



## WISCONSIN CRIME VICTIMS RIGHTS BOARD

### REPORT & RECOMMENDATIONS



Pursuant to the Order issued by the Wisconsin Crime Victims Rights Board dated July 11, 2002 the following report and recommendations are hereby submitted to Sheriff [REDACTED] and the [REDACTED] County Sheriff's Department:

#### ADMINISTRATION AND STANDARD OPERATING PROCEDURE

1. The sheriff should make sure his employees are aware of the "chain of command" and ensure adequate supervision of those employees
2. The sheriff should set a positive tone in his office for dealing with victims.
3. The [REDACTED] County Sheriffs Department should develop a procedure for staff to identify themselves when dealing with the public (ex. last names, badge numbers) to ensure proper supervision and resolution of complaints.
4. The [REDACTED] County Sheriffs Department should institute a briefing procedure. Officers and staff reporting for duty should have a better understanding of incidents that occurred prior to the beginning of their shift and the follow-up that has occurred or is required.
5. The [REDACTED] County Sheriffs Department should develop a more effective method to log calls and responses. A detailed specific response to calls should be required and documented.
6. The [REDACTED] County Sheriff's Department should develop a written citizen complaint policy, *as* required by law (see attached). The complaint form should be distinct from the Incident Report Form.
7. [REDACTED] County Sheriffs Department's staff should be instructed not to seek advice from Defense Attorney on investigations regarding his/her clients. Legal advice on criminal procedure and investigations should come from the DA's office, not Corporation Counsel's office.

#### TRAINING

1. The staff of the [REDACTED] County Sheriff's Department should secure training about victim/witness rights as defined in Wisconsin Statutes Chapter 950. This type of instruction should be on going and incorporated into regular staff training sessions and it should be mandatory for new hires. This training should explain the special status that victims have



within the criminal justice system, how victims can exercise their rights and the responsibilities of law enforcement to help victims exercise their rights.

2. The staff of the [REDACTED] County Sheriffs Department should secure training about how to communicate effectively with victims and witnesses. This training should include techniques for dealing with victims who are emotional. It should also discuss sensitivity and victim empathy.
3. The staff of the [REDACTED] County Sheriffs Department should secure training about how to communicate effectively with co-workers
4. The staff of the [REDACTED] County Sheriff's Department should secure training in the techniques for investigating allegations of shooting. This training should include a review of 4<sup>th</sup> Amendment Law, including the use of search warrants and consent searches. This training should also include information about collecting evidence for forensic examination, such as gunshot residue testing.
5. The staff of the [REDACTED] County Sheriffs Department should secure training about proper arrest procedure with non-compliant parties who are combative, intoxicated or incidents that involve other parties, such as children.
6. Sheriff [REDACTED] should consider the resources available to him and his staff through the state Training and Standards division, such as their *Professional Communication Skills* course.

#### **RECOMMENDATIONS FOR THE COUNTY BOARD**

1. The County Board should adopt a directive to allow complaints from citizens to be heard (Public Safety Board procedures to be reviewed).
2. The County Board should review the appointment of Corporation Counsel who also represents criminal defendants (when the Sheriffs Department is the investigating agency). Specific written policy is needed to ensure that Corporation Counsel does not represent those clients. Policy should also instruct the department not to seek advice from Defense Attorney on investigations regarding his/her clients.
3. The County Board should seek legal advice on criminal procedure and investigations from the District Attorney's office, not Corporation Counsel's office.

#### **DEVELOP WRITTEN VICTIM RIGHTS & SERVICES POLICY**

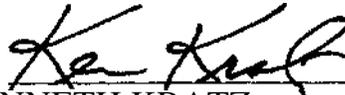
1. The [REDACTED] County Sheriff's Department needs to develop and distribute the Victim Information form, as required by law. For example, the Department could develop a brochure that explains the level of protection available to victims and witnesses (pursuant to 950.04 (2w)K(f) and suggested procedures for the victim to follow if he/she is subject tot



threats or intimidations arising out of his/her cooperation with law enforcement and prosecution efforts relating to a crime of which he/she is a victim (pursuant to 950.08 (2g)(f))•

2. Sheriff [REDACTED] should review sample victims' rights materials, some of which can be found on the Wisconsin Department of Justice's web page at:  
[www.doj.state.wi.us/cvs/181/enabling.asp](http://www.doj.state.wi.us/cvs/181/enabling.asp)

Dated this 11<sup>th</sup> day of July, 2002



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KENNETH KRATZ  
Chairperson  
Crime Victims Rights Board

C: Service list

village or town, other than members of the city council or village or town board, the salary schedule may include an automatic adjustment for some or all of the personnel in conformity with fluctuations upwards and downwards in the cost of living, notwithstanding ss. 60.32, 61.32, 62.09 (6) and 62.13 (7).

History: 1971 c. 125 s. 522 (1); 1971 c. 154; 1985 a. 225; 1993 a. 246; 1999 a. 150 s. 314; Stats. 1999 s. 66.0507.

**66.0509 Civil service system; veterans' preference.**

(1) Any city or village may proceed under s. 61.34 (1), 62.11 (5) or 66.0101 to establish a civil service system of selection, tenure and status, and the system may be made applicable to all municipal personnel except the chief executive and members of the governing body, members of boards and commissions including election officials, employees subject to s. 62.13, members of the judiciary and supervisors. Any town may establish a civil service system under this subsection. For veterans there shall be no restrictions as to age, and veterans and their spouses shall be given preference points in accordance with s. 230.16 (7). The system may also include uniform provisions in respect to attendance, leave regulations, compensation and payrolls for all personnel included in the system. The governing body of any city, village or town establishing a civil service system under this section may exempt from the system the librarians and assistants subject to s. 43.09 (1).

(2) (a) Any town may establish a civil service system under sub. (1) and in the departments that the town board may determine. Any person who has been employed in a department for more than 5 years before the establishment of a civil service system applicable to that department is eligible to appointment without examination.

(b) Any town not having a civil service system and having exercised the option of placing assessors under civil service under s. 60.307 (3) may establish a civil service system for assessors under sub. (1), unless the town has come within the jurisdiction of a county assessor under s. 70.99.

(3) When any town has established a system of civil service, the ordinance establishing the system may not be repealed for a period of 6 years after its enactment, and after the 6-year period it may be repealed only by proceedings under s. 9.20 by referendum vote. This subsection does not apply if a town comes, before the expiration of the 6 years, within the jurisdiction of a county assessor under s. 70.99.

(4) Any civil service system established under the provisions of this section shall provide for the appointment of a civil service board or commission and for the removal of the members of the board or commission for cause by the mayor with approval of the council, by the city manager and the council in a city organized under ss. 64.01 to 64.15, and by the board in a village or town.

(5) All examinations given in a civil service system established under this section, including minimum training and experience requirements, for positions in the classified service shall be job-related in compliance with appropriate validation standards and shall be subject to the approval of the board or commission appointed under sub. (4). All relevant experience, whether paid or unpaid, shall satisfy experience requirements.

History: 1971 c. 152 s. 38; 1971 c. 154, 211; 1977 c. 196; 1983 a. 532; 1985 a. 225; 1991 a. 101; 1993 a. 246; 1999 a. 150 s. 310; Stats. 1999 s. 66.0509.

**66.0511 Law enforcement agency policies on use of force and citizen complaint procedures. (1) DEFINITION.**

In this section, "law enforcement agency" has the meaning given under s. 165.83 (1) (b).

(2) **USE OF FORCE POLICY.** Each person in charge of a law enforcement agency shall prepare in writing and make available for public scrutiny a policy or standard regulating the use of force by law enforcement officers in the performance of their duties.

(3) **CITIZEN COMPLAINT PROCEDURE.** Each person in charge of a law enforcement agency shall prepare in writing and make available for public scrutiny a specific procedure for processing and

resolving a complaint by any person regarding the conduct of a law enforcement officer employed by the agency. The writing prepared under this subsection shall include a conspicuous notification of the prohibition and penalty under s. 946.66.

History: 1987 a. 131; 1997 a. 176; 1999 a. 150 s. 366; Stats. 1999 s. 66.0511.

**66.0513 Police, pay when acting outside county or municipality. (1)**

Any chief of police, sheriff, deputy sheriff, county traffic officer or other peace officer of any city, county, village or town, who is required by command of the governor, sheriff or other superior authority to maintain the peace, or who responds to the request of the authorities of another municipality, to perform police or peace duties outside territorial limits of the city, county, village or town where the officer is employed, is entitled to the same wage, salary, pension, worker's compensation, and all other service rights for this service as for service rendered within the limits of the city, county, village or town where regularly employed.

(2) All wage and disability payments, pension and worker's compensation claims, damage to equipment and clothing, and medical expense arising under sub. (1), shall be paid by the city, county, village or town regularly employing the officer. Upon making the payment the city, county, village or town shall be reimbursed by the state, county or other political subdivision whose officer or agent commanded the services out of which the payments arose.

History: 1975 c. 147 s. 54; 1999 a. 150 s. 367; Stats. 1999 s. 66.0513.

**66.0515 Receipts for fees.** Every officer or employee upon receiving fees shall, if requested to do so by the person paying the fees, deliver to that person a receipt for the fees, specifying for which account each portion of the fees respectively accrued.

History: 1991 a. 316; 1999 a. 150 s. 270; Stats. 1999 s. 66.0515.

**66.0517 Weed commissioner. (1) DEFINITION.** In this section, "noxious weeds" has the meaning given in s. 66.0407 (1) (b).

(2) **APPOINTMENT. (a) Town, village and city weed commissioner.** The chairperson of each town, the president of each village and the mayor of each city may appoint one or more commissioners of noxious weeds on or before May 15 in each year. A weed commissioner shall take the official oath and the oath shall be filed in the office of the town, village or city clerk. A weed commissioner shall hold office for one year and until a successor has qualified or the town chairperson, village president or mayor determines not to appoint a weed commissioner. If more than one commissioner is appointed, the town, village or city shall be divided into districts by the officer making the appointment and each commissioner shall be assigned to a different district. The town chairperson, village president or mayor may appoint a resident of any district to serve as weed commissioner in any other district of the same town, village or city.

(b) **County weed commissioner.** A county may by resolution adopted by its county board provide for the appointment of a county weed commissioner and determine the duties, term and compensation for the county weed commissioner. When a weed commissioner has been appointed under this paragraph and has qualified, the commissioner has the powers and duties of a weed commissioner described in this section. Each town chairperson, village president or mayor may appoint one or more deputy weed commissioners, who shall work in cooperation with the county weed commissioner in the district assigned by the appointing officer.

(3) **POWERS, DUTIES AND COMPENSATION. (a) Destruction of noxious weeds.** A weed commissioner shall investigate the existence of noxious weeds in his or her district. If a person in a district neglects to destroy noxious weeds as required under s. 66.0407 (3), the weed commissioner shall destroy, or have destroyed, the noxious weeds in the most economical manner. A weed commissioner may enter upon any lands that are not exempt under s. 66.0407 (5) and cut or otherwise destroy noxious weeds without being liable to an action for trespass or any other action for dam-