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2
3 AUTHORIZATION TO PAY LEGAL FEES FOR SWORN OFFICERS AND
4 CORRECTIONAL OFFICERS APPROPRIATELY USING DEADLY FORCE

5
6 WHEREAS Waukesha County trains its sworn officers and correctional officers (COs) in the use
7 of deadly force, and

8
9 WHEREAS Waukesha County expects its sworn officers and COs to use deadly force in the
10 appropriate situation to protect the public and themselves, and

11
12 WHEREAS it is appropriate for the legal authorities and the public to review sworn officers' and
13 COs' use of deadly force, and

14
15 WHEREAS Wisconsin Statute 895.35 gives counties the option of reimbursing a sworn officer
16 or a CO for legal fees incurred in defending him or herself against charges, and

17
18 WHEREAS in many instances it may be in the county's best interest to see that the sworn officer
19 or the CO has competent legal advice for a review by civil authorities, and

20
21 WHEREAS the statute previously referred to gives the county the authority to make the decision
22 to pay legal fees after the matter has been resolved and it has been determined that the sworn
23 officer or CO acted appropriately within the scope of his or her employment as trained and as
24 directed and expected by his or her superiors.

25
26 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
27 ORDAIN that a sworn officer or a correctional officer (CO) employed by the County who is
28 required to use deadly force during the course of his or her employment and does so
29 appropriately shall be allowed not more than \$3500.00 for legal fees for consultation and
30 representation to appropriately answer questions on his or her decision to use deadly force. This
31 authorization for the County to reimburse the sworn officer or CO does not apply to a sworn
32 officer or CO who is under investigation or who has been disciplined by the Department as a
33 result of his or her decision to use deadly force.

34
35 BE IT FURTHER ORDAINED that should it be determined that a sworn officer or CO who is
36 under investigation or who has been disciplined for his or her use of deadly force is found to
37 have acted appropriately, he or she shall be allowed not more than \$3500.00 for legal fees for
38 consultation and representation to appropriately answer questions on his or her decision to use
39 deadly force.

40
41 BE IT FURTHER ORDAINED that the County Board may entertain a request by the sworn
42 officer or CO for more than \$3500.00 if the circumstances warrant it.

AUTHORIZATION TO PAY LEGAL FEES FOR SWORN OFFICERS APPROPRIATELY USING DEADLY FORCE
and Correctional Officers

Presented by:
Personnel Committee

Duane E. Paulson
Duane E. Paulson, Chair

Donald M. Broesch
Donald M. Broesch

Peter Gundrum
Peter Gundrum

Jeff Morris
Jeff Morris

Carl H. Seitz
Carl H. Seitz

Robert G. Thelen II
Robert G. Thelen II

Matt Thomas
Matt Thomas

Approved by:
Finance Committee

Patricia A. Haukohl
Patricia A. Haukohl, Chair

James R. Behrend
James R. Behrend

Donald M. Broesch
Donald M. Broesch

Genia C. Bruce
Genia C. Bruce

Joseph F. Griffin
Joseph F. Griffin

Joe C. Marchese
Joe C. Marchese

Bonnie J. Morris
Michael-Sonntag-Bonnie J. Morris

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: July 25, 2003, Kathy Nickolaus, County Clerk
Returned unsigned 7-29-03

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: _____

Vetoed: _____

Date: _____, _____
Daniel M. Finley, County Executive

Please allow to lapse into law. 7-29-03 D.J.

FISCAL NOTE

and Correctional Officers

**AUTHORIZATION TO PAY LEGAL FEES FOR SWORN OFFICERS[^] APPROPRIATELY
USING DEADLY FORCE**

This ordinance authorizes the County to reimburse legal fees in an amount not to exceed \$3,500 incurred by sworn officers in the course of participating in the review of deadly force incidents by civil authorities. Officers would only be eligible for reimbursement if they have been found to have exercised deadly force appropriately.

There are currently no funds budgeted specifically for this purpose in 2003. Funds can be appropriated in the Corporation Counsel's budget beginning in 2004 for this purpose.

Reimbursements in excess of \$3,500 would require County Board action.



Lawrence M. Dahl
June 9, 2003

File: n:\doa\wpdata\ordin\007.doc

158-0-028

WAUKESHA COUNTY BOARD OF SUPERVISORS

EO 158-39

V

DATE-07/22/03

(ORD) NUMBER-1580028

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....NAY
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....NAY
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....NAY
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-03

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-35