
Chapter 42 LAW ENFORCEMENT*

***Cross references:** Administration, ch. 2; court, ch. 18; offenses and miscellaneous provisions, ch. 46; traffic and vehicles, ch. 58; courthouse and law enforcement center parking, 58-37.

- Sec. 42-1. Sheriff's department.
- Sec. 42-2. Sheriff.
- Sec. 42-3. Crime laboratory.
- Sec. 42-4. Reserved.
- Sec. 42-5. Huber prisoners maintenance and Board charges.
- Sec. 42-6. Disposal of abandoned property.
- Sec. 42-7. Compensation for contract use of reserve officers.

On March 13, 2012, the County Board adopted ordinance revisions to codify Resolution No. 39-11, which restructured the County Board committees, boards, and commissions in anticipation of the downsizing of the County Board from 29 to 15 supervisors. Not all ordinance subsections were revised, but those subsections that had material changes will be specifically designated at the end of those subsections.

Sec. 42-1. Sheriff's department.

- (a) *Powers and duties of peace officer.* The sheriff and deputy sheriffs shall keep and preserve the peace in the county, suppress all riots and unlawful assemblies and for such purposes and for the process of service in civil and criminal cases and in the apprehending or securing of any person for a felony or breach of the peace they may call to their aid such persons or power of the county as they deem necessary.
- (b) *Not to act as attorney.* Pursuant to Wis. Stats. § 59.26, neither the sheriff, any deputy sheriff nor the coroner shall act as attorney in any court, draw or fill up any writ, pleading or proceeding for a party in any action, nor with the intent to be employed in the collection of any demand or the service of any process, advise or counsel any person to commence an action or proceeding.
- (c) *Law enforcement compact.*
 - (1) As provided in Wis. Stats. §§ 66.03(3) and 66.0513, the sheriff is authorized and directed to negotiate with the sheriffs of Wisconsin counties a detailed plan to provide mutual assistance during emergencies of such magnitude that the law enforcement unit of one county finds it impossible to handle.
 - (2) In the event of an emergency as described in subsections (c)(1) of this section and when authorized by the sheriff or his subordinate, members of the sheriff's department shall perform enforcement work and other work related to public health and safety beyond the territorial limits of the county.
 - (3) Whenever county enforcement personnel are assigned to duty beyond the territorial limits of the county under emergency circumstances as provided in this section, the sheriff shall make an appropriate report to the County Administrator as soon as possible thereafter.

- (4) The position of chief deputy shall be a full time position in the Sheriff's Department to replace the undersheriff position. The Chief Deputy shall be appointed by the Sheriff through the normal recruitment process as established by the Chippewa County Human Resources Division. The Chief Deputy may only be removed by the County Board upon a showing of just cause, pursuant to §59.52(8)(b), Wis. Stats., or as amended by the legislature.

(Code 1980, § 5.01; Ord. No. 5-02, § 1, 4-16-2002; Ord. No. 06-14, 05-13-2014)

Sec. 42-2. Sheriff.

- (a) *Election and term.* See section 2-61 for provisions relative to the election and term of the sheriff.
- (b) *Duties.* The sheriff shall perform such duties as are provided by Wis. Stats. § 59.27, and other applicable statutes and ordinances and resolutions.

(Code 1980, § 5.02)

Cross references: Officers and employees, § 2-204 et seq.; sheriff, § 2-214(a) et seq.

(Ord. No. 07-18, 08-14-2018)

Sec. 42-3. Crime laboratory.

Whenever the services of a crime laboratory are necessary, only the state, federal or other noncost laboratories shall be utilized.

(Code 1980, § 5.03)

Sec. 42-4. Reserved.

(Code 1980, § 5.22) (Ord. No. 03-14, 03-11-2014)

Sec. 42-5. Huber prisoners maintenance and Board charges.

- (a) *Authorization for charges.* Pursuant to Wis. Stats. § 303.08, every prisoner who is gainfully employed, who receives unemployment compensation or employment training benefits, while in the custody of the county jail, shall be liable for the actual costs of three meals per day and a per day maintenance charge set by the Board.
- (b) *Payment by prisoners.* The prisoner shall pay the required charges at such times and in such manner as may be determined by the sheriff.
- (c) *Default.* Failure to pay the charges when required shall cause the prisoner's rights under the Huber Law to be automatically forfeited.
- (d) *Adjustment to charges.* The sheriff shall adjust the daily Board charges to reflect, from time to time, the actual meal costs. Subsequent changes in the maintenance charge shall be made by the County Board by amendment to this section.

(Code 1980, § 5.20)

Sec. 42-6. Disposal of abandoned property.

- (a) The sheriff shall be responsible to dispose of all personal property that has been abandoned or which remains unclaimed for a period of 30 days after taking possession of the property by county officers.
- (b) Disposal shall be by public sale or auction at times and dates determined by the sheriff.
- (c) The sheriff shall maintain an inventory of abandoned property identifying the owners, if known, the persons from whom the property was taken or received, the date and place of acquisition and the means of disposal, including the price received therefor. Such inventory shall be kept as a public record for a period of not less than two years from the date of disposal of the property.
- (d) The abandoned property shall be sold to the highest cash bidder at public sale. Notice of such public sale shall be a Class 1 publication in the Chippewa Herald Telegram and by posting notice on no less than three notice boards provided for that purpose. The notice shall state the date, time and place of sale, a description of the property and statement that if the property is not claimed by the lawful owner prior to sale, it will be sold to the highest cash bidder.
- (e) Any person claiming abandoned property shall produce proof thereof and pay a proportionate share of the cost of publishing the notice and, upon payment thereof, shall be entitled to possession of his property.
- (f) Any property remaining unsold may be retained and sold at the next public sale, disposed of by private sale for the best price attainable or may be summarily disposed.
- (g) After deducting the necessary expenses in keeping the property and conducting the sale, all receipts from public or private sales shall be paid to the county treasurer.
- (h) The sheriff's department may safely dispose of any abandoned or unclaimed flammable, explosive or incendiary substances, materials or devices posing a danger to life or property in their storage, transportation or use, immediately after taking possession of the substances, materials or devices, without a public sale. The method of disposal shall be determined by the sheriff or his designee. If any of the substances described in this subsection appear to have been stolen, the sheriff, or his designee, shall attempt to return the substance to its lawful owner, provided immediate disposal is not required for public health and safety.

(Code 1980, § 5.21)

Sec. 42-7. Compensation for contract use of reserve officers.

The hourly wage paid to nonbargaining reserve officers of the county sheriff's department for the provision of security at special events, large assemblies and for all other purposes involving the use of reserve officers, where the county is fully reimbursed for those services, shall be equivalent to the starting hourly wage of a newly hired full-time deputy as set forth in the current governing contract with the Wisconsin Professional Police Association. That wage plus applicable fringe benefits shall be repaid to the sheriff's department by the agency or entity contracting with the sheriff's department.

(Ord. No. 7-02, § 1, 5-14-2002; Ord. No. 5-06, § 1, 7-11-2006)