent function of the state police. A second contention is that the state police have employed harsh and sometimes brutal methods in dealing with strikers and certain specific instances are cited in support of this charge.

In Pennsylvania, in particular, during a series of violent industrial strikes years ago in the coal and iron districts, many accusations of brutality were made against the state police. An impartial investigation conducted by a special deputy attorney general at the instance of the governor of Pennsylvania revealed such a mass of conflicting testimony as to make an accurate statement of what actually happened virtually impossible. A Massachusetts commission made a similar examination of the charges and counter-charges which were laid before it by the opposing parties in Pennsylvania. Its conclusions, while balanced by reservations, were on the whole favorable to the state police. Similarly, the United States Commission on Industrial Relations, while condemning the use of undue force in industrial strikes, gave a qualified approval to the state police principle, as being preferable to the "present haphazard method of policing strikes."

Inconclusive as these statements are, they seem to represent the only official observations on the subject which are based on special inquiries. Consequently, no satisfactory conclusions can be drawn. In any event, we can safely say that the situation as it existed in Pennsylvania were not those existing in other states today.

There remains the fact that some local communities may resent the use of outside force for the suppression of local disturbances. If local authorities were able to maintain order regularly without other aid, the question might easily and satisfactorily be solved. Experience has shown, however, that actual and flagrant disorder has frequently required the interposition of the military power of the state or of the nation. Where state police forces have been established the state government has naturally employed them whenever local conditions seemed to require its intervention. In view of the above considerations, there has been enacted in nearly all states restrictions upon the use of the state police under such circumstances.

The beginnings of limitations upon the use of state police in strike duty may be seen in the Pennsylvania practice. It is interesting to note that this practice was self-imposed and not statutory. From the beginning the police found themselves engaged in rather frequent strike duty. They also found that many of the local officers were rather too prompt in demanding aid from the state police when the gravity of the situation did not warrant it. Some local officers, at least, were glad enough to thus avoid a duty which was always unpleasant, and upon occasion both politically and personally hazardous.

\* From "STATE POLICE" - Kansas Legislative Council

It, therefore, became the invariable custom of the superintendent to require a statement from the local authorities that the situation was beyond the control and asking for the assistance of the state force. If such statement was supported by the findings and reports of the local state police detachment, and if the governor gave his approval, the necessary detachments were mobilized at the point of disorder and took charge.

Provisions based in the Pennsylvania practice have been incorporated in the statutes organizing several other forces. New York, New Jersey, and Connecticut have provisions requiring that the state police shall not act to suppress riot or disorder within the limits of any city except by direction of the governor. The New York provision applies to cities alone, and the New Jersey statute includes all municipalities. The New Jersey statute also limits the power of the governor to intervene by requiring that he employ the state police "as a posse" only upon request of the governing body of the local community. The New Jersey statute would seem to be open to the criticism that it would allow the governing body of the municipality to decide when the state police should intervene. This presents very real possibilities of delay and inconvenience to the detriment of public peace and order. In Connecticut the state police may be used only after preliminary warning has been given the rioters.

The charge is also made that the arrival of the state police sometimes inflames the strikers to provocative acts, and precipitates a riot which the leaders are anxious to avoid. This contention seems altogether reasonable, and suggests the desirability of drawing some distinction between a "strike" and a "riot" in defining the sphere of the state police. Nevertheless, this objection may be said to apply equally, if not to a greater degree, to the use of the militia. Exercise of the right to quit work when collective bargaining fails does not necessarily demand the intervention of the state. Consequently, a striker is not "ipso facto" a rioter, nor are strike-rioters necessarily strikers. Massachusetts goes to the root of the problem by requiring that the state police shall not be used unless actual violence has been committed.

From the standpoint of the ordinary citizen, not himself personally involved in an industrial conflict, a provision of this nature would seem satisfactory for preservation of the general public interest. For by committing an act of violence a striker, a strike sympathizer, or a strike-breaker automatically becomes a rioter and a violator of state law. Labor organizations, from their rather bitter experience of the past, may be inclined to oppose the use of state police, as they would probably oppose the use of any outside force in connection with strikes. In the opinion of Bruce Smith, however, complete elimination of state police interference in strikes would be a mistake. In his "Rural Crime Control" he says: -

" . . . . Certainly the absolute prohibition of the use of the state police under such circumstances is a futile gesture, for if the police are not used, the militia must be - unless the government abdicates. Of the two, the state police, trained in the art of law enforcement, is much to be preferred."

Strangely enough, labor has not raised its voice with equal vigor when local police or the state guard has been called in to intervene in a strike. In view of the necessity of maintaining law and order by local and state governments, and the numerous state and federal statutes safeguarding labor and its right to strike, it is questionable whether organized labor any longer has any basis for objecting to a state police force.

SUMMARY OF AFFIRMATIVE ARGUMENTS

A summary of the arguments advanced by advocates of a centralized state police and the elimination of local forces includes these reasons for their faith:

1. Eliminates the jurisdictional boundaries, counties and municipalities, which hamper criminal apprehension.
2. Makes possible maximum efficiency through scientifically trained officers and men, use of modern equipment, and elimination of jurisdictional boundaries.
3. Makes possible the coordination of the police functions of all state departments having police powers.
4. Makes possible speedy mobilization of officers at points requiring additional police protection.
5. Affords opportunity for the selection of a qualified executive, professionally trained and experienced in the handling of a large police force.
6. Insures modern training methods, essential to effective police service.
7. Makes practicable the acquisition of modern equipment, facilities, and materials considered necessary in the detection and detention of the swift-moving criminal.
8. Creates a field of important service, which, with security of tenure and state-wide selection, will attract intelligent and ambitious young men and conduce to a high type of personnel.
9. Terminates police control by politicians, and the bandying about of key positions with every turn of the political wheel, thus strengthening morale and discipline.
10. Closes the door to corruption or makes it more difficult, because of the importance and size of the organization, the respect it commands, and the professional attitude of members which is an attribute of high training and security of tenure.
11. Constitutes a practical civil substitute for the militia, taking the place of an organization trained for military service - that is, to kill - but not for police work, by men trained not simply to kill, but to kill only in emergencies, and to exercise expert judgment as to what constitutes an emergency.
12. Insures the economy which comes of the factors of training, discipline, morale, mobility, adequate equipment, and efficient business and professional management, plus the tangible advantage of consolidation of state, county and municipal police forces.

OPPOSITION ARGUMENTS SUMMARIZED

Opposition to state police, sometimes coupled with opposition to any form of governmental centralization, is based on these points:

1. Effective police work requires an intimate knowledge of the local region and its inhabitants.
2. A state police is expensive, because it does not replace any existing police organization, but adds the support of another policing agency to the tax burden.
3. A state police cannot take over all the enforcement activities of the state government, because of the specialized nature of some. There is no economy in merely grouping all enforcement functions in a single agency.
4. Removal of authority from the local to the state government is no guarantee of higher ability or purpose, or of less politics.
5. A state police would constitute a potential danger to the rights of workers in industrial and agricultural labor disputes.
6. A state police is unnecessary, for emphasis should be placed on reforming and perfecting the police systems already existing in cities and counties rather than on the creation of a new agency.
7. The state police employes harsh and brutal methods in handling labor disturbances.
8. State police is a step toward centralized power, contrary to the spirit of home rule, and an attack upon local law enforcement, which is a privilege of those who would be self-governed.
9. Local law enforcement is best, because the nearer government is to the people the easier it is to watch.
10. The centralization of police power tends to make the county seat a mere subsidiary of the state.
11. The state police theory violates the historical character of the county as the law enforcement unit, and of the sheriff, who is the traditional successor of the Anglo-Saxon shire-reeve, and would take away the right of the people to elect, although there is hardly a county in the country in which the sheriff is not elected.

VI. SUMMARY AND CONCLUSIONS

Primary Suggestions  
Criticisms and Recommendations  
On Existing Agencies

From the foregoing examination of our existing law enforcement agencies it is obvious that problems exist in the nature of obsolescence and overlapping, and of uncoordinated enforcement activities. It is not our purpose to propose a complete revamping of the entire existing law enforcement system, but to suggest consolidations and constructive changes that might be adopted to enable more efficient enforcement.

To further define the problems, and to determine what criticisms can be made, the deficiencies of the various components of our enforcement system are hereafter briefly analyzed.

Law Enforcement Jurisdictions

The multiplicity of enforcement jurisdictions is readily apparent. This arises from our system of organization into governmental units, which causes an overlapping of enforcement agencies as well as the numerous independent jurisdictions. In Wisconsin we have:

1272	towns
358	villages
160	cities
<u>71</u>	counties

1861 local law enforcement jurisdictions

Added to these are the state enforcement agencies with state-wide jurisdiction. In addition, most of the local jurisdictions have several enforcement officials.

The following examples illustrate the situation:

A. In driving from Appleton to Madison by the customary route, a motorist is subject to police authority by the following enforcement agencies and local jurisdictions:

23	towns
2	villages
6	cities
6	counties - three having both a sheriff's department and a traffic patrol under the highway committee
<u>6</u>	state highway patrol officers
43	Total

Thus a motorist driving a car having a broken headlight could be arrested by 41 different agencies in 37 different jurisdictions on a single trip, and be prosecuted and fined for both a state and local traffic law violation in each jurisdiction.

B. Dane County has 35 towns, 23 villages, 2 cities, a sheriff's department, a county highway patrol, and is served by two state traffic patrol officers, for a total of 62 jurisdictions and enforcement agencies concerned with traffic law enforcement. In addition, these agencies are served by three separate police radio stations. At any one traffic accident four different agencies have jurisdiction because of overlapping authority, namely, the municipal police, the sheriff, the county traffic patrol and the state traffic patrol, each of which could send a squad car to the accident scene with officers empowered to arrest the violator. Arrests may be made under a local traffic ordinance, the county traffic ordinance and the state law, or under all three, by the respective officer. The coroner and district attorney might also be called in if the case involved negligent homicide.

The above illustrations are not unusual and are made to emphasize the complexity of our system as to number of enforcement units and the overlapping of jurisdiction. It is obvious that such a system of duplication and overlapping is costly to the taxpayer and bewildering to the public.

Enforcement Personnel

It is estimated that in Wisconsin's 1861 law enforcement jurisdictions there are more than 10,711 persons, including those serving full and part-time, with authority to make arrests. Complete figures are not available, especially for such minor officers as dance hall inspectors or town constables, nor were extensive surveys to determine the figures deemed worthwhile. The table following indicates the various persons so empowered.

Cost of Law Enforcement

It is impossible to secure an accurate figure of the total cost of law enforcement activities in Wisconsin, even if "cost" is limited to funds derived from taxation. Insofar as available, cost of operation figures are included in the factual survey of each activity, especially those on a state or county level. Local policing costs are not separately reported and could only be estimated. Figures illustrative of Dane County were obtained from the state department of audit files.

Pattern of Law Enforcement Agencies

Law enforcement agencies or officials can be grouped for study either on a basis of similar powers or by units of government under which they operate. Because most persons are more familiar with them in the category of government under which they operate rather than with their powers and scope, they are grouped by governmental units in this survey.

At the outset, it will be noted that the existing law enforcement agencies may be classified into the following categories:

WISCONSIN LAW ENFORCEMENT AGENCIES

LAW ENFORCEMENT OFFICIALS	NUMBER	FULL POLICE AUTHORITY		LIMITED POLICE AUTHORITY		POWER TO CAUSE PROSECUTION BUT NOT TO ARREST		POWER TO ARREST WITHOUT WARRANT	AUTHORITY OVER								
		STATEWIDE	LIMITED JURISDICTION	STATEWIDE	LIMITED JURISDICTION	STATEWIDE	LIMITED JURISDICTION		ALL LAWS	LOCAL ORDINANCES	TRAFFIC LAWS	FISH & GAME	SANITATION & HEALTH	BUILDING LAWS	FIRE PREVENTION	LIQUOR & BEER	
GOVERNOR	1					X		NO	X								
STATE HIGHWAY PATROL	43			X				YES			X						
CONSERVATION WARDENS	95			X				YES				X					
STATE FIRE MARSHALS	7					X		NO									
OIL INSPECTORS	49					X		NO									
BEVERAGE TAX INSPECTORS	12					X		NO									
BEVERAGE TAX INVESTIGATORS	19					X		NO									X
STATE HEALTH INSPECTORS	23					X		NO					X				X
INDUSTRIAL COMMISSION INSP.	29					X		NO							X		
SHERIFF	71		X					YES	X	X	X	X	X	X	X	X	X
FULL-TIME DEPUTIES	302		X					YES	X	X	X	X	X	X	X	X	X
OTHER DEPUTIES	1427		X					YES	X	X	X	X	X	X	X	X	X
CORONERS	71				X			NO									
COUNTY TRAFFIC OFFICERS	252				X			YES			X						
HUMANE OFFICERS	37	X						YES	X								
DANCE INSPECTORS	400*		X					YES	X		X	X	X	X	X	X	X
TOWN CONSTABLES	300*		X					YES	X	X	X	X	X	X	X	X	X
TOWN POLICE	60		X					YES	X	X	X	X	X	X	X	X	X
VILLAGE PRESIDENTS	358		X					YES	X	X	X	X	X	X	X	X	X
VILLAGE TRUSTEES	1600		X					YES	X	X	X	X	X	X	X	X	X
VILLAGE CONSTABLES	200		X					YES	X	X	X	X	X	X	X	X	X
VILLAGE MARSHALS	300*		X					YES	X	X	X	X	X	X	X	X	X
VILLAGE POLICE	150*		X					YES	X	X	X	X	X	X	X	X	X
VILLAGE BLDG. INSP.	50*						X	NO					X	X			
CITY POLICE	3000		X					YES	X	X	X	X	X	X	X	X	X
MAYORS	160		X					YES	X	X	X	X	X	X	X	X	X
ALDERMEN	1000		X					YES	X	X	X	X	X	X	X	X	X
BLDG. INSPECTORS, ETC.	100*						X	NO					X	X			
FIRE CHIEFS	550*				X			NO									X
TRUANT OFFICERS	45*				X			YES									
TOTAL	10,711																

\* NOMINAL ESTIMATES

NOTE: THERE ARE NUMEROUS OTHER MISCELLANEOUS ENFORCEMENT OFFICIALS NOT LISTED, SUCH AS TRAINMEN; INSTITUTIONAL POLICE & GUARDS; STATE FAIR POLICE, ETC.

1. The true police organizations - primarily responsible for law enforcement
2. Subsidiary police officers
3. Inspectional officers
4. Independent and special police
5. Allied agencies

In this study primary attention is given to categories 1 and 2.

In making the analysis, each activity is observed from both its jurisdictional basis and from its relationship to other agencies. In the first category each is considered on the basis of authority:

1. Full police authority - state-wide
2. Full police authority - limited area
3. Limited police authority - state-wide
4. Limited police authority - limited area
5. Duty to prosecute - state-wide
6. Duty to prosecute - limited area

The accompanying table combines both function and jurisdiction, and in a general way illustrates the scope of each agency.

#### Conclusions

The basic purpose of law enforcement is to encourage voluntary obedience to laws and ordinances enacted for the protection of all persons and property. The level of enforcement must be raised to the point where the people practice self-discipline and conformance. The accomplishment of this objective demands coordination of effort by all enforcement personnel and activities.

Several situations indicate the need for greater coordination, integration and modernization of our police agencies. Some of these are:

1. Crime and law enforcement are no longer a local problem. Modern transportation and communication methods have mobilized the violator and complicated the enforcement problem.
2. Enforcement problems, especially of traffic laws, do not begin or end at political boundaries. Within a highly urbanized area, there is only one over-all problem, regardless of the political boundaries it may embrace.
3. The state-wide enforcement problem consists of the sum of the problems of the local areas.
4. While there is now substantial uniformity of laws and regulations, there is not uniformity of application. This is especially true of traffic enforcement. Uniform handling of violators by enforcement officers in various jurisdictions and uniform policies, procedures and techniques are required.

5. There is a pyramiding of costs on the taxpayer, occasioned by duplicating enforcement machinery or maintaining obsolete offices or procedures.

Many obstacles stand in the way of complete coordination and uniformity of enforcement activities. A few of the more important ones follow:

1. Most of our police agencies must operate only within municipal or county boundaries.
2. Available funds are limited, if the taxpayer is to be considered.
3. The gravity of the enforcement problem is not fully recognized by all police executives, administrators and governing bodies.
4. Some agencies erroneously believe they are now operating with full effectiveness.
5. The number of enforcement agencies is in itself a deterring factor. This is best illustrated in Dane County, where there are 35 towns, 23 villages and 2 cities, and the sheriff's department, and the county highway patrol in addition to all the state agencies having jurisdiction, each carrying on more or less independent programs of enforcement.
6. No enforcement agency has sufficient personnel that a maximum level of enforcement can be maintained.
7. Even though certain officers or agencies may be considered obsolete, those concerned may have selfish motives in resisting changes or abolition. Also, legislative action and constitutional amendments are a slow process, and sentiment and complacency hinder radical or rapid changes in our systems.
8. Some persons will resist any trend towards centralized police authority or a state-wide enforcement machinery because of a desire to retain local control or a fear of state power.
9. Upsetting present agencies may be inexpedient because of political considerations.
10. Each enforcement agency has its own internal organizational problems, personnel, equipment and facilities peculiar to its own situation.

Although these difficulties are serious they are not insurmountable, and should not continue to forestall a synchronized system of law enforcement. Such action cannot entirely be dictated from above. It must arise from a common and sincere desire to do the best possible job with the available tools. Nevertheless, the legislature can, through the enactment of certain changes to modernize our enforcement system,

facilitate the creation of a better integrated and coordinated enforcement system.

#### Civilian Defense - A New Reason For Coordinated Effort

The remarkable advance in the techniques of scientific warfare in the past ten years has completely altered the impact of war and introduced the new element of civilian defense that we must carefully consider. No longer is war a thing fought on the high seas or on coastal battlefields, but by the use of long range aircraft and rocket missiles it is brought to the very doorsteps of the inland population. Newly developed atomic, bacterial or electronic weapons demand new methods of defense, especially by civilians.

World War II found us totally unprepared for organized civilian defense. Hitherto, there had been no need for preparation in this state. If another war should come, it may be on a global basis that will leave no community safe from attack. Adequate consideration should be given now to preparing a plan of organization for civilian defense that will be available in any future emergency.

Much criticism could be made of the civilian defense plans that were hurriedly thrown together early in World War II. Our efforts were accompanied by much hysteria, wasted effort and wasted funds. Undoubtedly, hindsight is better than foresight, but it seems apparent that the same schemes of defense and organization will be too slow and inadequate if again needed.

Since one of the major objectives of all law enforcement agencies and officers is to preserve public order and safety, it goes without argument that all existing enforcement facilities should be coordinated with any future scheme of civil defense.

It is essential that any civil defense organization be manned and directed by civilians rather than military personnel. Yet all activities must be tied in with the over-all military defense plans. Likewise, civil defense must tie in with local law enforcement agencies if an effective job is to be done.

This study is not the place to discuss a future civil defense program. Nevertheless, since law enforcement agencies should be incorporated into any future scheme of organized civil defense, it is urged that a thorough study of the needs and problems of civil defense be undertaken at an early date, and that a plan of organization be recommended. Such a plan should include details of organization and means of activating the defense forces, their coordination with federal civil defense plans, the utilization of state, county and municipal police, fire, highway and health departments and for the organization and direction of civilian forces. In addition, plans should be laid for utilizing existing communication systems, both radio and telephone, and our entire transportation system. Not only might "M" day plans be drawn, but a skeleton organization be established, with the possibility of training meetings or test mobilizations being held.

Whatever changes are made in our law enforcement agencies should be designed to tie into future needs for participation in civilian defense. At the same time, our existing agencies should reappraise their facilities and determine what they can do to best aid a civil defense program.

We should also organize a "disaster defense plan", which could function promptly in the event of major disasters such as floods, explosions, conflagrations, tornados or epidemics. It should encompass all existing agencies and be prepared to function much like a civil defense organization. Study should be made of the California disaster plan to see what portions of it we might copy.

Training

If law enforcement officials are to keep abreast of criminal methods and practices and are to utilize the technical aids and scientific resources available, they must constantly participate in training programs. Such training consists of studying current scientific literature, the utilization of correspondence training where available, and the participation in in-service training provided by specialists in the field of law enforcement.

When police officials are elected for short terms and when the policing systems of the state are loosely organized and un-coordinated, it is difficult to conduct a satisfactory and comprehensive training program and obtain satisfactory participation in such a program. To this end, a consolidation of police agencies and their coordination with and through a central agency greatly facilitates an expanded training program. Such training can be made available through municipal or police organization, the university, the FBI, and other agencies interested in law enforcement. There is a real need for such training in Wisconsin, especially on a wider and more intensive basis than has been afforded in the past.

PRIMARY SUGGESTIONS

It is obvious that no major improvement in law enforcement can or will result unless we shake ourselves loose from tradition and reconstitute our basic system of law enforcement along modern lines of organization.

The foregoing material indicates what the problem is, what we have to work with, and how other states have met the problem. It is my firm belief that we should squarely face the issue and attempt to do a thorough job of reorganization.

It is clearly recognized that such a step involves earth-shaking consequences arising from disrupted organizations and persons. Yet I cannot in sincerity conclude this survey without indicating a belief as to what should be done to modernize our law enforcement machinery so as to improve its efficiency and better serve society. Obviously, our present system has deficiencies and has not kept pace of developments in transportation, communication and governmental organization. The easiest way to face the problem is to ignore it, but this I am certain the legislature does not desire to do. The re-organization would not have to be completed in one step, although it would be possible to do it that way. The basic outline could be agreed upon and re-organization, integration and expansion completed over a period of several years. The major suggestion is the establishment of a Department of Public Safety, as follows:

Creation of a Department of Public Safety

The proposed organization would consolidate much of our state-level law enforcement, and calls for the transfer to the department of public safety the following existing state agencies.

1. The State Traffic Patrol
2. The State Police Radio System
3. The State Crime Laboratory
4. Fire Marshal
5. Beverage Tax Investigators
6. Oil Inspection Division
7. Highway Safety Division
8. Fire Prevention Activities

It would not blanket in the conservation wardens, other state inspectors, the sheriffs or other local enforcement officers.

The department would be a new state agency patterned in general along the lines used in Massachusetts, and incorporating features of the Michigan plan. It would consist of the following major divisions operating under a director:

A. Division of state patrol

- |                        |                                    |
|------------------------|------------------------------------|
| 1. patrol force        | 4. radio communications            |
| 2. crime laboratory    | 5. traffic safety                  |
| 3. investigation force | 6. liquor and gambling enforcement |

B. Division of Administration

- 1. personnel
- 2. accounting
- 3. training
- 4. public relations

C. Division of Fire Safety

- 1. fire prevention and inspection
- 2. fire marshal
- 3. flammable liquids code
- 4. oil inspection

It would provide an integrated, state-wide law enforcement agency, cooperating with other state agencies and local officials to provide a uniform, efficient police patrol of the entire state. The patrol division would devote major emphasis to traffic law enforcement, but would be fully empowered to handle any enforcement problems. More adequate police radio facilities would be established, with the possibility of merging many existing local stations or abolishing them entirely. It would cooperate with and supplement local police.

If adequately established and efficiently operated, the patrol division would so lighten the enforcement problem in rural areas that the need for local police, county traffic patrols and many of the full-time sheriffs' deputies would vanish. As the needs lessen, county boards could accordingly revise their policing force with considerable savings. Even initially, many of the efficient and well trained county traffic patrolmen could be transferred to the new state organization, provided they met basic civil service requirements. To prevent a continuation of duplicating county traffic patrols the legislature might consider the abolition of statutory provisions enabling counties to maintain a traffic patrol after the effective date of operation of the state patrol division of the department of public safety.

It is not possible at this time to accurately estimate the size of the patrol force that would be necessary under the state patrol division. It is obvious that the present state highway patrol of 43 persons would have to be greatly augmented, but since numerous other persons now engaged in inspectional and enforcement work would also be brought under the new department, the net increase in personnel might not be great. It is true that much of the saving to be accomplished would be at the county and municipal level, while the cost of the state patrol force would be met by the state. At the same time, the present annual expenditures in 1947 for the following state departments were approximately as follows:

State Traffic Patrol	\$252,108	1946-47
State Police Radio	64,000	1947-48
Fire Marshal	33,377	1946-47
Beverage Tax Investigators	155,000	1946-47 (Est.)
Oil Inspection	214,837	1946-47
Highway Safety	46,848	1946-47

Thus the present expenditure of \$766,170 would, to a considerable degree, offset the total cost of an integrated department of public safety.

In one state (New York) where the state police force operates efficiently the smaller incorporated municipalities are permitted to contract for special police services with the state patrol force on a cost basis. This enables them to dispense the cost of maintaining a local police force on a full-time basis. Such an arrangement might be considered in Wisconsin on an optional basis.

In most states having a state-wide patrol agency certain strings are attached to the broad grants of authority. The most common are provisions enjoining the department from investigating or enforcing criminal laws within the jurisdiction of municipalities except under certain conditions, and from interfering in strikes or other labor disputes. Examples illustrate the first restriction as follows:

In New Hampshire, state patrolmen may not act within the limits of a municipality having an organized police force except when they witness a crime or are in pursuit of a suspected violator, or when in search of a person wanted for a crime committed outside its limits, or when in search of a witness of such crime, or when requested to act by the local enforcement authorities or the governor. In Iowa the department shall not exercise its general powers within the limits of any municipality except (a) when ordered by the governor; (b) when request is made by the mayor with approval of the head of the state agency; (c) when requested by the sheriff or district attorney with approval of the head of the department. It should not be difficult to evolve a demarcation of authority for Wisconsin so that the state patrol force and department of public safety could act in complete cooperation and render the utmost assistance to municipal police forces.

Provisions enjoining state-wide policing agencies from participating in the control of industrial disorders are almost universally encountered. It is suggested that the state patrol force be limited by statute so as to specifically not be permitted to render police service in connection with strikes and other industrial disputes. Such a restriction should allay any fears organized labor may have concerning the creation of a patrol force.

Authorities generally agree that policing is an executive function and that responsibility for it must be lodged in the hands of the governor, who by constitutional provision is charged with the preservation of life and property and the maintenance of law and order. Unless responsibility is so placed, the authority of the chief executive is seriously imperiled. It is suggested that the department of public safety be responsible directly to the governor. It is also suggested that a single director be utilized to head the department, rather than using a board or commission for policy or administrative purposes.

If a department of public safety is established and is functioning properly, consideration might be given to the desirability of creating a fourth division, namely, a "Division of Inspection", to which could be transferred the safety inspection branches of the industrial commission, such as boiler, building and electrical code enforcement, and possibly other state inspectional groups dealing with public safety. These functions have, however, been carried on efficiently for many years under the industrial commission, and are so closely related to the commission's order-making and enforcement powers, that serious study should be given any such proposal. Such functions are consolidated in Massachusetts.

The following chart illustrates briefly the basic organization of the suggested state department of public safety.

#### Alternative Proposals

In the event a complete and effective reorganization is not adopted, other changes may be made. They are offered as second choices, and as distinctly less desirable courses.

The several suggested possibilities follow, together with a brief outline of what might be done under each one. They are:

1. Establishment of a "State Patrol Force".
2. Expand and broaden the powers of the present state highway patrol.
3. Establish a "Department of Inspections and Enforcement", with limited police powers.

These possible courses of reorganization are discussed in a general manner and in their descending degree of scope.

#### Establishment of a State Patrol Force

The first suggestion is to create a state patrol force in the event that it is not deemed feasible to create a state department of public safety.

A state patrol force would be organized along the general lines of the enforcement division suggested for the state department of public safety, and would be devoted to the enforcement of police regulations without the other aspects of public safety inspections and enforcement which would be performed by a department of public safety. Much of what has been suggested for the enforcement division of the suggested department of public safety, together with the organization of such a department, applies to a suggested state patrol force and will not be repeated.

The proposed organization for a state patrol force would follow the organization of the Michigan state police force. It would contemplate the consolidation in and transfer to the patrol of the following existing state agencies:

BASIC ORGANIZATION OF SUGGESTED  
DEPARTMENT OF PUBLIC SAFETY

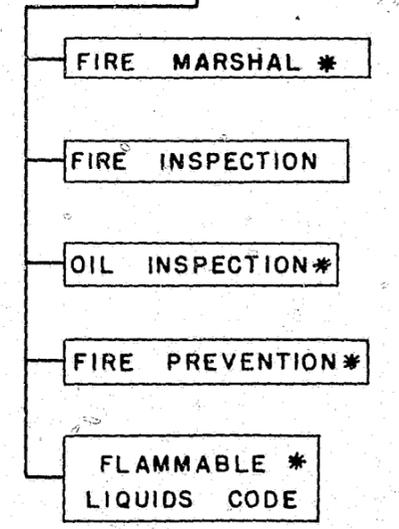
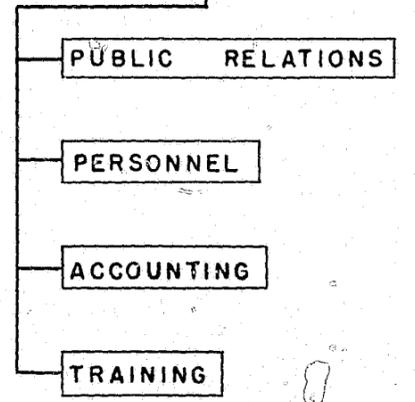
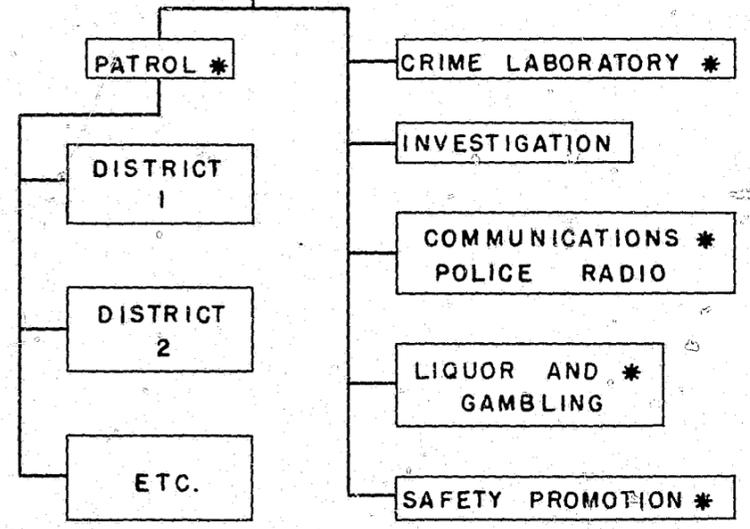
GOVERNOR

DIRECTOR  
DEPARTMENT OF PUBLIC SAFETY

ENFORCEMENT DIVISION

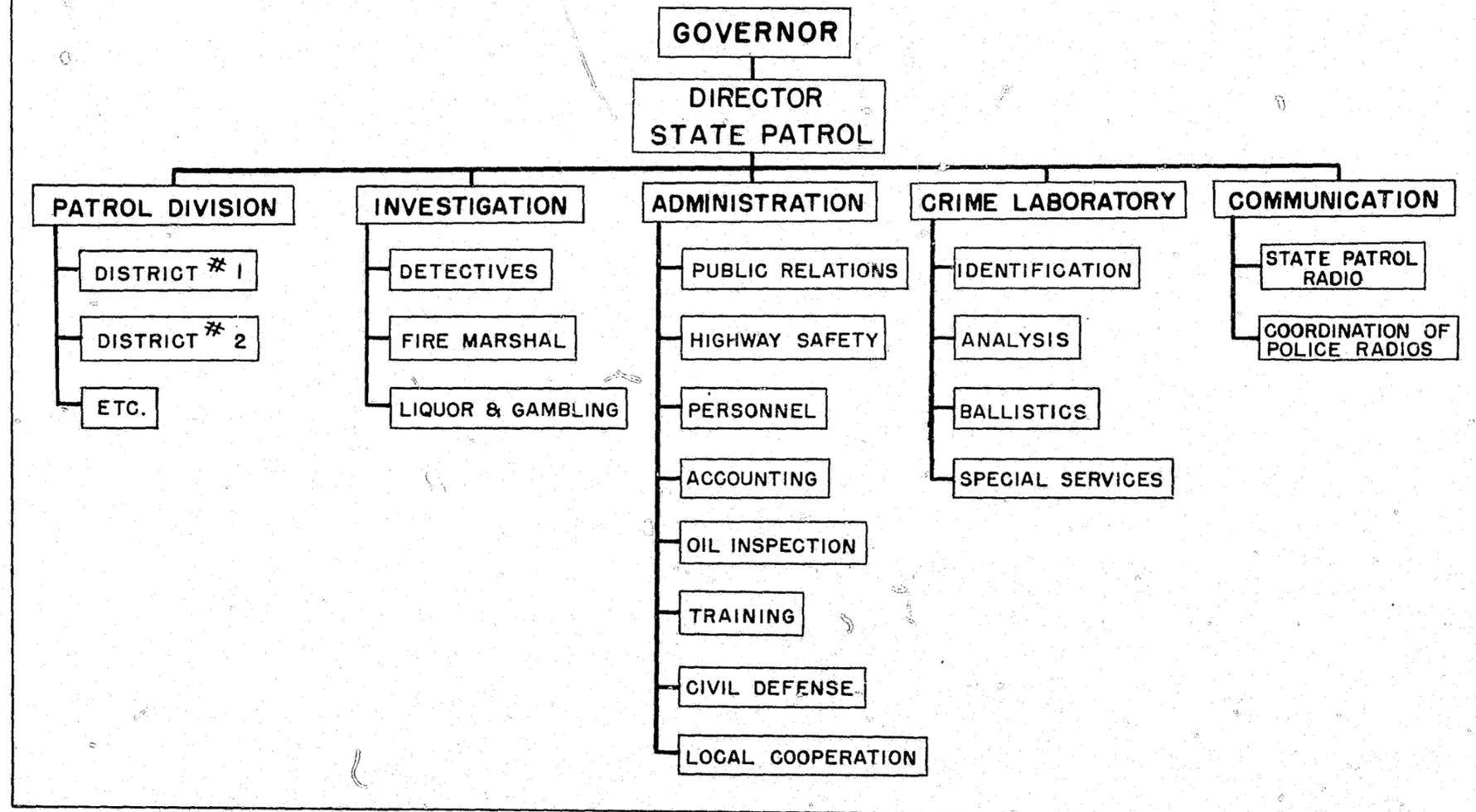
ADMINISTRATION

FIRE SAFETY



\* EXISTING AGENCIES

BASIC ORGANIZATION OF SUGGESTED  
STATE PATROL FORCE



1. State Crime Laboratory
2. State Highway Patrol
3. State Police Radio System
4. State Fire Marshal
5. Beverage Tax Division
6. Oil Inspection Division
7. Highway Safety Division

It would not disturb the present system of local law enforcement agencies or other state inspectional or enforcement agencies.

The accompanying chart illustrates the basic organization of a suggested state patrol force.

Expand and broaden the powers of the present state highway patrol

The second suggestion is to expand the size and broaden the powers of the present state traffic patrol so as to make it a more efficient unit. The primary purpose of the traffic patrol would remain that of enforcing the motor vehicle laws of the state, but the powers of the officers could be expanded to make it the duty of the department to prevent crime, to detect and apprehend criminals and to have general power to enforce all criminal laws of the state. This could be done by providing the patrol officers with the police powers and duties vested in police officers generally. This would make Wisconsin's highway patrol a more useful organization, and similar in nature to the patrol forces found in Iowa, Illinois, Nebraska and numerous other states.

This suggestion contemplates a substantial increase in the number of officers assigned to patrol duty, and in line with previous comments steps should be taken to relieve officers assigned to traffic duties of the performance of ministerial functions. No suggestion is herein made to change the organization or operation of the existing force except as above indicated.

Establish a "Department of Inspections and Enforcement", with limited police powers.

As a third alternative, and as the mildest of the suggested alternatives, a department of inspections and enforcement could be created. For this purpose one of several existing enforcement groups, such as the beverage tax unit, could be taken as the nucleus of the new department, which would call for the consolidation of the following existing groups:

1. Liquor and gambling enforcement
2. Fire marshal
3. Oil inspection
4. Fire prevention

The department would have limited police power in that its officers could not arrest but would investigate and cause the prosecution of violators. The department would operate in cooperation with, but independently of, the other existing enforcement agencies such as the state highway patrol, and would cooperate with the state crime laboratory wherever possible.

The cost of such consolidation would be small, if in fact a saving to the state could not be effected, since the total of existing appropriations to these groups would probably be more than adequate to operate a consolidated department of enforcement.

#### Other Possibilities

The above suggestions are only illustrative of a few of the many possible directions that a plan for modernizing Wisconsin's law enforcement agencies at the state level might follow. Various other combinations or degrees of consolidation could be evolved. The refinements and details which would be required would be numerous, but should present little difficulty in view of the wide experience of other states along similar lines. The major decision appears to involve the choice of what the people of Wisconsin desire, and from that point forward the drafting of the required legislation is a relatively simple matter. Hence, no suggested drafts of legislation are included in this survey.

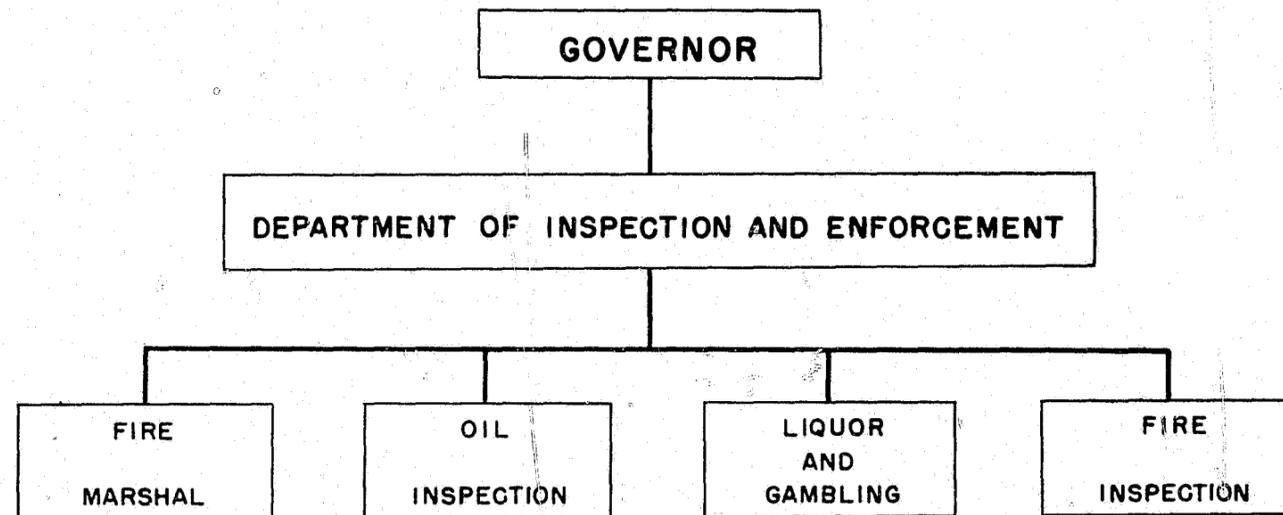
It is further suggested that a careful review of the existing statutes of other states may yield other useful suggestions which could be adapted to Wisconsin.

#### Financing

One of the first arguments raised against a unified state-level enforcement agency is the cost of such an organization. However, we must consider that we now spend large sums at the municipal, county and state level for our present systems of enforcement. To the extent that various state enforcement agencies are consolidated, the present appropriations for these purposes will, to a considerable degree, offset the cost of a consolidated department. If we are to provide more and better services through such an agency, it will undoubtedly be necessary to provide additional funds therefor. At the same time, an efficient state agency should, over a relatively short period of time, enable a material deduction in local enforcement costs, particularly at the town and county levels.

To the extent that the state would have to appropriate additional funds to a department of public safety or other state agency, consideration might be given to defraying part of the state appropriation through an appropriation of highway revenues. This is suggested on the basis that this would not by any means be considered a diversion of highway revenues, but since a major portion of law enforcement activity arises from or consists of motor vehicle and highway policing, it seems only equitable that the motorist rather than the general property tax payer should share in the cost. The total amount involved would not be large, and further estimates on the cost of operating any particular type of state enforcement agency can be obtained as soon as a decision is made as to the type of agency under consideration.

**BASIC ORGANIZATION OF SUGGESTED  
DEPARTMENT OF INSPECTION AND ENFORCEMENT**



CRITICISMS & RECOMMENDATIONS ON EXISTING AGENCIES

As a result of this survey, certain tentative conclusions have been reached. Based thereon, specific recommendations are offered affecting some of the existing agencies. Beyond that, suggestions are offered to point out possibilities for consideration if changes and improvements are to be accomplished. These are offered for consideration regardless of the disposition made of the foregoing major suggestions.

We have no illusions about the fact that many of these recommendations and suggestions are highly controversial. Nevertheless, it is believed that they must be thoroughly considered on their merits if any material improvement is to be made.

Individually, the suggestions and recommendations are relatively minor in nature when viewed from the over-all effect on the entire law enforcement program. Singly they would promote efficiency and economy, and collectively would improve our policing system.

The conclusions and recommendations follow:

The Governor

While the ways and means whereby the governor is to exercise his constitutional mandate to enforce the laws of the state are not explicit, no problems seem to have arisen because of this fact. Some clarification might be sought, but there is no apparent need to expand his powers or to give him more direct control over the existing enforcement agencies. Some efforts to give a governor direct policing powers, as the recent Mississippi Bureau of Investigation, have apparently met with great public opposition.

RECOMMENDATION

No changes recommended, unless our present enforcement machinery is revised. In the event any state-wide policing agency or department of safety is created, it should operate directly responsible to the governor.

State Traffic Patrol

Some criticism has been directed at the state traffic patrol. Probably much of it is due to a lack of understanding of its status, purpose and functions. As has been noted, Wisconsin is one of 12 states which restrict the authority of the traffic patrol solely to traffic law enforcement. It is in no sense a state police force. To cover 93,649 miles of highways and 54,715 square miles of area, it has only 43 officers. In addition, approximately 42% of the time of its personnel is taken up by other than traffic enforcement duties, principally in handling investigations for other branches of the motor vehicle department.

Patrol vehicles are privately owned and the officers compensated for their use on a mileage basis. A question of policy is raised as to this practice, especially from the standpoint of cost to the state and uniformity of equipment.

It seems that we are at a "neither here nor there" stage with our traffic patrol. Either the patrol should be abandoned as a police activity and the entire matter of traffic enforcement relegated to the counties and municipalities, or we should support and so organize the patrol as to make it effective. It is doubtful whether a force of less than two hundred men could do an effective job, and then only if assigned exclusively to traffic enforcement.

It is a recognized fact that traffic patrol duties and administrative or inspectional duties cannot satisfactorily be done by the same personnel. To that end, the enforcement officers should be assigned to that work exclusively insofar as is practicable, with other employees assigned to administrative duties. If the traffic patrol is expanded, consideration should be given to separating it from the motor vehicle department and establishing it as a separate state department. The motor vehicle department is primarily organized to issue motor vehicle and driver's licenses. That in itself is a large job. While the traffic patrol uses information available through the license and driver registration records, that would still be available.

The traffic patrol, operating as an enforcement division of the motor vehicle department, is required to perform many duties which are not enforcement measures. So long as the patrol remains a part of the department it is reasonable to assume that it will continue to be burdened with duties which are those other divisions of the department as it has been in the past.

If a separate highway patrol is established, the highway safety division of the motor vehicle department should follow with it.

There can be no minimizing the state-wide needs of traffic enforcement. It is no longer a local problem. The speed with which a motorist may pass through successive and overlapping enforcement jurisdictions and the uniformity of the problem clearly indicate a desirable field for state enforcement. In self preservation, out of necessity the counties and municipalities have been forced to establish their own traffic patrols. To the extent that the state traffic patrol increases in size and efficiency, local enforcement activities can be decreased. The increased cost of the state traffic patrol would be largely, if not more than offset by decreased local costs. The necessity of county traffic patrols should disappear in most if not in all counties if effective state-wide traffic enforcement is provided.

The existing state traffic patrolmen are so restricted in police authority that they are powerless to enforce other laws. They have no more power to arrest for a felony than any citizen; they cannot arrest for misdemeanors, other than traffic violations, committed in their presence. They could not pursue a fleeing felon or assist local police in case of a violation of a local ordinance. If they observe

a game law violation, they cannot arrest the violator. Consideration should be given to expanding the authority of the traffic patrol, especially where called upon by the local police for assistance.

#### RECOMMENDATION

Either abandon the present attempt to serve the entire state with an inadequate patrol force and convert the personnel into inspectors for the licensing division, or organize and man a traffic patrol adequate to do an effective job over the entire state.

Consider increasing the power of arrest of the state traffic patrolmen to allow them to arrest for any misdemeanor or ordinance violation committed in their presence, and also to have all powers of the sheriff or local police when called upon by them for assistance.

Relieve enforcement officers of administrative duties on inspectional work.

Study the present system of using personal vehicles as patrol cars to determine the cost as compared to state owned vehicles.

Study the feasibility of using combination patrol-car-ambulances.

Consider expanding the patrol and establishing it as a separate state department, removing it from the motor vehicle department.

#### Highway Safety Division

From the results obtained, judging from our mounting accident toll, our safety program has been of dubious effectiveness. No doubt the highway safety division is handicapped by the ineffectiveness of the state traffic patrol as a traffic policing agency. On the other hand, the effectiveness of gathering volumes of accident statistics and doing a minimum of direct work with the vehicle operators who are after all the basic factor involved, is doubtful. We do not seem to have put the safety program across - to have reached the persons we must deal with. It is admittedly a difficult proposition.

We should closely reevaluate our methods and approach. More money for the present program does not seem to be the answer. Possibly insufficient emphasis has been placed on safety education and promotion. Undoubtedly it should be more closely coordinated with the enforcement program, and with highway designing and marking. Possibly more personnel working on driver education would be helpful.

If a separation of traffic policing from the motor vehicle department occurs, safety promotion should likewise be transferred.

RECOMMENDATION

Carefully reappraise our safety promotion program to determine where the emphasis should be placed in order to be effective. Consideration of tightening our speed and driving regulations.

Conservation Wardens

The staff of nearly one hundred conservation wardens performs a number of highly specialized services in addition to strictly law enforcement activities. Since the wardens' duties are so specialized, it is not believed desirable that any effort be made to change the present enforcement machinery of the conservation commission.

The wardens receive some assistance from other enforcement agencies, such as city police and sheriffs, but although such officers are empowered to make arrests for conservation offenses, this practice is not widespread. On the other hand, conservation wardens have no power to arrest for other than conservation offenses, even though the violation occurs in their presence. It would seem desirable to expand the power of arrest of conservation wardens in certain instances. For example, a conservation warden observing a drunken driver on the highway is powerless under the present statutes to make an arrest. Likewise, even though the motor vehicles used by the wardens are equipped with radio sets operated as part of the state highway patrol radio system, the services of the wardens could not be called for to aid either the state highway patrol or other enforcement agencies such as the sheriff or city police departments in apprehending a fleeing criminal or in other emergencies. It is not deemed desirable to so expand their powers to the extent of making a police force out of the conservation wardens, yet it should be possible to utilize them in emergencies and to better enable them to cooperate with other enforcement agencies on all occasions. This, it is understood, they are willing to do.

The department states that the use of radio has increased the efficiency of those wardens so equipped approximately 50%, and that when the force is completely equipped its efficiency will be increased 100%. This is an outstanding example of the efficiency brought about by adoption of modern policing methods.

RECOMMENDATION

Expand the powers of arrest of conservation wardens whenever they are called upon for assistance by sheriffs, deputy sheriffs or local police officials.

Consider broadening the powers of arrest of conservation wardens to allow the arrest of persons committing misdemeanors in the presence of the warden.

Facilitate completely equipping all conservation wardens with police radio facilities, and coordinate these facilities with other police radio systems throughout the state.

State Fire Marshal

It seems obvious from studies made of the state fire marshal's activities that the office would be better located in some other state agency. The insurance commissioner is of the opinion that the activities of the fire marshal are foreign to the normal scope of activities of his office. He will support the transfer of the fire marshal to another agency. The major question is to determine the logical agency to which this office might be transferred.

Because the duties of the state fire marshal are largely to investigate suspicious fires and to cause prosecution where evidence warrants it, the marshal and his deputies must work in close cooperation with the attorney general and the local prosecuting attorneys. It seems that the attorney general's office would be a proper department to assume supervision of the activities of the state fire marshal, in the absence of any type of over-all state department of public safety or law enforcement. Probably the services of the fire marshal can be more effectively utilized if performed under the supervision of the attorney general. The workload of the office has not been large in proportion to the number of employees, and adjustments of staff might be made as determined by the attorney general.

RECOMMENDATION

Transfer the office of fire marshal from the insurance commissioner to the attorney general's office.

Establish a more highly supervised system of investigation of fires, and coordinate the activities of the investigators with the technical services offered by the state crime laboratory.

Study the possibility of a closer working arrangement between the fire marshal's department and the office of fire prevention of the safety division of the industrial commission.

Examine the workload of the fire marshal's staff, with the possibility of a staff reduction or a re-assignment of duties.

State Oil Inspection Bureau

It is believed that a re-appraisal of the purpose and services of the oil inspection bureau is in order. This bureau expends approximately one quarter of a million dollars annually and employs over sixty persons in performing a rather limited inspectional service. It may well be that the service is highly essential from the standpoint of public safety and that the money is well expended, but if that is the case the facts will quickly indicate it upon further study. There can be no doubt as to the desirability of some protection for the consumer, but the question is raised as to whether we are getting full value for the expenditure under past methods of operation of the bureau. It may be possible to devise other means of sampling and checking and otherwise regulating dealers in petroleum products than the present system of inspection provides.

There seems to be a distinct overlapping of operation of this department and the safety division of the industrial commission insofar as investigation of the causes of fire is concerned.

It is questionable whether the oil inspection bureau is properly located as part of the state treasurer's office. The organization and functions of the bureau do not in any way seem related to the normal duties of the state treasurer, and in line with the generally accepted policy of organizing governmental structures on a functional basis, it would seem advisable to search for a more appropriate branch of the state government for the oil inspection bureau.

Since the primary aim of the oil inspection bureau is consumer protection from a safety standpoint, it would seem logical to suggest the placing of the bureau in the safety division of the industrial commission. In the event that a state-wide department of public safety should ever be established, it would be the logical department to perform this service.

#### RECOMMENDATION

Transfer the oil inspection bureau to a more logical and related department of the state government, such as the safety division of the industrial commission.

Re-appraise the basic purpose of oil inspection as compared to the benefits to the consuming public to determine whether this is an essential and worthwhile service. Re-examine the organization and method of operation of the inspection and sampling service to determine whether these services could not be rendered just as effectively with a smaller staff with a different method of operation. More responsibility might be placed on the distributor, and less expensive method of sampling might be devised. Determine usefulness of various records and reports kept.

#### Beverage and Cigarette Tax Division

The beverage tax division performs two distinct functions. One, tax collection and the other, the enforcement of laws and regulations applying to cigarettes, fermented malt beverages and liquors, and the anti-gambling statutes. Rather than operating as a division of the treasurers' department, it may be strongly argued that the tax collection activities should be assigned to the department of taxation, which is designed to perform such duties, and that the law enforcement activities be separately established. At the present time, there is no state department into which the enforcement activities logically fall, and for the present it may be inadvisable to divorce them from the tax collection activities of the division. Nevertheless, on a functional basis, it is logical to place the collection activities elsewhere than in the state treasurers' office, since the treasurer is a custodial officer rather than a tax collection agency.

This survey makes no inquiry into the tax collection operation of the beverage tax division.

The investigators operating under the beverage tax division perform a specialized type of enforcement activity, and are restricted in power of arrest. They operate as a type of flying squad and probably constitute nearest approach to a state-wide police force of any state agency in Wisconsin. They operate virtually independent of local enforcement agencies, which may be called upon for cooperation in making raids and arrests.

In the event that any integrated state enforcement agency is ever created in Wisconsin, it is logical to assume that the enforcement division would become a part of such agency.

#### RECOMMENDATION

A separation of the tax collection duties and the law enforcement duties of the beverage tax division seems desirable. If this is done, a separate division of enforcement would necessarily have to be created.

If the division is to be left intact as both a collection and law enforcement agency, the division should be transferred to the state department of taxation where other tax collection agencies are grouped.

#### State Board of Health

The law enforcement activities of the state board of health are entirely of an inspectional type and are distinctly not in the nature of police work. The various branches make inspections of a highly specialized sort, and there is little necessity or possibility of integrating this work with other law enforcement activities of a strictly policing nature. The activities of the department are primarily concerned with enforcing departmental rules, regulations and licensing provisions and the inspection work is so closely related to the activities of the department that other police officers could not perform these duties effectively.

#### NO RECOMMENDATION

#### Department of Agriculture

Like the state board of health, the inspectors of the department of agriculture are highly specialized and are active in enforcing departmental rules, regulations and statutes which are so closely related to the activities of the department that other police officers could not perform them.

#### NO RECOMMENDATION

#### Industrial Commission

The inspection work of the industrial commission is principally devoted to enforcing public safety code requirements. The services of the highly specialized inspectors are of such a nature that other police officers could not generally perform them, and there is little possibility of combining this department's activities with those of

other law enforcement agencies, except as a separate division. If a department of public safety is created, safety inspection work could be made a function thereof.

NO RECOMMENDATION

County Sheriff

Charges of inefficiency and inadequacy have been variously and widely lodged against the policing system made up of the sheriff and the constable. Because the sheriffs and their deputies are such a predominate group in Wisconsin law enforcement systems, it is deemed advisable to closely examine some of the criticisms which have been leveled against the present system, not only in Wisconsin, but elsewhere.

On the inadequacy, as a modern police agency, of the systems of which the sheriff is the central figure, and especially the frequent personal unfitness of that official, August Vollmer and Alfred E. Parker, authors of "Crime and the State Police", published in 1935 by the University of California Press, make this comment:

Entrusted (as the sheriff is) with so many duties, only a man of high attainments and long, special training in police work could perform all of them adequately. But as a rule no special training is required for this office. \*\* Apparently anyone with political power, provided he is a citizen, can become a sheriff of a county in the United States, regardless of education, special training for the job, or actual mental ability. \*\*\*

Studies made in Missouri and published in the Missouri Crime Survey show that 59 sheriffs in that state had been, by occupation, "farmers 24, policemen 6, merchants 4, contractors 3, miners 3, draymen 2, stockmen 2, carpenters 2, penitentiary guards 2, tinner 1, barber 1, liveryman 1, butcher 1, lumberman 1, mechanic 1, storage business man 1, and blacksmith 1." Of 61 sheriffs studied, 33 had held public office before, 9 had been constables, 8 deputy sheriffs, 6 chiefs of police, and 3 sheriffs. Perhaps it might be assumed that the sheriffs who had done some previous police work had been trained in the school of practical experience. However, this kind of work, even though practical, is hardly to be considered as training, according to experts in modern police methods. The office of sheriff is, in short, a political prize.

Thus we find that the sheriff - a political officer - has been, and still is, in almost all states in the Union, entrusted with the policing of the areas that lie outside the larger towns and cities. And there was a time when the sheriff, even though untrained in police procedure, could do fairly well at handling the crime problem. That was in a day when the horse and buggy was the chief means of transportation and a criminal seldom traveled far from the place where he committed a crime; but with the development of railroads and steamships, the automobile and the airplane boundary lines ceased to exist for the criminal. New fields

of operation were opened up to him. If he committed a crime in the country, he escaped to the city; if he was over-desperate in his acts in the city, he hid in the country. After a time, he received an unwelcome reception in the cities, and then he turned to the country areas for easy picking.

Summarizing the case against the sheriff-constable system, the authors declare:

With few exceptions, sheriffs and constables are no longer able to meet adequately the present problems of crime. On every hand, and almost under the eyes of these officials, criminals are successfully making their attacks on society. The sheriffs and constables can do little about it, for they are overburdened with civil duties, to say nothing of the fact that they are seldom trained or equipped to cope with modern criminal warfare. District attorneys in a few places have tried to improve the situation by organizing special groups of detectives, but even so the criminal still continues his activities almost unhampered.

From the following table it is apparent that the office of sheriff and the services it can render varies greatly from county to county. It should be noted that in Milwaukee County there are 140 full-time persons employed in the sheriff's office whereas in many of our rural counties such as Adams, the sheriff reports no full-time undersheriff or deputy. The number of unpaid or part-time deputy sheriffs varies considerable from county to county, some counties reporting none and in other instances as many as 150 of the so-called "honorary" or part-time deputies.

It should be noted that in the highly urbanized counties the tendency is to place the sheriff on a salary basis. In other counties the predominant mode of payment is a combination of salary plus civil fees collected. The trend is, and should be, away from the fee system of compensation.

It follows without further explanation that the caliber of law enforcement provided by the several sheriffs' departments covers a wide range. So long as we elect persons for a limited tenure without requiring qualifications as to police experience or training, we inevitably must expect the caliber of the persons elected to differ widely.

Under the existing statutes, the sheriff is almost entirely a rural enforcement officer. The line of division is very obscure, but within cities and the larger villages the sheriff by nature of an unwritten agreement with local police officers, does not interfere in police work. He may, however, cooperate with them. At the same time, in some counties the incorporated cities and villages are paying a major portion of the county tax levy out of which the sheriffs' department is supported. While these urban areas do benefit from a well policed rural area in the county, it is doubtful whether they are receiving benefits in proportion to the cost to them. Further, there is no guarantee as to the nature

of policing service afforded the rural areas by the sheriffs' department. In many, if not most counties, the sheriff responds only on call and does not maintain an active police patrol of the rural areas. Crime prevention activities are conspicuous by their absence. Several counties are an exception to this, since there the sheriffs' department maintains a county-wide patrol of rural sections.

Considerable discussion has been had in the past of removing the sheriff from the ballot, eliminating the fee system of payment and other similar changes. It is interesting to note that in Milwaukee County consideration is now being given to consolidating the sheriff's department with local police departments.

Undoubtedly, much could be done to improve the efficiency of the sheriff as an enforcement officer, but since he is a constitutional officer the process will be a slow one. A great deal of the present law enforcement responsibility of a sheriffs' department arises out of motor vehicle regulation, and our ultimate decision as to a system of traffic policing will have a great deal to do in determining the future growth or decline of the county sheriff as an enforcement official.

#### RECOMMENDATION

Provide salary basis of pay for all sheriffs.

Establish minimum qualifications for sheriffs by statute, requiring police experience and training.

Since the present restriction against re-election after two successive terms eliminates many highly efficient sheriffs from office, consider abolishing this restriction in counties which choose a qualified sheriff under civil service for an indefinite term.

#### The Coroner

Many studies have been made and a great deal has been written in other states concerning the office of coroner and its place in our modern system of law enforcement. It is obvious that the office as it exists in Wisconsin is an antiquated carry-over from colonial days. The responsibilities placed upon the coroner are great and require considerable technical knowledge, as well as a sound judgment. No special qualifications are required by statute and as a result there is nothing to prevent lay persons from being elected to the office. Only several of our 71 coroners are physicians.

Since the district attorney plays such a prominent part in the investigation of suspicious deaths, it is believed more efficient to delegate virtually all of the authority now resting in the coroner to the district attorney. At the same time, the statutes should provide for the appointment of one or more medical examiners in each county similar to the system provided for Milwaukee County by section 59.35 of the statutes. The coroner is a constitutional officer

and the office cannot be abolished without amending the constitution. Nevertheless, the legislature has already provided that in Milwaukee County all of the duties of the coroner in investigating suspicious deaths are taken from him and placed in the district attorney and the county medical examiner. This leaves the coroner only his duties of substituting for and of serving process on the sheriff.

The medical examiners appointed in each county would be qualified members of the medical profession and would advise the district attorney as to the cause of death in all cases where called upon. The district attorney would perform all other duties of coroner such as initiating steps for the apprehension of any accused person, initiating the necessary criminal investigation, and the determination of whether any persons shall be held for causing the death. The use of the coroner's jury to determine whether anyone shall be held responsible for the death might be made optional at the discretion of the district attorney, or be entirely abolished.

#### RECOMMENDATION

Transfer all duties of the coroner for the investigation and determination of cause and responsibility of suspicious deaths to the district attorney.

Provide for the appointment of one or more qualified medical examiners in each county, to serve the district attorney in determining cause of death.

#### County Traffic Police

The system of county traffic police patrols which exists in 62 of the Wisconsin counties is characterized by a lack of uniformity in both authority of the officers and the management of the patrol. This is brought about primarily by the alternative provisions offered in sections 83.016 and 59.21 (8) (cm) of the statutes. In the survey conducted 9 counties reported no separate traffic patrol, 19 reported a traffic patrol operating under the sheriffs' department, and 43 counties reported separate traffic patrol operated under a committee of the county board - in most instances it being the highway committee.

The options offered by the statutes have given rise to the creation of what amounts to virtually duplicate systems of law enforcement at the county level in many counties. The reasons for the legislature permitting such variations are not evident. It is probable that traffic patrols were established to meet a definite and growing demand for better highway policing, a need which was not being met by either the sheriffs' departments or the state highway patrol. Perhaps there was also a desire by many county boards to retain control of as many county activities as possible, and from the highway committees seeking to increase their responsibility by establishing and managing a new division of traffic police responsible to them. It seems that the result is expensive from the standpoint of the taxpayer. Dane county is an example of this situation.

Dane county has both a sheriff's department with 10 full-time deputies and a county traffic patrol operated under the county highway committee and having 16 full-time officers. The traffic patrol has 8 vehicles which are used by the traffic patrol officers in cruising the highways in the county. The sheriff's department has 7 vehicles which are used by the sheriffs' deputies in performing their services throughout the county. All vehicles are equipped with two-way radio apparatus operating under the joint city-county radio station. All traffic patrol officers are deputized and have the powers of deputy sheriffs.

The county auditor reported expenditures of \$65,694 for the sheriff's department, and \$50,100 for the county traffic police in 1947. Off-setting income was \$9,056 for the sheriff's office from civil fees. All deputy sheriffs and county traffic police are under a civil service program.

Both the sheriffs' deputies and the traffic patrol devote the major part of their policing activity to the rural areas of the county. The city of Madison has 51.6% of the county population and pays 55% of the county's real estate tax levy, yet derives little direct benefit from either the traffic patrol or the sheriff's department since the city maintains a large police force at a cost of over \$387,000 in 1947. By mutual agreement the sheriff's department permits the city police to handle law enforcement within the city, and the county traffic police do not patrol city streets.

When it is considered that Dane county has one other city and 23 villages and that most of the benefit derived from the traffic patrol is through its policing of traffic on state and county trunk highways lying outside of cities and villages, the cost to the municipal taxpayers is large in comparison to the benefits received.

It is impossible to say what total economy could be effected by a complete combination of the traffic patrol and the sheriffs' deputies in Dane county, but it would seem obvious that it would be substantial.

It should be pointed out that among the 9 counties which do not maintain a separate traffic division are Waukesha, Racine and Kenosha, three highly urbanized counties. In those counties the sheriff's department does not operate a separate traffic division, but the full-time deputies who patrol the county perform traffic enforcement services along with their other law enforcement duties.

In those counties having a traffic patrol operating under the county highway committee, it was reported that in 49 cases the patrolmen were deputy sheriffs and in 12 cases they are not so deputized. In the latter counties the power of arrest of the traffic patrol officers is strictly limited by section 83.016, principally to traffic law violations. This power might well be expanded to make them more effective as police officers.

The effectiveness of a county traffic patrol, whether it is operated under the sheriff or the highway committee, is greatly enhanced when the patrol cars are equipped with police radio sets. In counties not having police radio facilities, it would seem desirable to attempt to work out some arrangement whereby the motor vehicles of both the highway patrol and the sheriffs' department could be served either by the state traffic police radio station or by an adjoining county or municipal police radio station, physical conditions so permitting.

It is apparent that the county traffic patrols which have been established or the traffic enforcement activities of the sheriff's department have been created because of the growing necessity for better traffic enforcement on our public highways. There is little doubt but that traffic law enforcement and highway patrol work constitute the major need of law enforcement in most of the state, and that the problem is still far from a solution. To the extent that the state sees fit to recognize the state-wide importance of the problem and provide for an effective state enforcement and traffic patrol program, the problems of the counties and municipalities will be lessened.

#### RECOMMENDATION

Consideration should be given to providing for a uniform system of county traffic police. Law enforcement being a responsibility of the sheriff under our system of county government, all police authority should be centralized under the sheriff for reasons of both economy and efficiency. Duplications in organization, personnel and overlapping authority should be eliminated.

If the present alternative system is continued, the power of traffic patrolmen operating under the highway committee should be broadened and made uniformly that of deputy sheriffs so that the citizens of the county may receive full benefit of police protection by patrolling officers.

If the present system is continued, specific attention should be paid in each county to the division of policing work between the highway patrol and the full-time sheriffs' departments so as to eliminate duplication of county-wide patrolling activities.

#### Humane Officers

This office was created to perform highly specialized law enforcement functions. It is apparent that the police authority given to a superintendent or other chief officer of any humane society, being that of a police official and constable throughout the state, is much broader than is necessary to effectively perform all duties of the office. This police power should be restricted purely to violations of law concerning inhumane treatment of animals and birds.

Under the present statutes there is no provision for the surrender or revocation of the authority once bestowed by approval of the appointment by the governor. The statutes should be clarified on this point. Also the enforcement of humane laws should be restricted to problems involving animals and birds, and those aspects involving women, children and aged people should be delegated to the public welfare department.

RECOMMENDATION

Amend section 58.07 to restrict their police power to cases involving enforcement of laws dealing with cruelty and inhumane treatment of animals.

Provide for the revocation or surrender of police authority bestowed upon humane officers.

Transfer all jurisdiction of cases involving children, women and aged people to the department of public welfare.

Dance Hall Inspectors

This office is a minor yet important one in all counties. No need for changes in the present statutes are apparent, any deficiency in the operation of the system being caused by the manner in which the statute is administered.

NO RECOMMENDATION

Town Law Enforcement Officers

Authorities on police matters and municipal administration are virtually unanimous in their condemnation of the office of constable as it now exists. The office has degenerated to the point where the constable is hopeless as a police officer. While occasionally serving the justice of the peace in civil matters, the constable seldom makes arrests or serves any form of criminal process. The compensation is so small and the position is such a petty one that capable and efficient incumbents are difficult to procure. In the age of the telephone and the automobile, the office is an anachronism, and an historical relic.

The fact that constables do not assume any responsibility with regard to general law enforcement and crime prevention and are simply servers of civil process is not the fault of the constable, but of the system. It is difficult, and many times impossible for the towns to get men to accept the position of constable and perform the duty. Since those elected must furnish bond, it is difficult to get them to take their oath of office and qualify. The constables are generally untrained in police work and are ineffective as police officers.

In view of the criticism of the office of constable, it is logical to conclude that the office is outmoded and should be abolished. In substitution, each town should be empowered to appoint one or more police officers to meet minimum qualifications and who would

have all powers that constables at present have, including the power to serve civil process. These officers could be the same as or combined with the present town police officers who serve in some towns at the present time under section 60.29 (7) (8). The office should be placed on a salary basis, and all fees collected for civil process should be returned to the municipal treasury. The schedule of fees provided for services of process and other duties now performed by the constable should be revised.

RECOMMENDATION

Abolish the office of town constable.

Provide for the appointment of one or more town police officers, to serve on a salary basis, and to have all powers now vested in constables.

Revise the schedule of fees provided in section 60.55 and provide that such fees be paid into the municipal treasury.

Consideration might be given to providing each town with an "honorary" deputy sheriff, so as to perform the rural policing of the county by the county sheriff's department. This would eliminate the necessity for any town police officer in many towns.

Village Law Enforcement Officials

In keeping with the criticism and recommendations made concerning the town constable, little more need be said about the village constable.

Chosen without regard to special qualifications, holding their offices for fixed terms, subject to continuous re-election, serving on a part-time basis, compensated by fees, untrained and unsupervised, the village constable partakes of the characteristics of the town constable. This much is true at least of the small communities which naturally are the more common. It is especially true in villages, since the existence of a marshal, who is a more powerful police officer and more frequently serving on a full-time basis, tends to take the business and authority away from the constable.

It is not at all uncommon to find that the office of village constable remains vacant for extended periods. It is only fair to say in passing, however, that some of the villages do not appear to need very much in the way of the services of the constable.

There is even less necessity for continuing the office of constable in villages than there is in towns, and since the office duplicates that of marshal, it seems advisable to recommend the abolition of the office of village constable in all instances.

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Consideration might well be given to also abolishing the office of village marshal and re-creating a similar office to be known as village police officer, to have all the powers and duties of the present constable and marshal. This office would be filled by the village board, and put on a salary basis. All fees would revert to the municipal treasury. Depending upon the size of the village, the structural organization of the village police force could range from a single officer to a department comparable to our city police forces.

Village trustees and presidents have broad police powers under section 61.31 (1). However, these powers are seldom used and probably the majority of local officials are unaware that the power exists. Since there has been no apparent abuse of the power in the form of either prosecution or officiousness, no criticism seems necessary.

RECOMMENDATION

Abolish the office of village constable.

Consider repealing the provision for a village marshal and recreating a new office of village police officer to take the place of both the constable and the marshal and provide for the establishment of a policing organization comparable to that in small cities.

City Police

The present statutes permit a city to provide itself with virtually whatever it desires in the nature of police protection, so long as financial resources are available. Since city police forces devote the major portion of their time to the enforcement of municipal ordinances as well as the general preservation of law and order, it seems that the present flexibility permitted cities is both desirable and works well in practice. The difficulties that have arisen have been primarily due to personnel or organizational matters within the control of the municipality and not by virtue of any deficiency in the statutes. Such criticism as may be found seems largely directed at present impediments to complete local control of police departments, and the cost of police protection.

Consideration might be given to working out a definite delineation of the authority between city police forces and the county sheriffs' departments, since under the present statutes it is possible that there could be a clash of authority in the event the sheriff attempted to exercise his prerogatives within a city. So far as is known, this has not occurred, but the present statutes do not provide for such a contingency.

NO RECOMMENDATION

Truant Officers

The truant officer is a specialized police official operating under statutes which provide limited authority. No criticism of the present statutes is herein indicated, with the possible exception that local police and sheriffs' forces apparently do little to enforce the truancy laws unless the matter is called specifically to their attention.

NO RECOMMENDATION

Fire Chiefs

Fire chiefs exercise their authority of arrest only rarely, and then only under emergency circumstances. Because of the assistance of police departments in most areas having fire departments and the cooperation by response of police officers at fires, an ample number of persons with regular police authority are usually available to provide the necessary measures of law enforcement.

Generally speaking, nothing is deemed in need of revision or clarification of the statutes providing police authority to fire chiefs, with the possible exception that section 213.095 might be revised to clarify it so as to expressly set forth the rights and limitations on the powers of a fire chief at a fire.

NO RECOMMENDATION

Miscellaneous Police Officers

No conclusions are offered as to the need for, efficiency or mode of operation of the various miscellaneous police officers, such as, trainmen, institutional police, state fair ground police, capitol policemen and the like. These individuals have only police authority which is incidental to their general job, and exercise it only in emergency circumstances. They lean heavily upon our organized police forces for assistance and apparently receive full cooperation. They cannot as such be deemed to duplicate existing facilities.

NO RECOMMENDATION

Police Radio System

Even a superficial survey of our existing police radio communication systems in Wisconsin leads to some obvious conclusions: (1) There is considerable duplication of coverage and service. This has been caused by a development of police radio services by individual local units of government without any coordinate plan or relationship to other units. The one bright spot is the existence of 25 jointly owned and operated city-county systems. (2) The unfortunate development of two types of radio systems, AM and FM. We are victims of a technological advance, and eventually the systems will all convert to FM and enjoy the advantages of uniformity. (3) Police radio communication is subject to certain physical limitations, and in addition the technical problem of frequency or channel assignments and complications of federal licensing present some difficulties. (4) Centralization is not the complete answer, especially since many urban communities need more service of a local nature than a centralized system could provide. Nevertheless, the coordination and integration of all police radios through some state operated system might be advantageous, especially in emergencies. (5) Some rural areas do not have sufficient need for police radio to warrant individual installations. These municipalities should be served by some central station or

network, especially for emergency services, or they should tie in with the state systems. (6) The equipping of patrol forces with two-way radio facilities has proved strikingly effective in increasing the efficiency of law enforcement agencies at a low cost. Its adaptation to police work has been an outstanding example of the advantage of keeping abreast of modern developments. At the same time, its usefulness grows in proportion to its use and integration with other enforcement activities.

It is suggested that a thorough study might profitably be made of the entire law enforcement communication system in Wisconsin, both from a technical and functional viewpoint. Such a survey would in itself be a sizeable undertaking and should be conducted with the cooperative effort of police and radio experts. It would be hoped that an overall plan for future development and the possible coordination and integration of existing facilities could be evolved.

RECOMMENDATION

Initiate a thorough survey of the entire police radio communication system in Wisconsin, to be conducted by a panel of experts representing police agencies, communications experts and public officials. The object of the survey should be to develop a plan for future development of the various police radio communication facilities, and to recommend any possible coordination or integration of present facilities. Particular attention should be given to the part such a communication system would play in any civilian defense program and in the event of an emergency.

State Crime Laboratory

This is a new venture and it is far too early to judge its efficiency or contribution to our law enforcement program. It represents a big forward step in the direction of modernizing our enforcement methods and utilizing the resources of science, and should develop into a very important part of our law enforcement system.

The use of the facilities of the state crime laboratory by state and local enforcement agencies should be encouraged. Its worthwhileness will be demonstrated by the demands placed upon the laboratory and by the efficiency of its service.

Any plan that may be considered involving the creation of a state-wide enforcement agency must necessarily seriously consider the inclusion of the present crime laboratory or tying in its services with the new organization.

NO RECOMMENDATION

Federal Bureau of Investigation

It appears that the federal bureau of investigation offers certain technical services and facilities to both state and local enforcement agencies in Wisconsin. These services further appear to

have definite limitations. Local police departments should familiarize themselves with available facilities and utilize them wherever feasible, together with the services of the state crime laboratory. Likewise, all state and local enforcement officers should and do cooperate with the various other enforcement officials of the federal government, such as the treasury agents. There should be no jealousy between state and federal enforcement officers nor any quibbling about jurisdiction. To our knowledge none has existed in Wisconsin.

NO RECOMMENDATION

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The suggestions and recommendations made do not by any means exhaust the field. It is sincerely hoped that a more thorough and detailed study can be given to many of the recommendations after full discussion and the receipt of additional suggestions and criticisms. The modernization of our law enforcement agencies can only be accomplished by steadily improving our statutes after adequate study.

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