



156 East First Street  
New Richmond, WI 54017  
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**February 19, 2018**

**TO ALL MEMBERS OF THE PUBLIC SAFETY COMMITTEE:**

**Scottie Ard  
Jim Jackson  
Ron Volkert**

**There will be a meeting of the Public Safety Committee on Thursday, February 22, 2018, at 4:30 p.m. in the ED Lab of the Civic Center, 156 East First Street, New Richmond.**

**Agenda:**

- 1. Roll Call**
- 2. Adoption of Agenda**
- 3. Approval of minutes from the previous meeting, December 21, 2017**
- 4. HR 218 Follow-Up**
- 5. Lexipol Update**
- 6. X-tinguish FST**
- 7. Communications and Miscellaneous**
- 8. Adjournment**

**Mike Darrow  
City Administrator**

**Copies:**

**Fred Horne  
Jim VanderWyst  
Northwest Community Communications  
Matt Melby**

**Craig Yehlik  
The News  
City of New Richmond Website**

A majority of the members of the New Richmond City Council may be present at the above meeting.

Pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2<sup>nd</sup> 408 (1993) such attendance may be considered a meeting of the City Council and must be noticed as such, although the Council will not take action at this meeting.

**PUBLIC SAFETY COMMITTEE MEETING**  
**December 21, 2017**

Members Present: Scottie Ard and Ron Volkert

Members Absent: Jim Jackson

Others Present: Craig Yehlik and Lori Brinkman

Scottie Ard called the meeting to order at 4:30 p.m. Roll call was taken.

Ron Volkert moved to adopt the agenda as presented, seconded by Scottie Ard and carried.

Scottie Ard moved to approve the minutes from the previous meeting of September 19, 2017, seconded by Ron Volkert and carried.

**K-9 Update**

Police Chief Craig Yehlik gave an update on the K-9 dog and handler; he stated they are doing well and are working with a St. Paul handler once a week. Chief Yehlik mentioned that St. Croix County Officer Josh Stenseth has been a big help during this process. The official K-9 training will begin in March with graduation taking place the last Thursday in May at the St. Paul Police Department K-9 facility. The public is welcome to attend. Scottie Ard suggests a press release prior to the graduation.

**K-9 Memorandum of Agreement**

Chief Yehlik explained labor issues that arise from having a K-9 including time worked by the handler outside normally scheduled work hours. There are federal standards for paying the K-9 handler for dog maintenance and care on off-duty days. The K-9 handler and Lieutenant Veronica Koehler have been working on a draft Memorandum of Agreement that has been reviewed and approved by the Union. The document was then reviewed by New Richmond Labor Attorney Steve Zack. Chief Yehlik explained an addendum to the current contract. The revised Memorandum of Agreement was presented to the Public Safety Committee. Much discussion followed. Scottie Ard voiced her concern about only paying the K-9 handler for 30 minutes of dog care per day. Chief Yehlik explained the K-9 handler will take the K-9 vehicle to and from work which is used as additional compensation. Scottie suggested revisiting the dog care time after six months to see if it's adequate. There was discussion about the K-9's end of service life. Chief Yehlik will research other agencies end of life costs/procedures/policies and will bring his findings back to a future meeting.

Scottie Ard made a motion to approve the Memorandum of Agreement, seconded by Ron Volkert and carried.

**K-9 Draft Policy**

Chief Yehlik explained the agency is working on the draft K-9 policy. They have been working with other area jurisdictions and with the policy company Lexipol. The Public Safety Committee reviewed and discussed the draft K-9 policy. Chief Yehlik would like the K-9 kept for City calls only. He said the K-9 handler and K-9 will assist other agencies in life or death situations only. Scottie would like to see language added to the policy for outside agency requests. Craig will look into possible training from Lexipol for the K-9 handler.

Scottie Ard made a motion to accept the draft policy and submit it to Lexipol for final review, seconded by Ron Volkert and carried.

### **Review of Pursuit Policy**

Chief Yehlik explained the New Richmond Police Department has a pursuit policy in place and the State requires the policy be reviewed at least once every two years. Chief Yehlik requested a change to paragraph 308.8.1 – WHEN USE IS AUTHORIZED as follows: Remove the “Use of pursuit intervention tactics should be employed only after approval of a Department Supervisor,” and replace it with “When time permits, Officers should seek Supervisor approval prior to the use of pursuit intervention tactics.”

Scottie Ard made a motion to approve the wording change in paragraph 308.8.1 as outlined above, seconded by Ron Volkert and carried.

Scottie Ard made a motion to approve the full Pursuit Policy, seconded by Ron Volkert and carried.

### **Labor Dispute Policy**

Chief Yehlik stated the New Richmond Police Department is reviewing all policies to make sure they apply to how the Police Department currently operates. Chief Yehlik asked the Committee if they want to see all policies or only ones they are recommending changes for. Scottie Ard suggested the Committee view any language changes that directly affect officers in the field. She further suggested listing policies as consent agenda items at City Council meetings, unless there are suggested language changes (similar to above).

### **HR218 Ordinance Review**

Chief Yehlik stated the New Richmond Police Department continues to work on the HR218 Ordinance to define the “member in good standing” phrase. Attorney Nick Vivian is in the process of writing a proposed ordinance for the Committee to review.

Scottie Ard made a motion to table the discussion on HR218 until the Committee receives the ordinance from Nick Vivian, seconded by Ron Volkert and carried.

### **Communication/Miscellaneous**

Scottie Ard mentioned a minor wording change in the Preparation for Deployment section of the K-9 Policy: under item (e), change the “in” to “if”.

In light of the recent student deaths in the New Richmond School District, Chief Yehlik found a group called “Rise Together” that works with anger/sadness issues that arise from these situations. He will look into bringing the group to New Richmond for a presentation.

Chief Yehlik mentioned a possible future K-9 fundraising event after visiting the Bentleyville light show in Duluth having to do with a Naughty & Nice list. This could be incorporated into the holiday parade/events. Chief Yehlik suggested it to Rob at the Chamber of Commerce who liked the idea.

Scottie Ard moved to adjourn the meeting, seconded by Ron Volkert and carried.

Meeting adjourned at 5:38 p.m.

Minutes by Lori Brinkman



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## MEMORANDUM

**TO:** Public Safety Committee  
**FROM:** Craig Yehlik, Chief of Police  
**DATE:** February 22, 2018  
**SUBJECT:** HR 218 follow up

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### Background

Some retirees from the New Richmond Police Department have expressed interest in the HR 218 concealed carry permit that is in essence good across the country from retirees that are in good standing. At the last PSC meeting members inquired about what the potential cost may be, and what the kind of classroom and range requirements would be in place. Also brought up was the "member in good standing" language, which ultimately refers to the Code of Conduct policy.

In talking with Nick Vivian he has previously agreed that our policy on the retirees (HR218) carrying concealed is sufficient and meets state statute etc. Upon closer inspection the policy references the NRPD code of conduct policy. In actuality the policy referenced is simply titled "conduct" policy so Nick Vivian's officer recommends a few changes to make things match. Attorney Nick Vivian and his staff have also indicated that if we follow our policy and state statute that the City does not accept any additional liability.

I have attached the policy with recommended changes attached.

I have also attached the state mandated course of fire which is 44 rounds. Lead firearms instructor Jason Noel has also provide a sample written test that would be required with 100% accuracy required with remediation training.

The cost would/could be split among the retirees. We would expect the yearly training to be 2 hours with overtime costs for the instructors split between candidates. I would expect four total instructor hours per year which would equate to approximately \$400 per shoot divided among the retirees in attendance.

## Action

Since our policy has always indicated that this is an option and previous administration has simply chosen not to offer this to retirees it is recommended that we move forward with the minor language change from "Code of Conduct" to "conduct policy" and begin to offer retirees the opportunity to qualify under the current policy and state statutes with all costs to be passed on to retirees.

## Administration of Qualification Course

### Qualified Instructor

Instructors/evaluators must possess current Handgun instructor certification from the Law Enforcement Standards Board.<sup>4</sup> These materials are LESB curriculum and require LESB instructor certification to be recognized.

### Procedures

Academy students must qualify using a law enforcement handgun, duty belt and holster as typically worn by patrol officers and issued or approved by their academy. The qualification exam may be administered to the recruit class at anytime deemed appropriate by the lead instructor, as long as it occurs during the Firearms unit. Students must successfully qualify to pass the Firearms unit.

Employed officers should qualify using their normal carry weapon and holster. For example, a patrol officer carrying a Glock 22 in a Safariland 6070 holster will qualify using that pistol and that fully-secured duty holster. It would be inappropriate for the officer to substitute a different handgun or holster, or qualify with an unsnapped or partially-unsecured holster.

Retirees should qualify using their normal carry weapon and a safe belt holster.<sup>5</sup>

### Equipment Requirements

Minimum equipment to perform these qualification courses:

- 25-yard range
- One target stand and target per shooter
- Portable “cover”
- Timer
- Standard range equipment (safety glasses, protective vest, hearing protection, etc.)

### Required Target

Agencies shall use any one of the following targets:

1. WisDOJ qualification target, available from commercial vendors.<sup>6</sup>
2. IALEFI photo target, 23”x35”, with addition of vertical 3”x14” CNS box (just above eyebrows through sternum area) and horizontal line across target at bottom of chest circle.
3. Any life-size photo target with target zones of 4½” diameter (head), 3”x14” (CNS), 8” diameter (chest), and short “bowling pin” (5½” head zone tapering to 12½” wide chest zone, 17” high).

### Ammunition

Pre-employed academy students shall use ammunition provided or approved by their academy. Recruits employed by a law enforcement agency should discuss this course with their agency to learn whether the agency requires a certain type of ammunition be used during this course.

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<sup>4</sup> Instructor certification status should be confirmed using WILENET’s “Instructor Status Verification” feature.

<sup>5</sup> A belt holster is required for safe range operation, even though the retiree may choose to carry the weapon in another manner at other times.

<sup>6</sup> Approved: [www.letargets.com](http://www.letargets.com) #WISC-DOJ12; [www.targets.net](http://www.targets.net) #WI-DOJ; [www.targetsonline.com](http://www.targetsonline.com) #7221310; [www.omahatargets.com](http://www.omahatargets.com) #WI-DOJ.

Active law enforcement agencies are encouraged to use the duty ammunition carried since the officer's last qualification, and then replace that old ammunition with fresh duty ammunition.

### Safety Plan

Following standard practices, the lead instructor should develop a written range safety plan, detailing at least the following information and practices:

- “Hot” or “cold” range policies, i.e. when and where handguns may be loaded, unloaded, and removed from holsters.
- Range procedures and commands.
- First-aid kit and medical mishap plan to be followed in medical emergencies.

### Pass/Fail Criteria

The shooter must meet all of the standards—time, accuracy, and universal standards—to pass the course. Time and accuracy standards are detailed in the course. The time limits are measured from the “start” signal to the last shot fired in the stage.

“Universal standards” are described below. Failure to adhere to universal standards at all times during the course is cause for failure, regardless of the shooter's time and accuracy.

### Universal Standards

The shooter must consistently perform all of the following to qualify:

- Handgun is always handled in a safe manner.
  - Trigger finger is on frame outside trigger guard at all times, except when firing.
  - Weapon is always pointed in an appropriate direction and never sweeps the officer or others.
- Proper draw.
  - Does not sweep reaction hand, self, or others during the draw.
  - Punches gun straight out towards target.
- Exhibits acceptable stance and firm, high grip.
- Verbalizes appropriately/as directed.
- Uses cover effectively whenever it is available.
  - Moves towards cover and/or sidesteps while drawing.
  - Maintains at least one arm's length distance from cover/does not “crowd” cover.
  - Uses cover to protect self as much as possible.
- Maintains peripheral view of suspect when reloading or clearing a malfunction.
- Performs autogenic breathing and a 360-degree scan for additional threats following each string. Does not reholster until completion of 360-degree scan.
- Uses one hand to reholster. Does not sweep self or others and does not look at the holster.
- Safely and appropriately follows all range directions and instructor commands.

### Scoring

Rounds touching a scoring line get the higher value. Rounds fired past any time limit are scored as a shot that hit outside target zone “D”.

## Qualification Course

Stage	Time & Distance	Performance Standard	Target Zone	Total Rounds
1	3 yards 4.0 seconds	Dynamically take one side-step, draw and fire 3 rounds. Perform twice, side-stepping right once and left once.	C	6
2	3 yards 4.0 seconds	Draw and fire 3 rounds, strong hand only. Perform twice.	C	6
<i>Score target. All 12 rounds must be in the "C" zone. Mark hits or replace target.</i>				
3	3 yards 4.0 seconds	Draw handgun and transfer to reaction hand (untimed). Upon signal, fire 3 rounds, reaction hand only. Perform twice.	C	6
4	7 yards 12.0 sec	Load pistol with 3 rounds total (1 in chamber, 2 in mag). Take one side-step to cover, verbalize, draw and fire 4 rounds, performing out-of-battery reload. Perform twice. <sup>8</sup>	C	8
5 <sup>9</sup>	7 yards 10.0 seconds	Load pistol with 4 live rounds and 1 dummy round. (1 live round in chamber; at least 3 live rounds in magazine; dummy round as the top or 2 <sup>nd</sup> round in the magazine). Take one side-step to cover, verbalize, draw and fire 4 rounds. Fix the malfunction using "phase 1". <sup>10</sup>	C	4
6	7 yards 24.0 seconds	Load pistol with 1 live round in chamber and 3 dummy rounds in the pistol's magazine. Take at least one side-step to cover, verbalize, draw and fire 2 rounds. Attempt to fix the first malfunction using "phase 1"; perform "phase 2" when the 2 <sup>nd</sup> attempt to fire shows "phase 1" was ineffective. <sup>11</sup>	C	2
<i>Score newly-fired rounds. At least 16 rounds must be in the "C" zone. Mark hits or replace target.</i>				
7 <sup>12</sup>	15 yards 24.0 seconds	From ready position behind cover, fire 4 pairs of 2 rounds from behind cover, using four different cover positions for each string (standing left, standing right, kneeling left, kneeling right, in shooter's preferred order). Perform in-battery reload (untimed). Draw weapon then assume preferred shooting position (untimed). Upon signal, fire 4 rounds.	D	8
8	25 yards 20.0 seconds	Draw weapon then assume preferred shooting position (untimed). Upon signal, fire 4 rounds.	D	4
<i>Score newly-fired rounds. At least 10 rounds must be in the "D" zone.</i>			Total Rounds:	44

<sup>8</sup> Revolver shooters: load with 3 rounds; when revolver "clicks" on 4<sup>th</sup> trigger pull, reload with speedloader and fire 1 round; time limit = 15.0 seconds.

<sup>9</sup> Eliminating this stage could be an appropriate modification for agency annual qualification requirements, if the instructor can confirm the phase 1 clear is properly performed in stage 6 (13 of 16 possible C-zone hits required).

<sup>10</sup> The time limit is measured from the "start" signal to the final shot fired after the malfunction is cleared. Revolver shooters: skip this stage.

<sup>11</sup> The time limit is measured from the "start" signal to the final shot fired (from a spare magazine) after the malfunction is cleared. Revolver shooters: load with 3 rounds; when revolver "clicks" on 4<sup>th</sup> trigger pull, reload with speedloader and fire 1 round; time limit = 15.0 seconds.

<sup>12</sup> Agencies performing annual qualification requirements may change this to, "...using at least two different cover positions..." and/or replace the phases's total time with two second exposure limits for each of the four pairs of rounds. Revolver shooters requiring a reload: complete this stage in 29.0 seconds, including any necessary reload.

# Record of Handgun Qualification Attempt

OFFICER/STUDENT NAME:	LESB INSTRUCTOR NAME:		
AGENCY/ACADEMY NAME:	DATE:	TIME:	<input type="checkbox"/> TEST <input type="checkbox"/> RETEST
LOCATION:	WEAPON MAKE & MODEL:	SERIAL NUMBER:	AMMO TYPE:

<b>ACHIEVED UNIVERSAL STANDARDS (ALL REQUIRED TO QUALIFY):</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Always handles handgun safely.</li> <li><input type="checkbox"/> Performs proper draw and re-holster.</li> <li><input type="checkbox"/> Uses acceptable stance &amp; grip.</li> <li><input type="checkbox"/> Verbalizes correctly.</li> <li><input type="checkbox"/> Uses cover to protect self as much as possible.</li> <li><input type="checkbox"/> Uses tactical breathing &amp; performs 360-degree scan following every shooting.</li> <li><input type="checkbox"/> Consistently follows range rules &amp; instructor commands.</li> </ul>	<b>INSTRUCTOR SIGNATURE:</b>  <b>INSTRUCTOR'S LESB HANDGUN INSTRUCTOR CERTIFICATION EXPIRATION DATE:</b>
<b>ACHIEVED ALL ACCURACY AND TIME STANDARDS:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>INSTRUCTOR NOTES:</b>  <b>ACCURACY STANDARDS:</b> <ul style="list-style-type: none"> <li>• Must have 12/12 rounds in upper chest and/or center head (target zone C)</li> <li>• Must have 16/20 rounds in upper chest and/or center head (target zone C)</li> <li>• Must have 10/12 rounds in silhouette (target zone D)</li> </ul>

## **Appendix A - Certificate of Qualification for LEOSA/HR218**

The document shown on the next page illustrates the qualification certificate that LESB-certified Firearms instructors shall issue to former law enforcement officers requesting documentation of successful qualification for the purposes of § 175.49, obtaining a certification card.

This template is available for download from the Firearms portion of WILENET's Training Center by LESB-certified instructors.

**[Instructor Name]**  
certifies that

***[Retiree Name]***

successfully qualified on the

Law Enforcement Standards Board  
Minimum Standards Handgun Qualification Course

conducted on [Month] [Day], [Year]  
at the [Facility Name], [Facility Address], [City], WI [ZIP]

using a [Caliber] [Handgun Brand] [Handgun Model], serial number [serial number]

[Original instructor signature here]

*I affirm, in accordance with § 175.49 of the Wisconsin Statutes, that:*

- (1) I tested this individual on the qualification course specified by the Law Enforcement Standards Board; AND*
- (2) I am certified by the Law Enforcement Standards Board as a Firearms Instructor; AND*
- (3) This individual successfully qualified with the weapon specified above; AND*
- (4) The information on this certificate is true and complete to the best of my knowledge.*

This certificate, combined with a "retired" ID card, is not sufficient for carry under LEOSA/HR218.  
This certificate is proof of qualification for agencies to issue a LEOSA/HR218 certification card.

Instructor Name  
Instructor Agency or Tech College  
Mailing Address  
City, WI 5xxxx  
(xxx) xxx-xxxx

**Test for Definition of Deadly Force Update 2017/2018**

**New Richmond Police Department**

**Requires 100%**

Name (first, last):

Date:

1. What is the updated definition of law enforcement use of deadly force?
  - a.) The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.
  - b.) The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
  - c.) Behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
  - d.) The officer reasonable believes all other options have been exhausted or would be ineffective.
  
2. Has the justification of deadly force changed?
  - a.) Yes
  - b.) No
  
3. Imminent threat criteria (or justification) used by law enforcement is/are: **Circle all that apply.**
  - a.) Weapon
  - b.) Intent
  - c.) Delivery System
  
4. What is the purpose of the updated definition? **Circle all that apply**
  - a.) To remove inconsistency between our definition and state statutes.
  - b.) To remove inconsistency between our definition and jury instructions.
  - c.) To remove inconsistency between our definition and inquest instructions.
  - d.) To remove inconsistency between our definition and case law from the Federal 7<sup>th</sup> Circuit Court.
  
5. What is the definition of "great bodily harm" under Wis. Stat. SS 939.22(14)?
  - a.) Bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a petechia; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth
  - b.) Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.
  - c.) Bodily injury which creates physical pain or injury, illness or any impairment of physical condition.

6. *Graham v. Connor* lays out three factors that help determine whether an officer's use of force was objectively reasonable. What are the three factors specifically laid out by the U.S. Supreme Court?

- a.) The severity of the crime at issue.
- b.) Whether the suspect poses an immediate threat to the safety of the officers or others.
- c.) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- d.) Whether the identity of the suspect is known to the officers.
- e.) Whether the suspect may be apprehended at a later time.

7. Does a law enforcement officer's use of the baton, when used as trained within the DAAT curriculum qualify as deadly force?

- a.) Yes
- b.) No

8. A law enforcement officer intentionally swings a baton at a suspect's head. Has the officer employed deadly force?

- a.) Yes
- b.) No

9. A suspect takes an officer's Baton and uses it to attack the officer. Could the suspect's actions constitute deadly force? *Circle all that apply*

- a.) Yes, because the suspect does not share the same constraints and motivation as a law enforcement officer.
- b.) Yes, because it is reasonable to believe a suspect with a weapon intends to use it to its greatest effect.
- c.) No, because you cannot reasonably infer the suspect's intent based on the suspect's actions.

10. *Tennessee v. Garner* justifies the use of deadly force to apprehend a suspect who poses no immediate threat to the officer and no threat to others.

- a.) True
- b.) False

## 208.1 PURPOSE AND SCOPE

Federal

The purpose of this policy is to outline the legal authority for retired and former law enforcement officers meeting certain criteria to carry concealed weapons and to provide guidelines associated with the issuance of a firearms qualification certificate to a qualified former New Richmond Police Department officer (Law Enforcement Officer Safety Act Improvements Act of 2010 (LEOSA), 18 USC § 926C; Wis. Stat. § 175.48 et seq.; Wis. Stat. § 941.23).

### 208.1.1 DEFINITIONS

Federal

MODIFIED

Definitions related to this policy include:

**Certification card** - A card complying with Wis. Stat. § 175.49 indicating:

- The card holder has met the standards for qualification in firearms training for active law enforcement officers to carry a firearm established by the Law Enforcement Standards Board (LESB).
- The qualification was conducted by a certified LESB firearms instructor.
- The type of firearm the qualified former law enforcement officer is certified to carry.
- The date of the qualification and an expiration date of the certification (12 months later).
- A statement that the issued person meets the criteria of a qualified former law enforcement officer under Wis. Stat. § 175.49.
- The qualified former law enforcement officer's full name, birth date, residence address, photograph, physical description (including sex, height and eye color), and the name of our state.
- A statement that the certification card does not confer any law enforcement authority on the certification card holder and does not make the holder an employee or agent of this department.

The certification card may not contain the cardholder's social security number.

**Good standing** - For purposes of this policy, an individual shall be deemed to have separated or retired in good standing, unless at the time of separation or retirement:

- 1) The employee was subject to an adverse action resulting from a substantiated claim of misconduct;
- 2) There was a determination made or action initiated to remove, or proposing to remove the employee from employment;
- 3) There was an investigation or un-adjudicated charge of misconduct against the employee for any violation of criminal laws or the New Richmond Police Department's Code of Conduct;
- 4) The employee was the subject of a pending psychological fitness for duty evaluation or had been found to not be fit for duty based on psychological reasons.

**Proof of qualification** - State-approved documentation evidencing a person has successfully completed a handgun qualification course as adopted by the Law Enforcement Standards Board (LESB) and conducted by a firearms instructor that is LESB-certified.

**Qualified former law enforcement officer** - An individual (including a former federal law enforcement officer) who meets the criteria of Wis. Stat. § 175.49 in that he/she:

- Separated from this Department in good standing as a law enforcement officer.
- Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of a person for any violation of law and had statutory powers of arrest while serving as a law enforcement officer.
- Before such separation, had regular employment as a law enforcement officer for a total of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after any applicable probationary period due to a service-connected disability as determined by the Department.
- Has not been disqualified to be a law enforcement officer for reasons related to mental health.
- Has not entered into an agreement upon separation from the Department acknowledging that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- Is not prohibited by federal law from possessing a firearm.
- During the previous twelve (12) months, at his or her own expense, been found by the LESB or a certified firearms instructor to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm.

## 208.2 POLICY

State

It is the policy of the New Richmond Police Department to facilitate compliance with federal and state law by providing a certification card when appropriate.

## 208.3 CERTIFICATION CARD

State  
MODIFIED

If a qualified former law enforcement officer who was employed by the New Richmond Police Department provides the appropriate proof of qualification, the Department shall provide him/her with a certification card (Wis. Stat. § 175.49).

Prior to issuance of the certificate, the Department will conduct criminal and local agency background checks, including a check for convictions, wants or warrants, and any active court order (TIME/NCIC), to determine if the applicant is prohibited by state or federal law to possess or carry firearms, and will ensure that all other federal and state statutory requirements, including those related to firearms qualification, are met.

### 208.3.1 FEES

Best Practice  
MODIFIED

The Department may charge a fee to verify eligibility for a certification card or for the renewal of a certification card. The fee will not exceed the costs the Department incurs in verifying eligibility or for issuing or renewing a certification card (Wis. Stat. § 175.49).

### 208.3.2 CARD REVOCATION

#### Best Practice

If the Department becomes aware that a person who was issued a certification card no longer meets all of the requirements for the card, the Department will send a letter to the cardholder indicating that he/she is no longer authorized to possess the card, and may not be authorized under authority of state law to carry a concealed weapon as a former law enforcement officer. The Department will also request that the card be returned to the agency within a specified period of time. If the card is not returned, the Department should consult with its attorney to determine what further action, if any, should be taken.

### 208.4 AUTHORITY TO CARRY CONCEALED FIREARM

#### Federal

Qualified former law enforcement officers who meet the applicable requirements and who carry a current certification card may be authorized to carry a concealed firearm in Wisconsin and other states (18 USC § 926C; Wis. Stat. § 941.23).

However, it is the sole responsibility of qualified former law enforcement officers who have been issued an identification card or certification card to be familiar with and follow all related local, state and federal firearm laws, including but not limited to:

- a. The Law Enforcement Officers Safety Act Improvements Act of 2010 (18 USC § 926C)
- b. State of Wisconsin concealed weapon laws (Wis. Stat. § 175.48; Wis. Stat. § 175.49; Wis. Stat. § 941.23)
- c. Self-defense and defense of others (Wis. Stat. § 939.48)
- d. Defense of property and protection against retail theft (Wis. Stat. § 939.49)
- e. Endangering the safety of others by use of a firearm (Wis. Stat. § 941.20)
- f. Carrying a firearm in a public building (Wis. Stat. § 941.235)
- g. Carrying a firearm where alcohol beverages are sold and consumed (Wis. Stat. § 941.237; Wis. Stat. § 941.23; 18 USC § 926C).

In determining whether a former law enforcement officer is legally carrying a concealed firearm, officers should determine whether the person may be authorized under either federal law or state law, or both, to carry the concealed weapon.

### 208.5 PROHIBITION

#### Federal

No former law enforcement officer may be certified to carry a machine gun, a firearm silencer or a destructive device as defined in 18 USC § 926C, Wis. Stat. 175.49, and related statutes.

### 208.6 IDENTIFICATION CARDS

#### State

## MODIFIED

The Department will not require an Officer to relinquish his/her photographic identification card when the Officer separates from service with the New Richmond Police Department, unless at least one of the criteria outlined in Wis. Stat. § 175.48(2) applies.

## 208.1 PURPOSE AND SCOPE

Federal

The purpose of this policy is to outline the legal authority for retired and former law enforcement officers meeting certain criteria to carry concealed weapons and to provide guidelines associated with the issuance of a firearms qualification certificate to a qualified former New Richmond Police Department officer (Law Enforcement Officer Safety Act Improvements Act of 2010 (LEOSA), 18 USC § 926C; Wis. Stat. § 175.48 et seq.; Wis. Stat. § 941.23).

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- The qualification was conducted by a certified LESB firearms instructor.
- The type of firearm the qualified former law enforcement officer is certified to carry.
- The date of the qualification and an expiration date of the certification (12 months later).
- A statement that the issued person meets the criteria of a qualified former law enforcement officer under Wis. Stat. § 175.49.
- The qualified former law enforcement officer's full name, birth date, residence address, photograph, physical description (including sex, height and eye color), and the name of our state.
- A statement that the certification card does not confer any law enforcement authority on the certification card holder and does not make the holder an employee or agent of this department.

The certification card may not contain the cardholder's social security number.

**Good standing** - For purposes of this policy, an individual shall be deemed to have separated or retired in good standing, unless at the time of separation or retirement:

- 1) The employee was subject to an adverse action resulting from a substantiated claim of misconduct;
- 2) There was a determination made or action initiated to remove, or proposing to remove the employee from employment;
- 3) There was an investigation or un-adjudicated charge of misconduct against the employee for any violation of criminal laws or the New Richmond Police Department's Code of Conduct;
- 4) The employee was the subject of a pending psychological fitness for duty evaluation or had been found to not be fit for duty based on psychological reasons.

**Proof of qualification** - State-approved documentation evidencing a person has successfully completed a handgun qualification course as adopted by the Law Enforcement Standards Board (LESB) and conducted by a firearms instructor that is LESB-certified.

**Qualified former law enforcement officer** - An individual (including a former federal law enforcement officer) who meets the criteria of Wis. Stat. § 175.49 in that he/she:

- Separated from this Department in good standing as a law enforcement officer.
- Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of a person for any violation of law and had statutory powers of arrest while serving as a law enforcement officer.
- Before such separation, had regular employment as a law enforcement officer for a total of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after any applicable probationary period due to a service-connected disability as determined by the Department.
- Has not been disqualified to be a law enforcement officer for reasons related to mental health.
- Has not entered into an agreement upon separation from the Department acknowledging that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- Is not prohibited by federal law from possessing a firearm.
- During the previous twelve (12) months, at his or her own expense, been found by the LESB or a certified firearms instructor to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm.

## 208.2 POLICY State

It is the policy of the New Richmond Police Department to facilitate compliance with federal and state law by providing a certification card when appropriate.

## 208.3 CERTIFICATION CARD State MODIFIED

If a qualified former law enforcement officer who was employed by the New Richmond Police Department provides the appropriate proof of qualification, the Department shall provide him/her with a certification card (Wis. Stat. § 175.49).

Prior to issuance of the certificate, the Department will conduct criminal and local agency background checks, including a check for convictions, wants or warrants, and any active court order (TIME/NCIC), to determine if the applicant is prohibited by state or federal law to possess or carry firearms, and will ensure that all other federal and state statutory requirements, including those related to firearms qualification, are met.

## 208.3.1 FEES Best Practice MODIFIED

The Department may charge a fee to verify eligibility for a certification card or for the renewal of a certification card. The fee will not exceed the costs the Department incurs in verifying eligibility or for issuing or renewing a certification card (Wis. Stat. § 175.49).

### 208.3.2 CARD REVOCATION

#### Best Practice

If the Department becomes aware that a person who was issued a certification card no longer meets all of the requirements for the card, the Department will send a letter to the cardholder indicating that he/she is no longer authorized to possess the card, and may not be authorized under authority of state law to carry a concealed weapon as a former law enforcement officer. The Department will also request that the card be returned to the agency within a specified period of time. If the card is not returned, the Department should consult with its attorney to determine what further action, if any, should be taken.

### 208.4 AUTHORITY TO CARRY CONCEALED FIREARM

#### Federal

Qualified former law enforcement officers who meet the applicable requirements and who carry a current certification card may be authorized to carry a concealed firearm in Wisconsin and other states (18 USC § 926C; Wis. Stat. § 941.23).

However, it is the sole responsibility of qualified former law enforcement officers who have been issued an identification card or certification card to be familiar with and follow all related local, state and federal firearm laws, including but not limited to:

- a. The Law Enforcement Officers Safety Act Improvements Act of 2010 (18 USC § 926C)
- b. State of Wisconsin concealed weapon laws (Wis. Stat. § 175.48; Wis. Stat. § 175.49; Wis. Stat. § 941.23)
- c. Self-defense and defense of others (Wis. Stat. § 939.48)
- d. Defense of property and protection against retail theft (Wis. Stat. § 939.49)
- e. Endangering the safety of others by use of a firearm (Wis. Stat. § 941.20)
- f. Carrying a firearm in a public building (Wis. Stat. § 941.235)
- g. Carrying a firearm where alcohol beverages are sold and consumed (Wis. Stat. § 941.237; Wis. Stat. § 941.23; 18 USC § 926C).

In determining whether a former law enforcement officer is legally carrying a concealed firearm, officers should determine whether the person may be authorized under either federal law or state law, or both, to carry the concealed weapon.

### 208.5 PROHIBITION

#### Federal

No former law enforcement officer may be certified to carry a machine gun, a firearm silencer or a destructive device as defined in 18 USC § 926C, Wis. Stat. 175.49, and related statutes.

### 208.6 IDENTIFICATION CARDS

#### State



## Conduct

### 322.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the New Richmond Police Department and are expected of its employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning employee conduct. Department Employees are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the employees supervisors.

This policy applies to all New Richmond Police Department Employees.

### 322.2 POLICY

The continued employment of every employee of the New Richmond Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

#### 322.2.1 LAWFUL ORDERS

Employees shall comply with lawful directives and orders from any Department Supervisor or person in a position of authority absent a reasonable and bona fide justification.

An employee who believes any written or verbal order to be unlawful or in conflict with another order shall:

- (a) Immediately inform the Supervisor issuing the order, the Lieutenant or Chief of Police of the conflict or error of the order.
- (b) Provide details explaining the grounds for the belief of the conflict or error of the order.
- (c) Request clarification, guidance and direction regarding following the order.
- (d) Request the order in writing should the conflict or error be unresolved.
- (e) Respectfully inform the Supervisor if he/she intends to disobey what he/she reasonably believes to be an unlawful order.

An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.

### 322.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

Employees shall conduct themselves, whether on- or off-duty, in accordance with the Constitution of the United States, the Wisconsin Constitution and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

# New Richmond Police Department

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- (d) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (e) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (f) Acceptance of fees, gifts or money contrary to the rules of the Department and/or laws of the state.
- (g) Criminal, dishonest or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
- (h) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the Department Employee knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
- (i) Offer or acceptance of a bribe or gratuity.
- (j) Substantiated, active, continuing association on a personal rather than official basis with persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (k) Misappropriation or misuse of public funds, property, personnel or services.
- (l) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (m) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (n) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (o) Engaging in horseplay which reasonably could result in injury or property damage.
- (p) Unauthorized possession of, loss of, or damage to Department property or the property of others, or endangering it through carelessness or maliciousness.
- (q) Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities resulted in contact with any other Law Enforcement Agency or that may result in criminal prosecution or discipline.
- (r) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

# New Richmond Police Department

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### Conduct

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- (i) Failure to disclose or misrepresenting material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.
- (j) Failing to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a Department Supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any Department-related business.
- (k) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the Chief of Police.
- (l) The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose.
- (m) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (n) Attempted or actual theft of Department property, misappropriation or misuse of public funds, property, personnel or services or the property of others, or the unauthorized removal or possession of Department property or the property of another person.
- (o) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (p) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on Department premises
  - 2. At any work site, while on-duty or while in uniform, or while using any Department equipment or system
  - 3. Gambling activity undertaken as part of an Officer's official duties and with the express knowledge and permission of the Chief of Police or Lieutenant is exempt from this prohibition
- (q) Improper political activity including unauthorized attendance while on-duty at official legislative or political sessions. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property or while in any way representing him/herself as a member of this Department, except as expressly authorized by the City policy, the collective bargaining agreement or the Chief of Police.
- (r) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement or the Chief of Police.

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### *Conduct*

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- (a) Failure to take appropriate action to ensure that Department Employees adhere to the policies and procedures of this Department and that the actions of all employees comply with all laws.
- (b) Failure to report in a timely manner any known misconduct of an employee to the Chief of Police or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a Department Supervisor toward any employee for malicious or other improper purpose.



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## MEMORANDUM

**TO:** Public Safety Committee  
**FROM:** Craig Yehlik, Chief of Police  
**DATE:** February 22, 2018  
**SUBJECT:** Lexipol Update

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### Background

At the December 2017 Public Safety Committee meeting members asked for a demonstration of Lexipol and what it offers and provides for New Richmond Police Department.

Chief Yehlik will bring a computer and show Lexipol, daily training bulletins and give a quick demonstration of its use.

No action needed



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## MEMORANDUM

**TO:** Public Safety Committee

**FROM:** Craig Yehlik, Chief of Police

**DATE:** February 22, 2018

**SUBJECT:** X-tinguish FST

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### Background

Recently and in light current events Chief Yehlik and Chief VanderWyst have been working in cooperation with the City to provide a cutting edge tool for fire fighting, utilizing first responders within the City to help combat structure fires which saves human and pet lives, property damage, evidence and makes a fire scene safer for all involved.

The City has recently purchased a number of X-tinguish fire suppression tools to be put in first responder vehicles. Chief Yehlik will provide a video and have a unit at the meeting for inspection.

Informational purpose only.