



LEGAL SERVICES DEPARTMENT

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TO: Members of the Safety and Licensing Committee

FROM: Darrin M. Glad, Assistant City Attorney
Todd Thomas, Chief

DATE: July 29, 2020

RE: Resolution #13-R-20: Modification to Fraudulent Emergency Calls submitted by Alderpersons Meltzer, Thao, and Wolff
Our File No. A20-0487

This memo is intended to aid the Safety & Licensing Committee in reference to Resolution #13-R-20: Modification to Fraudulent Emergency Calls submitted by Alderpersons Meltzer, Thao, and Wolff. At the July 22, 2020 meeting, this Committee held the Resolution and referred it to staff for input. Assistant City Attorney Darrin Glad and Police Chief Thomas worked together to clarify certain portions of the Resolution.

First, instead of creating an addition to public nuisance section of our code, staff believes that the location of a newly created ordinance would more naturally fit under the already existing "Misuse of 911" under Section 11 of Chapter 10, which currently reads:

Sec. 10-11. Misuse of 911.

(a) No person shall use the 911 Emergency Telephone System for regular business or non-emergency calls.

(b) No person shall dial 911 Emergency Telephone number to report an emergency, knowing that the fact or situation reported does not exist.

Additionally, staff believes that making the penalty for a violation of the newly created ordinance a citation with a forfeiture greater than what is currently in place for violations of Sec. 10-11 is important given that the intent of the Resolution is to proscribe conduct that is more aggravated than a simple misuse of 911 by specifically prohibiting discriminatory and exploitive misuse of 911. The current Schedule of Deposits indicates that for violations of Sec. 10-11(a) or (b) are a forfeiture of \$150 (totaling \$326.50 when court costs are applied) for a first offense and a forfeiture of \$300 (totaling \$515.50 when court costs are applied) for second and subsequent offenses. Staff recommends that forfeitures for a newly created subsection be \$200 (\$389.50) for a first offense and \$400 (\$641.50) for second and subsequent violations.

Combining the recommendations above with additional changes for clarity, staff recommends that the Committee consider amending the Resolution to:

THEREFORE be it resolved that the City of Appleton amend the municipal code Chapter 10 Section 11 by creating a subsection that specifies, “No person shall use the 911 Emergency Telephone System to knowingly make a false report to law enforcement for suspicious or illegal activity, when that individual has been intentionally selected by the person because of the person’s belief or perception of the individual’s race, religion, color, disability, sexual orientation, national origin, ancestry, gender, or gender identity.”

Additionally, a second subsection be created specifying, “Any person who violates any provision of this section shall be subject to a penalty as provided in § 1-16.” The amounts for violations of the newly created subsection shall be included in the Schedule of Deposits as a forfeiture of two hundred dollars (\$200) plus costs for a first offense and a forfeiture of four hundred dollars (\$400) plus costs for second and subsequent offenses. The amounts currently in the Schedule of Deposits for subsections (a) and (b) will remain unchanged.