



156 East First Street
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September 15, 2017

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 Tuesday, September 19, 2017, at 4:00 p.m. in the ED Lab at the Civic Center, 156 East First Street, New Richmond, WI.

Agenda:

- 1. Roll Call**
- 2. Adoption of Agenda**
- 3. Approval of the Minutes from the previous meeting on July , 2017**
- 4. Narcan**
- 5. Retirees Credentials/ID Card and HR218 Information**
- 6. Baton Update & Action**
- 7. Traffic Tamers Update**
- 8. Communications and Miscellaneous**
- 9. 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. 2nd 408(1993) such attendance may be considered a meeting of the City Council and must be notices as such, although the Council will not take action at this meeting.

PUBLIC SAFETY COMMITTEE MEETING
July 11, 2017

Members Present: Scottie Ard, Ron Volkert, and Jim Jackson

Others Present: Craig Yehlik, Mike Darrow, Jim VanderWyst, Matt Melby, Lori Brinkman, Wanda Viellieux, Deb Iverson.

Scottie Ard called the meeting to order at 5:00 p.m. Roll call was taken.

Jim Jackson moved to adopt the agenda as presented, seconded by Scottie Ard and carried.

Jim Jackson moved to approve the minutes from the previous meeting of March 8, 2017, seconded by Ron Volkert and carried.

Traffic Control Demonstration

Fire Chief Jim Vanderwyst discussed the Fire Department's traffic control procedures at accident scenes. This is the order of setup at accident scenes:

- 1) Scene security
- 2) Incident command
- 3) Rescue
- 4) Fire Protection
- 5) Environment Protection
- 6) Traffic Protection
- 7) Deploy traffic warning signs

Chief Vanderwyst outlined the setup of traffic control:

- 1) Sign
- 2) Tanker
- 3) Cones
- 4) Warning Lights
- 5) Traffic Controller

Chief Vanderwyst also discussed the various lights, flashers, protective vests, and signs used as traffic control measures. He also showed photos of the rear view of a fire truck and the different warning signals they flash. Chief Vanderwyst compared NRPD's practices with the guidelines of the Wisconsin Department of Commerce and found that NRPD is doing a great job with traffic control at accident scenes.

Traffic Conditions

Public comment from Wanda Viellieux, 611 West Fourth Street. Wanda stated her concerns about safely crossing in crosswalks. She pointed out two major areas of concern. The first is at the intersection of South Knowles Avenue and Fourth Street (Family Fresh/Post Office). Wanda stated drivers do not always look for pedestrians before going through the intersection. Her second major area of concern is the intersection at West Fourth Street and South Dakota Avenue. She noted some improvement since the City installed crosswalk signs, however, many drivers are still not stopping.

Public comment from Deb Iverson, 965 Paperjack Drive. Deb lives across from Faith Community Church and is concerned about how fast vehicles travel along that section of Paperjack Drive. She's concerned about the safety of walkers trying to cross in the marked crosswalk area. Deb mentioned

that even with the radar and flashing lights in place in that area, cars are still going too fast to be able to stop in time for people to safely cross the street. Another area Deb noticed speeding traffic is on West Fourth Street near the BP gas station. There is a crosswalk there as well. She stated that many drivers are travelling too fast and do not notice pedestrians waiting to cross in the designated crosswalk.

Scottie thanked Wanda and Deb for bringing these traffic and pedestrian safety issues to the Committee. Police Chief Craig Yehlik stated that traffic speeds are a problem in all communities. He asked for the residents' help in watching for busy times during the day so he can try to assign officers to the area to help control speeds.

Traffic Tamers

Scottie Ard mentioned that the City of Hudson, along with other municipalities, has instituted a Traffic Tamers program in which volunteers are trained to spot traffic violations and report them to the police department. The volunteers are trained to identify the vehicle and license plate number and turn this information over to the police department along with the date and time of the violation. Scottie wonders if this is something New Richmond could implement.

Chief Yehlik stated that Officer Crubaugh has been researching this program for several months. Another community that uses Traffic Tamers is Menomonie. This program also takes time and effort of the Police Department staff (looking up owners of vehicles, typing and mailing letters, etc.). Chief Yehlik would like to continue to research this to see if it's a viable option for New Richmond. He will check with City Attorney Nick Vivian regarding liability issues.

Wisconsin VFW State Parade

The next Wisconsin VFW State Loyalty Parade will be held in April of 2018. Scottie stated that we can expect a much larger group for the next parade than we had this year. A meeting will be held in the next few weeks to begin the planning process for next year's parade.

Parade Permits

Scottie spoke about the current process and timeline for submitting applications to the City for parades. Applications are filled out, turned in to the Clerk's office, and then forwarded to the Police Department who then apply for the State parade permit. The State requires 90 days to approve the permit. Scottie stated that sometimes the 90-day mark is cut too closely. Scottie brought up the idea of setting a date each year (i.e. January 1) by which all parade permit applications need to be submitted. There was much discussion. Scottie would like to bring this item to the City Council's attention and work together to come up with a parade permit deadline. She will bring this to the August work session.

Firearm Sales

Chief Yehlik said he recently received some new information about the firearm topic and would like to review that information and then bring this topic to the next meeting.

Police Department Mission Statement

Chief Yehlik stated that as a new police administration moves forward, he believes now is a good time to adopt a new mission statement. Chief Yehlik created a new mission statement he feels is direct and reflects the core values of the police department; he also believes it goes hand-in-hand with the City's values. The Committee reviewed the proposed mission statement and requested a few minor wording changes. Chief Yehlik would like the mission statement to be posted at the Police Department and at the Civic Center.

Scottie made a motion to accept the proposed mission statement with the changes outlined. Seconded by Jim Jackson and carried. Chief Yehlik will make the changes and bring the mission statement to the next Council meeting.

Retirees Credentials and HR218 Information

In the past, police department retirees have been issued a retiree identification card but have not been offered any qualification shoots through the NRPD. If qualification shoots are held, retired NRPD officers could carry a concealed weapon under the HR218 law without obtaining conceal-and-carry permits. Chief Yehlik wonders if the Public Safety Committee would like to explore having the NRPD hold qualification shoots. Chief Yehlik has had two retired officers recently inquire about HR218. There was much discussion about this topic. City Administrator Mike Darrow stated the retired officers would need to sign an indemnification clause. Chief Yehlik will check with City Attorney Nick Vivian on liability issues. If the PSC, City, and PD move forward with holding qualification shoots for retirees in order to qualify for the HR218, Chief Yehlik would like to have some set guidelines in place such as: the retired officer must have been with the NRPD for at least ten years, was in good-standing when they left, and would be responsible for paying all of their own expenses relating to the firearm shoots (range time, training, firearm, ammunition, etc.). Chief Yehlik will gather information from surrounding communities who have done this and will invite them to come to the August Council meeting where this will be discussed further.

Defense and Arrest Tactics (DAAT) – Baton Use

Chief Yehlik explained that the law enforcement standard for the past 20+ years has been to utilize a 26-inch expandable baton for on-duty carry. This impact weapon is approved in the Wisconsin Defense and Arrest Tactics model and all officers have been trained in its use during basic recruit schooling. The New Richmond Police Department historically carried the 26-inch Asp brand expandable baton on their duty belt while on duty. However, in recent years, the former Chief of Police implemented the use of a 26-inch wood baton as the primary impact weapon for NRPD officers. Chief Yehlik explained that while the 26-inch wood baton is a good visual deterrent, it is cumbersome on the duty belt and is restricting while running. It cannot be attached to the duty belt at all times (i.e. while driving). The Asp expandable baton can be attached to the duty belt at all times. Chief Yehlik would like to make the 26-inch Asp expandable baton the primary impact weapon authorized for carry by the NRPD. He would also like to continue to have the 26-inch wood baton as an authorized secondary impact weapon. If the Committee approves this policy change, Chief Yehlik will update the policy and bring it to the August City Council meeting.

Jim Jackson moved to authorize the change in policy to allow the 26-inch expandable Asp baton as the New Richmond Police Department's primary impact weapon, seconded by Scottie Ard and carried.

K-9 Fundraising Update

Chief Yehlik gave an update on the fundraising efforts for a K-9 unit. So far, \$39,700 has been received. There are also some pledged funds that have not yet been received. We are currently \$10,300 short of the \$50,000 goal. Chief Yehlik also showed off the kilt he may be wearing at the Fun Fest parade.

Communications and Miscellaneous

Chief Yehlik thanked the Council members in attendance for their support of the letters of commendation given at Monday night's City Council meeting.

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

Meeting adjourned at 6:32 p.m.

Minutes by Lori Brinkman



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MEMORANDUM

TO: Public Safety Committee
FROM: Craig Yehlik, Chief of Police
DATE: September 19, 2017
SUBJECT: Narcan

History

As everyone has seen in the news media of late there is an opioid epidemic across the nation with multiple overdose deaths across the country. There has also been many accidental law enforcement exposures to fentanyl and carfentanyl as they are sometimes mixed with Heroin and are very deadly without immediate medical care. The known antidote for opioid exposure is Narcan. The New Richmond Police Department has also had one recent, fairly substantial Heroin sale arrest.

Finance Director Rae Ann Ailts sent out an email indicating that there was possibly some grant monies available for safety equipment and was looking for ideas/suggestions. Chief Yehlik brought up the proposal of officers carrying nasal spray Narcan for officer safety self administering and also administering to our partners. The Narcan nasal spray could also be used on members of the general public in times of severe overdose as a death preventative.

Ambulance director Matt Melby was consulted and agreed that Narcan nasal spray is an effective treatment for Opioid exposure and that he would be able to perform a free training for New Richmond Police Department officers to carry and administer Narcan Nasal Spray.

Rae Ann Ailts also learned that Nasal Spray would be covered under the Insurance Grant money however any type of carrying case would have to be purchased by the officer at their discretion. The Nasal spray does come in a box and could be potentially carried that way in the officer's shirt or cargo pocket.

Matt Melby indicated that he could provide the Narcan at his cost and then if the officer uses the Narcan on a member of the public he would bill that out to the patient and resupply the officer with a

new package. He also indicated that if the officer would have to use on themselves or other member he would again bill that out under workmans comp and replace the used package.

Attorney General Brad Schimel has also sent out an email (below) indicating that Narcan can be purchase by law enforcement agencies for \$75.00 per dose with 18 doses recommended.

MADISON, Wis. – Attorney General Brad Schimel is expanding access and affordability of the live-saving opiate antidote, NARCAN® Nasal Spray, through a partnership with the drug’s manufacturer, Adapt Pharma, Inc. that was announced today.

“The Wisconsin Department of Justice is committed to Wisconsin’s law enforcement and first responders who make our state safer and stronger every day,” said Attorney General Schimel. “After hearing recent news reports about the rising prices of some naloxone products, we teamed up with Adapt Pharma to provide financial relief and increased access to the opioid antidote. We are grateful for Adapt’s leadership and look forward to the widespread availability of NARCAN® as a result of this discount.”

NARCAN® Nasal Spray is an FDA-approved naloxone in a nasal spray for the emergency treatment of prescription opioid, fentanyl and heroin-related overdose. NARCAN® Nasal Spray is a ready-to-use, needle-free, 4mg dose of naloxone in a single spray. Its design makes it easy for both medical and non-medical personnel to administer a concentrated naloxone dose to restore breathing quickly to those who are experiencing an opioid overdose.

“We are very excited to be working with Attorney General Schimel to improve access and affordability to NARCAN® Nasal Spray throughout the state of Wisconsin,” said Mike Kelly, President of U.S. Operations at Adapt Pharma. “By ensuring our Public Interest Price, we can equip all police, EMS, Firefighters and those on the ground close to the opioid epidemic with the highest dose of FDA approved nasal naloxone that was designed for community use to treat opioid overdoses.”

The use of naloxone in Wisconsin has been widespread in recent years thanks to the work of Rep. John Nygren and his Heroin, Opioid Prevention and Education (H.O.P.E.) legislation, which has expanded law enforcement training and access to the life-saving drug. “Expanding access to opioid antagonists like Narcan is a priority in Wisconsin,” said Rep. John Nygren. “While they can be expensive, our state has worked with Adapt Pharmaceuticals, Inc. to increase the affordability of these life-saving drugs. The more accessible opioid antagonists are, the more people suffering from addiction will have a chance at recovery.”

Police, first responders, state or local government agencies, as well as community-based organizations that purchase NARCAN® Nasal Spray directly from Adapt Pharma in quantities greater than 48 units are eligible for a 40% discount, reducing the price from \$125 to \$75 for 2 4mg doses. The discounted price is set until February 15, 2018. For more information, please visit narcan.com or <https://www.doj.state.wi.us/news-releases/ag-schimel-partners-adapt-pharma-discounted-opioid-antidote>

Employee recommendation

Explore pricing and options for ordering Narcan for each officer and create a Lexipol Policy on the process and use of Narcan while on the job.



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MEMORANDUM

TO: Public Safety Committee

FROM: Craig Yehlik, Chief of Police

DATE: 09/19/2017

SUBJECT: retiree's credentials/ID card and HR218 information (update at bottom)

Background

Under previous administration Retirees have been issued a retired identification card but has not offered any qualifications shoots for retirees, which would then authorize those retired from NRPD to carry a concealed weapon almost anywhere in the United States. Recently two retired officers of the New Richmond Police Department have requested this policy be reviewed and offer retiree's qualification shoots so they may have the proper credentials to carry concealed weapons under HR218 which is a law from 2011 under the Law Enforcement Officer Safety Act.

Our current Policy is as follows

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 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.

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.

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:

- 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 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.

I have attached current information from the Wisconsin Law Enforcement Network and an article by Dan Marcou, who is a respected scholar in the Law Enforcement world.

Information from Wilenet

On November 1, 2011, [2011 Wisconsin Act 35](#) became law. This law provides a route for Wisconsin residents to legally carry a concealed weapon and clarifies the process for former officers who are eligible to carry a concealed handgun under the Law Enforcement Officer's Safety Act (HR218). More information on 2011 Wisconsin Act 35 is available [here](#).

Wisconsin residents who are former law enforcement officers may be eligible to carry a concealed weapon in two ways.

1. Obtain the concealed carry license available to the general public.
2. Obtain a "HR218" certification card available to qualified former law enforcement officers.

Former law enforcement officers may decide to obtain a concealed carry license, a HR218 certification card, or both. There are several differences between the two options. For example, the HR218 certification card is valid in all 50 states but a Wisconsin license is not recognized in many states. The

HR218 certification is only valid for handguns and requires annual qualification and re-issue, while the Wisconsin license is valid for 5 years, does not require shooting, and includes electric weapons and billy clubs.

Option One: Wisconsin CCW License

Current and former law enforcement officers living in Wisconsin may apply for a regular [Wisconsin concealed carry license](#). This license merely requires proof of law enforcement training (or another firearms safety or training course such as hunter's safety, etc.). If you need proof of your Wisconsin law enforcement firearms training for this resident permit, [click here](#) for information on how to request it.

Option Two: HR218 / LEOSA Certification Card

If the former Wisconsin officer meets requirements, he or she may request his or her former law enforcement employer to issue a certification card which permits the former officer to carry a concealed handgun. (This certification card must be issued by the former agency--there is no statutory authority for firearms instructors to issue certification cards.) Former federal officers, and former officers of out-of-state agencies, residing in Wisconsin, may request a certification card through the WisDOJ.

- The requirements and process for all former officers is shown [here](#) (updated 11/17/2015).
- The LESB Handgun Qualification Standard can be found [here](#) (updated 12/2/2014).

On September 5, 2012, the Law Enforcement Standards Board approved a statewide handgun qualification standard. As a state standard, this course serves as the required qualification course for former Wisconsin officers requesting a certification card pursuant to s. 175.49(2)(a)2, or former federal and out-of-state officers requesting a certification card pursuant to s. 175.49(3)(a)2. Adoption of this standard means a retired officer living across the state from their former agency can now complete the qualification process locally rather than returning to their agency to qualify.

- 2012 letter to Chiefs and Sheriffs explaining the Handgun Qualification standard: [letter](#).
- [This FAQ](#) explains why former officers must meet active duty firearm standards.

Current article on HR218

In March 2011, 63-year-old retired Burbank (Calif.) Police Officer Dennis Fischer was standing in line at the Sunland McDonalds. Parolee Ryan William Reese — whose robbery modus operandi was to strike fear into the hearts of witnesses by pistol whipping victims — sprung into action directly in front of the retired officer. Fischer initially tried to subdue Reese, but after becoming injured during the struggle the retired officer drew his weapon and shot the armed suspect in the chest. The suspect was killed and Fischer was credited with saving the lives of two dozen people present during the robbery attempt.

HR 218, "The Law Enforcement Officers Safety Act," offers agency heads the option to arm their retiree's, enabling them to save lives under the most dire of circumstances.

The Retired Officer Carry Classroom Presentation

Any "Retired Officer Law Enforcement Safety Act Firearms Class" (HR-218) should begin in the classroom. There is some crucial information that needs to be ingrained in each person in attendance. Authorized retirees in good standing are allowed to carry a concealed weapon in all 50 states (except in places where this is specifically prohibited, such as Federal Buildings). When retired officers are carrying concealed they need to:

RELATED FEATURE



HR 218 Explained

PoliceOne legal columnist Ken Wallentine delves into some of the legal subtleties of HR 218.

RELATED CONTENT SPONSORED BY

- 1.) Always be in possession of the unexpired "Law Enforcement Officer's Safety Act Retired Officer Concealed Carry Authorization Picture Identification Card" (Wow! That's a mouthful) issued by their department.
- 2.) Not be under the influence of alcohol or drugs.
- 3.) Successfully complete the retired officer carry firearms course recognized by their department, which must be offered every year.
- 4.) Follow any other requirements outlined in the individual department's policies and procedures.

The training should emphasize that all in attendance have served and there is no longer an expectation for them to throw themselves into the fray. In the event they find themselves in the vicinity of a crime in progress, when possible observe, exit, and report.

Tactically, retirees are not in a supremely wonderful position to effectively interdict crimes in progress. In these dangerous situations, they probably have limited ammunition, no vest, no authority, no long gun, no radio, and no back up coming to assist them. The department should point out that they also no longer enjoy a civil umbrella of protection as they did as officers. When they take action and win, they will be on their own for whatever civil litigation might follow, and a successful defense of a justifiable shooting can cost hundreds of thousands of dollars.

With that being said, there will be times that a retired officer will view conditions so desperate they will find themselves compelled to engage. The deadly force criteria should be covered and understood by all in attendance.

Retirees should be discouraged from becoming involved unless it is as a last resort, to protect their own lives, the lives of their family and or loved ones, or others from someone, who is presenting an imminent threat of inflicting death or great bodily harm.

On The Range

Upon stepping onto the range cleared weapons, magazines, holsters and ammunition should be inspected. Some weapons, ammo and holsters may create safety concerns and this should be determined prior to the loading of magazines and weapons. The holsters used should not be their old duty holsters, but those that will be carried by the retiree. Departments usually require that officers qualify with the weapon they will most likely be involved in a gun fight with. They should be taught to dress to conceal the weapon to enhance their tactical edge at the scene of any in progress emergency.

The course fired should emphasize the importance of proper shot placement (upper respiratory, central nervous system hits as well as head shots.) The course should utilize realistic targets and distances. It should include movement reloading and the proper utilization of cover. Retirees should be encouraged to carry a cell phone which allows them always to phone in "armed retired officer on scene," along with the location, circumstances, suspect description, conditions, and especially a personal description.

Verbalization

Most police training emphasizes verbalization (where appropriate), such as, "Police Don't Move!" Retired officers may decide not to verbalize before firing, depending on the situation. If they verbalize before firing, retirees should be retrained to shout, "Retired Police Officer..."

After shooting, retirees like police officers should be trained to maintain cover while they scan to break up their tunnel vision and look for multiple adversaries.

Post shooting protocol can be practiced as retirees verbalize to citizens, "I am a retired police officer, call 911!" The need for retired officers to yield to the uniformed officers, when they arrive on the scene should be emphasized. Retirees should even be told to expect to possibly be handcuffed until the arriving officers sort things out.

Consider digitally recording the action on the range. It can help in documentation of the training as well as decisions to remediate. Department heads may not decide to issue cards to retirees, who do not achieve the identified minimum score or if a retiree shows an inability to handle the firearm in a safe manner. The natural process of aging can diminish the skills of even the best gun fighters. The toughest part of the class may be to take aside an elderly retiree and explain to them why they will not be issued a card.

The Call

Some chiefs and sheriffs are loath to offer a program such as this because of the "L word," — liability.

The irony of taking this stance, however is, by offering no training it may be argued that the department may very well be potentially liable for all retiree's. It is also worth pointing out the chief that does not authorize the program today will be the retired chief of the future that wished he would have.

The intent of the Law Enforcement Officer's Safety Act was to save lives and it has. Thanks to this law you may someday find yourself responding to an in progress active shooter, when you hear this follow-up transmission, "Units responding, shots fired suspect is down. There is an armed retired officer on scene. He says he is wearing a World Champions, Green Bay Packer Jersey with the number 12 on it."

Remember, you can't be authorized to carry when you retire, unless you... **retire.**

So stay safe, stay strong, stay positive, and be careful out there.

About the author

Lt. Dan Marcou is an internationally-recognized, police trainer, who was a highly-decorated police officer with 33 years of full time law enforcement experience. Marcou's awards include Police Officer of the Year, SWAT Officer of the Year, Humanitarian of the Year, and Domestic Violence Officer of the Year. Upon retiring, Lt. Marcou began writing. His Novels, "The Calling, the Making of a Veteran Cop," "SWAT, Blue Knights in Black Armor," "Nobody's Heroes," and "Destiny of Heroes," as well as his latest Non-Fiction Offering, "Law Dogs, Great Cops in American History," are all highly acclaimed and available at [Amazon](#)

ACTION

The New Richmond Police Department does not currently hold a retiree qualification shoot. Would the PSC like to explore New Richmond Police Department to host the qualification shoot for retiree's that separate in good standing. I would like to check with Nick Vivian on any potential Liability issues by either hosting or not hosting a shoot as stated in Dan Marcou's article. I also think there should be some language defining what "good standing" is. If it is the PSC wishes to move forward, I would also explore a written test covering many of the issues above and utilize not only the mandatory state qualification shoot but have additional course of fire. I would also like to add that the retiree's are responsible for their own ammunition and will be charged a fee to cover the officers pay while on the range, targets costs etc. and any fees for the identification card, background investigation and administrative time.

UPDATE (09/13/17)

Chief Yehlik has done some follow up and spoke with retiree's; Mark Samelstad, Dave Levi, Bruce Borgen, Tony Milliron, Tom Wulf and Dennis Hurtis with everyone except Mark Samelstad indicating that they would be interested in obtaining a retiree's credential and participating in a retiree yearly qualification exercise. I was unable to contact Chris Lundell, Gayle Freiseis or Jerry Cody for input.

At the last PSC meeting Attorney Nick Vivian was asked to weigh in on the liability end for the department and the department received the following:

Craig:

As long as the Department acts in good faith and follows the requirements for certification of a former law enforcement officer who desires to carry a concealed weapon, we do not believe the Department has any responsibility for what the former officer does with a handgun carried pursuant to a LEOSA/HR218 Certification Card. The law provides civil and criminal immunity to the Department and its employees for these activities under Wis. Stat. § 175.49(6) ("When acting in good faith . . . the department and its employees and a law enforcement agency and its

employees are immune from civil and criminal liability arising from any act or omission under this section.”)

The law enforcement agency may not issue the former law enforcement officer a certification card unless the law enforcement agency first verifies all of the following:

- 1) The officer must have separated from service **in good standing**.
- 2) The officer must have served an aggregate of at least ten years or separated from service because of a service related disability (after probationary period).
- 3) A medical professional must not have found the officer to be unqualified because of mental health.
- 4) The officer must not have entered into an agreement with the department that they are not qualified due to mental health.
- 5) The officer must not be prohibited by federal law from possessing a firearm.
- 6) The officer must, at their own expense, meet state standards for being an active officer within the past 12 months.

Unfortunately, “good standing” is not defined by either federal or state statute. Many jurisdictions, states, and/or municipalities have created rules/ordinances to guide decisions in relation to what constitutes good standing. Those rules all have similar substance. Generally, an officer is not in “good standing” if they retired/separated while under an investigation or while facing disciplinary action for ethical/departmental/criminal violations. If the Public Safety Committee and the Department move forward with the certification process, the City should consider enacting an Ordinance codifying the requirements of Wis. Stat. 179.49 and defining the term “good standing.”

Please contact me if you have additional questions.

Nick

Staff recommendation would be to move ahead with clarifying what “good standing” is per Nick Vivian’s recommendation and then move forward with implementing the process as the policy is in place.