

## **CHAPTER 5**

### **LAW ENFORCEMENT**

#### **5.01 COMMISSION**

- (1) Establishment
- (2) Membership
- (3) Appointment; vacancies
- (4) Term
- (5) Oath
- (6) Compensation
- (7) Organization

#### **5.02 RULES OF THE COMMISSION**

- (1) Chief Examiner
- (2) Certification

#### **5.03 CANDIDATES FOR DEPUTY SHERIFF**

- (1) Applications
- (2) Eligibility
- (3) Application Review
- (4) Examination
- (5) Notification
- (6) Appointments

#### **5.04 PROMOTIONS**

- (1) Criteria
- (2) Chief Deputy Requirement
- (3) Process

#### **5.05 DISCIPLINARY PROVISIONS**

- (1) Just Cause
- (2) Grievance Committee

#### **5.06 POLITICAL ACTIVITY**

#### **5.07 RULES AND REGULATIONS**

- (1) Policies and Procedures
- (2) Employee Conduct

#### **5.08 GENERAL PROVISIONS**

- (1) Number of deputies; Salaries
- (2) Reduction of Staff

#### **5.09 SEVERABILITY**

#### **5.15 JAIL EXPENSE REIMBURSEMENT POLICY AND CHARGES**

#### **5.16 RECOVERY OF LEGAL FEES PAID FOR INDIGENT DEFENDANTS**

**5.25 ALARM SYSTEMS**

- (1) Purpose
- (2) Definitions
- (3) General Procedures
- (4) False Alarms
- (5) Fee Assessments

## 5.01 COMMISSION

- (1) **Establishment.** There is hereby created a Civil Service Commission with the duties, functions and authority (the "Commission") as set forth in §59.26 and Chapter 63, Wisconsin Statutes.
- (2) **Membership.** The Commission shall consist of five (5) members, all legal residents of Marinette County. At least one member shall be female, at least one member shall be male and at least one member shall be an honorably discharged veteran of the U.S. armed services. Appointments shall be made on the basis of recognized and demonstrated interest in, and knowledge of civil service. No person holding any elected or appointed public position or office of any sort in Marinette County government shall be appointed thereon.
- (3) **Appointment; vacancies.** The Marinette County Administrator shall appoint members of the Commission, subject to confirmation by the County Board. The office of a Commissioner shall be deemed vacant upon the happening of any of the following events:
  - (a) Death of an incumbent.
  - (b) Resignation of the incumbent in writing.
  - (c) Removal of the incumbent by the County Board.
  - (d) Ceasing to be a resident of Marinette County.
- (4) **Term.** In the month of December of each year immediately preceding the expiration of the term of office of any commissioner, the County Administrator shall appoint one member of the Commission to hold office for the term of five (5) years from the first day of January next succeeding the appointment and until a successor is elected and is qualified. Appointment to vacant positions shall be for the remainder of the original term. Nothing herein shall be construed as to affect the appointment or terms of the present commissioners.
- (5) **Oath.** Each member of the Commission shall take and file the official oath.
- (6) **Compensation.** The members of the Commission shall be entitled to receive compensation from the county for services actually rendered in conducting the authorized business of the Commission, which compensation shall be at the per diem rate established by the board of supervisors plus mileage at the prevailing rate when such services are rendered.
- (7) **Organization.** The Commission shall organize and elect a chairperson whose term of office shall be one (1) year and shall elect a secretary whose term of office shall be one (1) year. Such chairperson and secretary shall serve until election of a successor. The secretary shall cause the minutes of the proceedings of the Commission to be preserved in a proper record book. The Commission shall make and publish such rules and regulations as may be required for the ordinary conduct of its business.

## 5.02 RULES OF THE COMMISSION.

- (1) **Chief Examiner.** The Human Resources Director shall act as chief examiner for the Commission under its direction. As such, the Human Resources Director or designee shall supervise all examinations. The chief examiner

shall be ex-officio secretary to the Commission and shall receive all test scores, keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as may be necessary.

- (2) **Certification.** The chief examiner shall certify candidates eligible for appointment to the Sheriff or, in the absence of the Sheriff, to the Chief Deputy Sheriff for all vacant positions.

### 5.03 CANDIDATES FOR DEPUTY SHERIFF

- (1) **Applications.** Every two (2) years, or as approved by the Human Resources Director, applications shall be solicited and received for the position of deputy sheriff. Every person desiring to apply for the position of deputy sheriff shall make an application to the Human Resource Dept. on forms provided by the Human Resources Director. Applications shall be filed and accepted by the Human Resources Director at such times as advertisements have been made stating that the county is taking applications for the position of deputy sheriff.

- (2) **Eligibility.** No person shall be eligible to apply for or be appointed to the position of deputy sheriff unless:
- (a) The applicant is a citizen of the United States.
  - (b) Pursuant to §66.0502 (4), WI Stats., the applicant shall establish residence within 15 miles of the Marinette County boundaries within sixty (60) days of hire. (Ord #377-14, 11/12/14)
  - (c) The applicant requires one of the following:
    - (1) Associated Degree in Police Science, Criminal Justice, Corrections, Security or Law Enforcement from an accredited college or university
    - OR
    - (2) Sixty (60) fully accredited college level credits.
  - (d) The applicant must be twenty-one (21) years of age as evidenced by a certified copy of a birth or naturalization certificate provided with the application.
  - (e) The applicant has not been convicted at any time or any place of a felony, unless the judgment of conviction has been reversed or a complete pardon has been granted.
  - (f) The applicant possesses an insurable valid Wisconsin driver's license.
  - (g) The applicant must be certifiable, having completed Department of Justice Training and Standards requirement for law enforcement officers. Proof of meeting the established standards must be provided with the application.
  - (h) The applicant must successfully pass State of Wisconsin Entry Level Law Enforcement Exam.
- (3) **Application Review.** The application review by the chief examiner shall consist of the following:
- (a) Review to determine that all forms and certificates required were submitted at the time of application.
  - (b) Review to determine that all information required on the application form

was provided by the applicant, and that the applicant is eligible to continue with the selection process on the basis of the information provided.

- (c) The Human Resources Dept. shall notify the Commission and those persons found to be ineligible on the basis of the application review by regular first class mail to the address given on the application.

**(4) Examination.**

- (a) The chief examiner shall recommend the testing/selection procedure to be used for the position of deputy sheriff. The Commission shall conduct competitive examinations, written and oral, for candidates who apply for positions covered by this ordinance, including persons who are currently deputy sheriffs but who wish to compete for higher classification.
- (b) The Commission may refuse to examine a candidate, certify a candidate, or may remove a candidate from a certification, who:
  - (1) Is found to lack any of the established preliminary requirements for the position for which that person applied.
  - (2) Has intentionally made a false statement of any material fact, or omits pertinent information.
  - (3) Has practiced or attempted to practice any deception or fraud in his or her application, certification, examination or in securing eligibility or appointment.
- (c) The first stage of the testing procedure will be a comprehensive written examination relating to the position. Seventy (70) percent shall be the minimum passing score. Written test scores will not be available to the Commission prior to oral interviews.
- (d) Names of the persons passing the written examination will be placed on a list in the order of their final grade. Twenty (20) people standing highest on the list shall be eligible for the oral examination. Twenty (20) names will be provided to the Commission by the Human Resources Director in no particular order without written scores.
- (e)
  - (1) Each applicant for permanent deputy sheriff shall be given an oral interview by the Commission. The purpose of the oral interview and evaluation shall be to evaluate professional characteristics, including, but not limited to, the following:
    - (a) Professional appearance, manner and bearing.
    - (b) Communication skills.
    - (c) Understanding of position, duties and responsibilities.
    - (d) Professional judgment.
  - (2) Each interviewed applicant shall be given a point score by the Commission.
  - (3) Each interviewed applicant shall be evaluated on experience, education and training and shall be given a numerical score on the same by the Commission.
  - (4) Following completion of all interviews, the Human Resources Director shall provide a numerical rating 0 to 100 for each applicant

to be calculated as follows:

(a) Written examination	40%
(b) Oral interview	40%
(c) Previous experience, education & training	<u>20%</u>
Total	100%

- (5) Preference points shall be added to the numerical rating of any eligible veteran pursuant to Wis. Stats.
- (f) The Human Resources Director, or designee, under the direction of the Commission shall conduct a background investigation of those persons to be certified to the Sheriff. The purpose of the background investigation is to determine suitability for employment in the position applied for, and to verify information supplied to Marinette County.
- (g) Prior to the appointment of any deputy sheriff, a physical examination and drug screen shall be conducted on the individual the sheriff is considering appointing. The physical examination and drug screen shall only be conducted after a conditional offer of appointment has been made. The offer shall be conditioned on successful completion of the physical examination and drug screen and shall be at the expense of the county and scheduled by the Human Resources Department.
- (5) Notification.** The chief examiner shall notify all candidates of the date, time and place of all examinations and shall likewise notify all candidates by regular first class mail of the results of the examinations.
- (6) Appointments:**
- (a) Whenever an opening for a deputy sheriff exists, the Human Resources Director or designee shall certify to the Sheriff the names of persons with the three (3) highest scores on the eligibility list. The Sheriff shall make appointments to the position from the list of applicants who are certified as eligible by the Human Resources Director.
- (b) If more than one vacancy is to be filled, the Human Resources Director shall certify one (1) additional name from that list for each additional vacancy.
- (c) Conditional offers of employment of deputy sheriffs by the Sheriff shall be made within ten (10) days after receipt of the certified list from the Human Resources Director.

(Ord #326 4/21/09)

#### **5.04 PROMOTIONS**

- (1) Criteria.** Vacancies in deputy positions above the entrance level shall be filled through a competitive examination process which shall be open only to deputies in the department who meet established job specifications, provided that if there are not at least three (3) deputies who meet the specifications, the examination will then be open to applicants who are not members of the department. Any applicant for a promotional examination who does not pass the written examination shall be disqualified. The chief examiner shall determine the composite score and certify an eligible list based on the

following criteria:

- (a) Written examination: twenty (20) percent
  - (b) Oral interview: twenty-five (25) percent
  - (c) Formal education: fifteen (15) percent
  - (d) Employment history: twenty (20) percent
  - (e) Marinette County Sheriff's Department employment seniority: twenty (20) percent  
(Ord #377-14, 11/12/14)
- (2) **Chief Deputy Requirement.** In addition to the criteria set forth in 5.04(1), applicants for the position of Chief Deputy must have minimally five (5) years continuous employment as a deputy sheriff in the Marinette County Sheriff's Dept.
- (3) **Process.** The process used for appointment to a vacancy shall be the same as provided in section 5.03 above, except that all applicants who pass the written examination shall be invited for an oral interview before the Commission. (Ord #377-14, 11/12/14)

#### **5.05 DISCIPLINARY PROVISIONS**

- (1) **Just Cause.** Any member of the Marinette County Sheriff's department covered by this ordinance may be suspended, demoted or discharged for just cause in accordance with §59.26(8), Wis. Stats.
- (2) **Grievance Committee.** The grievance committee required by §59.26, Wis. Stats. shall consist of the members of the Marinette County Personnel Committee, two (2) members of the Marinette County Law Enforcement Committee and two (2) citizens at large, preferably retired law enforcement persons. The grievance committee shall be appointed in conformance with §59.26(8) and §59.18, Wis. Stats.

#### **5.06 POLITICAL ACTIVITY**

- (1) No person holding the position of deputy sheriff under this ordinance shall, during the hours when s/he is on duty, engage in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold political office, nor shall s/he engage in or appear at any political activity, gathering or profit-making function while off duty and in uniform. This provision is not intended to abridge or interfere with the rights of deputies to engage in political activities during off-duty hours, but rather is designed to avoid the appearance of the support of the Marinette County Sheriff's Department for any political candidate, position or cause.

#### **5.07 RULES AND REGULATIONS**

- (1) **Policies and Procedures.** The Sheriff shall prepare department rules for the general administration and efficient operation of the department, as well as policies, regulations and duties of the personnel in the Sheriff's Department and the same shall be incorporated in the department's policy and procedures

manual.

- (2) **Employee Conduct.** Deputy sheriffs shall be required to conduct themselves in accordance with such rules, policies and regulations. Failure so to do shall be cause for discipline.

## **5.08 GENERAL PROVISIONS**

- (1) **Number of deputies; salaries.** The Board of Supervisors shall set the number of deputy sheriffs to be appointed, to be not less than required by §59.26(8), Wis. Stats., and shall set the salaries for deputies pursuant to §59.26(8), Wis. Stats., such salaries to be paid according to the labor agreement with the bargaining unit as adopted by the Board of Supervisors.
- (2) **Reduction of staff.** Reduction of staff shall be determined by the Board of Supervisors at any time that a reduction in the number of deputies is necessary, and deputies may and shall be terminated to bring about such reduction. The deputy or deputies so terminated shall be the least senior in terms of service and shall be reappointed if personnel is increased or if any deputy sheriff vacancy occurs within eighteen (18) months of termination without examination, provided that person passes the physical examination and drug screen.

## **5.09 SEVERABILITY**

- (1) The provisions of this ordinance are severable and provisions or sections which hereafter may be declared to be illegal or unconstitutional shall be declared repealed and the remainder shall not be affected thereby. (Ord #276 6/29/04)

## **5.15 JAIL EXPENSE REIMBURSEMENT POLICY AND CHARGES**

- (1) **AUTHORITY.** Chapter 302, Wis. Stats. As amended.
- (2) The Sheriff of Marinette County is authorized to maintain a policy and procedure for obtaining reimbursement for expenses incurred by the county in relation to prisoners who are incarcerated in the Marinette County Jail, regardless of whether the prisoner is in the jail serving a sentence after conviction, as a condition of probation, is detained pending a trial, or for any other reason allowed by statute.
- (3) The following costs are authorized for reimbursement of incarceration costs incurred by Marinette County prisoners who are incarcerated for state criminal law violations or Marinette County ordinance violations.
  - (a) The per day rate as set forth in the County User Fee Schedule for room, board, utilities and personal overhead.
  - (b) Medical and hospital costs incurred on behalf of a specific prisoner, regardless of whether the care is provided in or outside of the jail.
  - (c) Any other costs incurred on behalf of a specific prisoner, such as transportation and any special supplies or materials that may be required.
- (4) The following costs are authorized for reimbursement of incarceration costs from Marinette County municipalities incurred by Marinette County

prisoners who are incarcerated for municipal ordinance violations.

- (a) The per day rate as set forth in the County User Fee Schedule.
  - (b) Medical and hospital costs incurred on behalf of a specific prisoner, regardless of whether the care is provided in or outside of the jail.
  - (c) Any other costs incurred on behalf of a specific prisoner, such as transportation and any special supplies or materials that may be required.
- (5) The following costs are authorized for reimbursement of incarceration costs incurred by prisoners under the age of eighteen (18) years from parents or other persons who may be legally responsible for the support of the prisoner, which are subject to approval and modification by the Court in accordance with Section 938.275 of the Wisconsin Statutes.
- (a) All costs of holding a juvenile in custody approved by the circuit court in accordance with Section 938.275 of the Wisconsin Statutes
  - (b) Medical and hospital costs incurred on behalf of a specific prisoner, regardless of whether the care is provided in or outside of the jail.
  - (c) Lodging expense in an out-of-county juvenile detention facility.
  - (d) Schooling or tutoring expense that the Sheriff may have to provide.
  - (e) Any other costs incurred on behalf of a specific prisoner, such as transportation and any special supplies or materials that may be required.
- (6) The Sheriff is authorized and directed to charge municipalities outside of Marinette County and other counties at the rate set forth in the County User Fee Schedule or as provided by contractual agreement for prisoners lodged in the Marinette County Jail.
- (7) The charge for lodging state or federal prisoners shall be established on a specific contract basis with the state or United States Government as necessary.

(Ord #92 5/22/90, Ord #94 6/26/90, Ord #151 6/27/95, Ord #171 10/22/96, Ord #192 1/27/98, Ord #324 12/16/08)

#### **5.16 RECOVERY OF LEGAL FEES PAID FOR INDIGENT DEFENDANTS**

- (1) It is the intent of this section that Marinette County shall make every legitimate effort to obtain reimbursement of attorney fees paid by Marinette County for court-appointed counsel of criminal defendants.
- (2) The Marinette County Corporation Counsel is authorized and directed to commence and prosecute proceedings for remedial contempt in accordance with Section 757.66 of the Wisconsin Statutes, which is adopted and incorporated herein by reference.
- (3) The Clerk of Court is authorized and directed to prepare and record in the office of the Register of Deeds the certificate prescribed in Section 757.66 of the Wisconsin Statutes.  
(Ord # 172 10/22/96)

#### **5.20 MARINETTE COUNTY WELFARE FRAUD ORDINANCE**

Repealed - Ord #277 6/29/04

## 5.25 MARINETTE COUNTY ALARM ORDINANCE

**(1) Purpose.** The primary purpose of this ordinance is to reduce the incidence of false alarms by eliminating those that are preventable or avoidable. It is also meant to encourage the installation of reliable alarm systems in structures within Marinette County to provide additional protection to persons and property.

**(2) Definitions.**

- (a) Alarm Systems: An assembly of equipment and/or devices to signal the presence of hazard requiring urgent attention and to which law enforcement officers are expected to respond. In this ordinance, the term "alarm system" shall include the terms "hold-up system", "burglar alarm system", "automatic hold-up system", "manual hold-up system", "proprietary system", "commercial system", "residential system", and "direct line system.
- (b) Alarm User: Any person or entity on whose premises an alarm system is installed and maintained within the County of Marinette.
- (c) Person: Any individual, business, firm, financial institution, partnership, association, corporation, company or organization.
- (d) Alarm Use Data: Data filed with the Marinette County Sheriff's Department giving specifics relating to each alarm system in use. Specific data filed with the Marinette County Sheriff's Department shall include the following: (a) name of alarm system user, (b) specific address of the alarm system location, (c) specific address and telephone number of the owner of the system, (d) name, address and telephone number of at least two (2) persons who are authorized to respond to the alarm and have the ability to open the protected premises upon request of law enforcement personnel.
- (e) Answer Service: A service that receives emergency signals from an alarm system and immediately relays notification by live voice to Marinette County Central Dispatch.
- (f) Automatic Dialer Device: A system that automatically sends a pre-recorded voice message or coded signal to Marinette County Central Dispatch indicating the existence of an emergency situation.
- (g) Burglar Alarm System: An alarm system signaling an entry or attempted entry into the area protected by the system.
- (h) Commercial Alarm System: An alarm system installed for the purpose of protecting entities engaged in business transactions.
- (i) Direct Line: A telephone line loading directly from a central station to Marinette County Central Dispatch that is for the exclusive use of the reporting of emergency signals and/or tape recorded messages from automatic dialer devices or person to person notification of emergencies.
- (j) Hold-up System: An alarm system activated by an action of a person on the protected premises.
- (k) Local Alarm System: An alarm system that causes an audible and/or visual signaling device to be activated in or on protected premises.

- (l) Proprietary System: An alarm system sounding and/or recording alarm and supervisory signals at a control center located within protected premises that is under the supervision of the proprietor of the protected premises, including a signaling line connected directly or by means of an automatic dialer device to Marinette County Central Dispatch, some other central receiving station or an answering service.
- (m) Residential Alarm: An alarm system installed in private living quarters and/or residences.
- (n) False Alarm: A false alarm is any of the following: (a) activation of an alarm system due to the negligence of the owner/agent or employee; (b) activation of an alarm system by mechanical or electrical failure due to improper maintenance of the alarm system or due to improper use of the alarm system equipment; or (c) activation of an alarm system in the course of installation and/or by the installer. Activation of an alarm system as a result of a natural condition such as a major thunderstorm, power outage, earthquake, tornado or condition other than manmade is not a false alarm.

**(3) General Procedures.**

- (a) Whenever an alarm is activated, the user or authorized agent shall respond to the protected premises upon request of Marinette County Central Dispatch.
- (b) All alarm system users having an alarm system in operation shall have on file with the Marinette County Sheriff's Department an alarm use data card containing all information specified in §5.25(2)(d) of this ordinance.
- (c) The Sheriff, Chief Deputy, or Communication Director is granted the authority to recommend waiver of any false alarm fee to the Law Enforcement Committee under extraordinary circumstances.
- (d) This ordinance makes no attempt to control the type, quality, mechanical or electrical standards of any alarm system.
- (e) An alarm system shall be connected to the Central Dispatch specific Burglar Alarm Line only. Under no circumstances shall an alarm system be connected by any means to the Marinette County 911 Emergency Number System.

**(4) False Alarms.**

- (a) The owner of an alarm system is required to instruct each and every employee, agent or authorized user of the system of the proper procedure regarding activation of the alarm system.
- (b) Fees for transmission of false alarms to Marinette County Central Dispatch shall be charged after the third false alarm during a calendar year as follows:

4 <sup>th</sup> false alarm	\$ 25.00
5 <sup>th</sup> false alarm	\$ 50.00
6 <sup>th</sup> false alarm	\$ 75.00
7-10 <sup>th</sup> false alarm	\$100.00
11 <sup>th</sup> or greater false alarm	\$200.00

**(5) Fee Assessments.**

- (a) For fee assessment purposes, false alarms shall accrue annually on a calendar year basis.
- (b) Fees assessed to the owner, agent or lessee of an alarm system shall be billed by the Marinette County Sheriff's Department. The Marinette County Sheriff's Department shall collect fees and periodically make deposit of said fees with the Marinette County Treasurer.
- (c) The owner of each and every alarm system on file with Marinette County under §5.25(2)(d) shall pay an annual registration fee as set by the Marinette County Board as a user fee.

(Ord #279 6/29/04, Amended 12/10/04, Effective 1/1/05)