136 North Monroe Street
Waterloo, WI 53594-1198
Phone: (920) 478-3025
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www.waterloowi.us

PUBLIC NOTICE OF A COMMITTEE MEETING
OF THE COMMON COUNCIL OF THE CITY OF WATERLOO

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public & news media, that the following meeting will be held:

COMMITTEE: **PUBLIC SAFETY AND HEALTH COMMITTEE**
DATE: **July 2, 2020**
TIME: **6:00 p.m.**
LOCATION: **Municipal Building Police Training Room, 136 N. Monroe Street**

Participating In-person or Remotely

1. JOIN BY DEVICE

Meeting link: https://attccasptrial2.webex.com/attccasptrial2/j.php?MTID=m40c610dd03a1baba68fd602816ce3dd1
Meeting number: 146 669 4062
Password: 0702PubSafe (07027827 from phones)
Host key: 873788

2. JOIN BY PHONE

1-844-531-0958 United States of America Toll Free
Access code: 146 669 4062
Password: 0702PubSafe (07027827 from phones)

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MEETING MINUTES: June 4, 2020

3. PUBLIC COMMENT

4. NEW BUSINESS
   a. Review of Waterloo Police Department Policy On Use of Force, Chapter 10 – Requested By Alderperson Jeanette Petts
   b. Review Of Ordinance 278-2 Possession And Use Of Firearms And Other Dangerous Weapons – Requested By Brian Coons

5. FUTURE AGENDA ITEMS, COMMUNICATIONS AND ANNOUNCEMENTS

6. ADJOURNMENT

Mo Hansen

Mo Hansen
Clerk/Treasurer

*** Also On Tonight's Council Agenda
Committee Members: Thomas, Griffin and Stinnett

Printed, Posted, E-mailed and Distributed: 06/25/2020

PLEASE NOTE: IT IS POSSIBLE THAT MEMBERS OF AND POSSIBLY A QUORUM OF MEMBERS OF OTHER GOVERNMENTAL BODIES OF THE MUNICIPALITY MAY BE IN ATTENDANCE AT THE ABOVE MEETING(S) TO GATHER INFORMATION. NO ACTION WILL BE TAKEN BY ANY GOVERNMENTAL BODY OTHER THAN THAT SPECIFICALLY NOTICED. ALSO, UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR ADDITIONAL INFORMATION OR TO REQUEST SUCH SERVICES PLEASE CONTACT THE CLERK'S OFFICE AT THE ABOVE LOCATION.

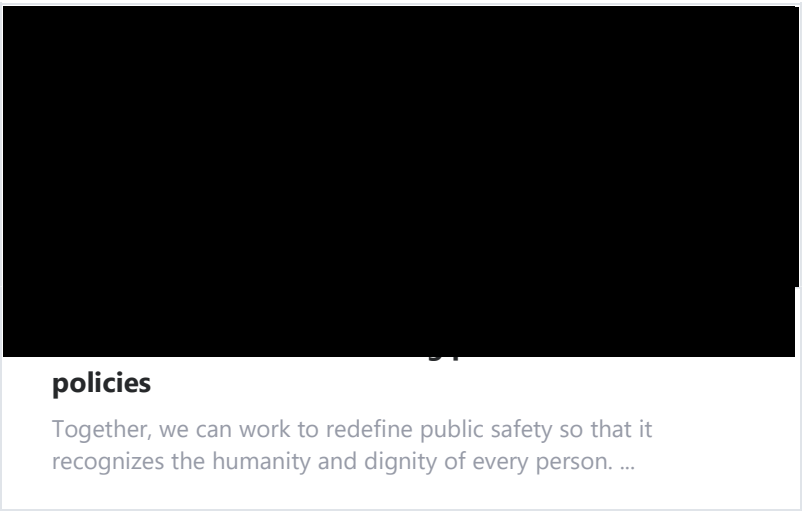
Mo Hansen

From: jeanette.petts@yahoo.com
Sent: Friday, June 05, 2020 10:33 AM
To: Mo Hansen; Jeni Quimby
Subject: Mayor's Challenge

Good morning,

As I mentioned in last night's meeting, I would like Waterloo to accept the Mayor's Challenge by President Barak Obama.

Commit to action: Addressing police use of force policies



Mayors and other City Council officials are uniquely positioned to introduce common-sense limits on police use of force. That's why the My Brother's Keeper Alliance is calling on mayors to commit to the following actions:

1. **REVIEW** your police use of force policies.
2. **ENGAGE** your communities by including a diverse range of input, experiences, and stories in your review.
3. **REPORT** the findings of your review to your community and seek feedback.
4. **REFORM** your community's police use of force policies.

I would like to see a directive from Mayor Quimby and have the entire Council body participate at the next Council meeting. I believe it is important and now is a great time to do this.

Thank you,

WATERLOO POLICE DEPARTMENT POLICY	TITLE: **Use of Force / Officer Involved Deadly Force Incident / In-Custody Death**		
ISSUE DATE: 06/25/2020	LAST UPDATE:	SECTION:	FILE NAME: Chapter 10.
POLICY SOURCE: Chief Denis Sorenson			TOTAL PAGES: 14
SPECIAL INSTRUCTIONS: Amends:			

10.00 USE OF FORCE

10.01 GENERAL POLICY

The purpose of this document is to establish a policy for the use of force by sworn personnel to affect an arrest or control a person. Objectively Reasonable use of force decisions by Officers ensure due process for citizens as well as provide protection for the Officer and Department.

This policy is based on the defense and Arrest Tactics (DAAT) program of e State of Wisconsin as developed by the Training and Standards Board.

Information and assistance relative to excessive force complaints shall be provided by the City of Waterloo Police Department, Waterloo Municipal Building, 136 North Monroe Street, Waterloo, Wisconsin 53594, 920-478-2343.

10.02 POLICY

It is the policy of the Waterloo Police Department that Officers shall use only objectively reasonable amounts of force necessary to achieve control or accomplish a legitimate law enforcement objective

Other than during training or recreational activities, a supervisor shall investigate when an Officer discharges a firearm during a deadly force incident, uses deadly force by other means, or when directed by the Chief of Police to investigate any incident involving use of force by an Officer.

10.03 DEFINITIONS

1. Defense and Arrest Tactics (DAAT): This is a system of verbalization skills coupled with physical alternatives. It is the specific system formulated, approved, and governed by the State of Wisconsin Training and Standards Board.

2. Objectively Believes: Means that in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

3. Reasonably believes: Means that an ordinary, prudent and reasonably intelligent police officer believes that a certain fact situation exists and such belief is reasonable under the circumstances known to the officer at the time the officer acted.

4. Passive Resistance: Non-compliant and non-threatening behavior. (example: a subject not complying with a verbal command/protestors staging a "sit-in")

5. Active Resistance: Behavior which physically counteracts an Officers control efforts and which creates a risk of bodily harm to the officer, subject, and /or other persons. (example: including but not limited to a subject attempting to pull away from an officer's grasp, running away, getting up after being directed to the ground, and so on)

6. Continued Resistance: maintaining a level of counteractive behavior that is not controlled by an officer's current efforts.

7. Assaultive Behavior: Direct actions or conduct that generates bodily harm.

8. Great Bodily Harm: Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes permanent or protracted loss or impairment of the function of any bodily member or organ or any other serious bodily injury.

9. Deadly force: the Intentional use of a firearm or other instrument, the use of which would result in a high probability of death

10.04 PROCEDURE

1.Intervention Options

A. The purpose of use of force is to gain control in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining control, it is always preferable to the use of physical force.

B. An Officer may initially use the level and degree of force that is reasonably necessary to achieve control. Officers need not escalate step-by-step through the Intervention options. As the situation dictates, Officers may move from any mode to any other if they reasonably believe that a lower level of force would be ineffective

C. Any time, if the level of force an Officer is using is not effective to gain control, the Officer may disengage or escalate to a higher level of force.

D. Once Officers have gained control of a subject, they must reduce the level of force needed to maintain the control and continue to monitor the subject's condition and

welfare.

E. Officers must always maintain position of advantage.

F. The Waterloo Police Department hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in non-violent civil rights demonstrations. In addition, the Waterloo Police Department agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is subject to a non-violent protest demonstration. The Waterloo Police Department further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that the Waterloo Police Department has not complied with this policy to file a complaint.

2.Oleoresin Capsicum Spray (OC)

A. Officers who have been trained in and certified for the use of OC by an instructor, shall carry Department issued OC which is compatible, through manufactures specifications, with electronic control devices.

B. The use of OC is permitted by officers when:

a. A person is actively resisting the officer or threatens to actively resist the officer.

b. After an officer has indicated to a subject that (s)he intends to apprehend or restrain the person, that person indicates to the officer by words or actions the (s)he intends to physically resist the Officer's efforts to apprehend or restrain him/her or intends to cause bodily harm to the officer.

c. Mere passive resistance (a person not fighting with you-he or she is simply not complying with an order) does not permit the use of OC without threat showing intent to actively resist the officer.

d. Officers shall exercise sound potential for cross-contamination to the user, other offices and bystanders.

e. Departmental personnel should not utilize OC if it appears children less than two years of age are in the area that would be contaminated unless exceptional circumstances exist.

f. Departmental personnel who use OC against a person shall ensure the person is decontaminated as soon as practical after the person is under control. At a minimum, Offices shall:

1. Expose the person to fresh air and flush exposed areas with large amounts of cold water as soon as practical.
2. Monitor the subject for one-half hour after application and, if incarcerated, notify confinement personnel of the use of OC. If an adverse reaction occurs,

or if requested by the subject, transported to a medical facility shall be arranged.

3. Ventilate any enclosed areas where OC was used for at least 30 minutes.

g. If circumstances permit, and it can be done without endangering departmental personnel, reasonable efforts to decontaminate animals should be made or the information conveyed to the animal's owner.

3. Intermediate weapons/impact Weapon: (expandable baton)

A. The use of authorized batons wood or plastic fixed length or metal expandable batons is permitted to impede a subject, preventing him or her from continuing restive, assaultive or otherwise dangerous behavior.

B. When a baton is used against the body of a person, other that handcuffing or controls holds administered, the officer will notify a supervisor and will complete an offense report detailing the circumstances of eh incident\. The Officer shall also forward a report to a supervisor for review.

4. Bean bag/Impact Projectiles

A. The Department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require special training and equipment. Thus, the department has adopted the less-than lethal force philosophy to assist with the de-escalation of these potentially violent confrontations.

B. Bean bag impact projectiles may be utilized by trained Department personnel in circumstances where a level of force less than deadly force may be appropriate for resolving the situation and when the risk associated with closing on the subject to take control makes other alternatives unsafe. This option may be used when a person poses a significant threat of harm to self or others and unarmed tactics have been exhausted or would not be effective or safe given the circumstances.

C. Before using the Beanbag, the Officer is required to obtain permission from a supervisor. A complete offense report detailing the circumstances of the incident shall be completed and forwarded to a supervisor.

D. When used, beanbags will be delivered to suspect target areas in accordance with the following guidelines:

1. Arms/Legs areas will be considered when incapacitation is necessary, but the target subject does not pose an imminent threat to self or others.

2. Excluding Head/Neck areas will be considered when incapacitation is critical due to the imminent threat posed by the target subject, but deadly force has not yet become necessary.

3. Head/.Neck – Intentional impact to these areas will be avoided unless the use of deadly force is justified.

E. In each instance where beanbags are deployed on an incident, a determination will be made regarding the need for lethal cover

1. Lethal cover will be required in all cases in which the suspect possess a firearm.

F. Suspects who are struck by a beanbag shall be transported to a medical facility for examination

G. All users of beanbags are required to qualify in a course of fire prescribed by a certified beanbag instructor.

5. Use of Deadly Force

A. The use of deadly force is permissible under the following circumstances:

1. The defense of one's self when the officer reasonably believes (s) he is in imminent danger of death or great bodily harm.

2. The defense of another person who the officer reasonably believes is in imminent danger of death or great bodily harm and whom the officer reasonably believes is entitled to self-defense

3. As the final alternative to effect an arrest or prevent the escape of a fleeing felon who the officer reasonably believes has committed a felony involving the actual or threatened use of deadly force and the officer has probable cause to believe the suspected felon poses a significant threat of death or great bodily harm to the officer, or others, if not immediately apprehended.

4. As the last resort to euthanize a dangerous animal or one that is so seriously injured that humanity dictates its removal from suffering, but only after careful consideration is given to the public's safety and whether other dispositions may be feasible.

B. Before using a firearm, ,police officers shall identify themselves and state their intent to shoot, when feasible

C. Generally deadly force shall not be used under the following circumstances:

1. As a warning

2. Warning shots

3. From a moving vehicle unless A1 or A2 apply

4. At a moving vehicle unless A1 or A2 apply

5. When the target of the force is not clearly visible. For example firing into a building or through a door is not permitted unless officers are being fired upon from within and no alternative means of cover is available.

6. When the officer is in doubt as to whether or not (s)he has the legal justification to use deadly force.

6. First Aid and Medical Assistance

A. Whenever an officer injures a person as a result of applied force, officers on the scene will immediately provide first aid and request medical assistance, if necessary, for the injured person as soon as the scene is secure.

7. Required Notifications and reports upon Use of Force.

A. Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on or off duty (other than during firearms training, hunting, or participation in sporting or recreational events), or the accidental or intentional use of deadly force by any means, the following notifications and reports shall be made:

1. Used on or directed against a person – the officer shall orally inform his/her supervisor soon as possible. The officer, unless incapacitated, shall give an oral statement to, supervisor detailing the incident and within 48 hours or as directed by the Chief of Police, complete an offense report detailing the incident. If the incident occurred while the officer was off-duty, these reports will be completed at the direction of the supervisor notified. A complete report shall be forwarded to the Chief.

2. Used against an animal – If a firearm is used against an animal, the officer shall notify the dispatch Center prior to discharge, if possible, or immediately thereafter. The officer shall complete an offense report. The offense report will be forwarded to a supervisor for review.

B. Whenever an Officer is involved in a use of force incident regardless of whether that action results in, or is alleged to have resulted in accidental or intentional injury/death to a person, the officer shall prepare an offense report describing the circumstances surrounding the use of force.

C. Whenever an officer uses force against another that is considered a "Passive Countermeasure" or greater on Force Option continuum, the officer shall complete an offense report.

10.05 For Departmental Use Only

1. This policy is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions

10.20 Officer Involved Deadly force Incident/In-Custody Death

10.21. PURPOSE

The purpose of this policy is to provide guidelines to be uniformly applied following any Officer Involved Shooting or other incident resulting in death or serious bodily injury by Department members, while on or off duty, or any in-custody death.

10.22 POLICY

It is the policy of the Waterloo Police Department to thoroughly investigate each Officer involved death to accurately document the details of the investigation.

10.23. DISCUSSION

Law enforcement duties sometime expose Officers to situations where Police use deadly force. It is imperative that Officer Involved Deadly Force or in-custody death incidents be investigated with the utmost thoroughness, professionalism and impartiality to determine if the Officer's actions conform to the law and this agency's Use of Force Policy.

10.24 DEFINITIONS

A. Post Traumatic Stress Disorder – An anxiety disorder that can result from exposure to short-term severe stress, or long-term buildup of repetitive and prolonged milder stress.

B. Inquest – A judicial proceeding called for the purpose of inquiring how a person died – 979.04(1). It is a specific inquiry as to whether the death was the result of criminal conduct, natural causes, accident, suicide or an act privileged by law – 979.08(3)(b).

C. Involved Officer – The Officer(s) who actually discharged his/her firearm in instances of an Officer involved shooting, or whose actions whether intentional contributed to an in-custody death.

10.25. PROCEDURES

A. On –Scene/Involved Officer's Responsibilities

1. Ensure that the threats to Officer Safety and the safety of others are over.

2. Secure and separate suspects.

3. Notify dispatch of the nature and location of the incident and:

   a. Relay information on fleeing suspects.

   b. Request a City of Waterloo Police Department supervisor and

additional back up, emergency medical services, if necessary, and any other assistance that may be immediately needed.

4. Administer any practical emergency first aid to oneself, suspects and/or others, pending arrival of emergency medical services.

5. Holster or secure any involved firearms. (After the threat is over.)

6. As time and capabilities permit before supervisory and other assistance arrives:

   a. Secure the area and limit access to authorized persons.

   b. Protect evidence from loss, destruction or damage (if possible, do not move the items.)

   c. Record the names, addresses, and phone numbers of all witnesses and other people present at the scene and request that they remain on scene.

7. Upon arrival, provide a verbal summary of the incident to the Supervisor/Detective (the involved Officer(s) will not be required to submit any written report at this time)

B. Supervisory Responsibilities

1. Proceed immediately to the scene for a preliminary investigation.

2. Make appropriate arrangements for all necessary medical attention.

3. If an Officer is shot or otherwise injured:

   a. Assign an Officer/Police personnel to accompany and remain with the Officer at the hospital.

   b. Arrange for the Officer's family to be notified (in person when possible) and assign transportation to the hospital.

   c. Arrange for any involved weapons to be secured.

4. If the Officer is not injured, move the Officer to a quiet area away from the center of the activity, obtain a summary of the incident, and secure any involved weapons. The supervisor may issue the officer a different weapon.

   a. Assign uninvolved Officer/Police personnel to remain with the Officer and arrange for the Officer to leave the scene and be transported to the police department as soon as practical.

b. When practical, place the Officer on paid administrative leave and arrange for the Officer to be taken home.

5. Ensure that the preliminary steps described in Section 3(a) have been adequately addressed and, if not, ensure that necessary actions are taken.

6. Make notification to the Jefferson County District Attorney's Office.

7. Determine if an outside agency will be requested for mutual aid to assist or conduct the investigation.

8. Make or arrange notification to other agency personnel, to include:

a. Chief of Police

b. Non-working Supervisors

c. Detectives

d. WPPA Representative

e. Families of non-involved working Officers (in instances of significant media attention)

f. All other sworn Officers (in instances of significant injury or death of an Officer)

C. Investigator's Responsibilities

1. The assigned investigator will conduct a thorough investigation of all Officers Involved Shooting/Deadly Force/In-Custody Death Scenes within the City or with Chief/Supervisor's permission to request an outside agency for mutual aid to assist or conduct the investigation.

a. Ensure that the preliminary steps in Section 3(a) and (b) have been adequately addressed and, if not, ensure that necessary actions are taken.

b. Receive a general briefing and walk-through by the Supervisor in charge of the scene regarding the circumstances surrounding the shooting.

c. Conduct a thorough inspection of the scene and ensure proper collection of all items and substances of possible/probable evidentiary value.

d. Ensure that the overall scene and evidentiary items are photographed, videotaped, and diagramed.

e. Locate and identify witnesses.

f. Interview all EMS personnel or other First Responders to the scene.

g. Conduct separate interviews with witnesses and each Officer that was present for the incident, **excluding** Officer(s) directly involved in the incident. Tape and video record interviews when possible.

1. Advise all the Officers not to discuss details of the incident with **anyone** except department supervisors or WPPA attorney, a police investigator, or members of the Jefferson County District Attorney's Office.

h. Obtain tape-recorded or video-recorded statements from suspects and victims.

i. Investigators should be cognizant of symptoms of post-traumatic stress, and deter detailed interviews if these symptoms are evident.

j. Coordinate investigation with the Jefferson County District Attorney's Office.

k. Obtain search warrants as necessary for searches of vehicles, containers, and/or homes.

l. Contact the Coroner and attend the autopsy of the Officer, suspect, and/or victims.

m. Obtain all related medical, laboratory and medical examiner reports as applicable.

D. WPPA Responsibilities

1. Upon notice of an Officer Involved Shooting Officer Involved Deadly Force Incident the WPPA will be contacted for their association legal representative on behalf of their member. (Involved members are not required to utilize this representation.)

E. Interviews of Involved Officers

1. Tape and video-record interviews of the involved Officer(s) will be conducted by a detective or other assigned law enforcement personnel.

2. The involved Officer(s) will be advised of their Miranda Warnings prior to questioning.

3. Experts recognize that a variety of traumatic reactions caused by a deadly force incident may interfere with an Officer's ability to cope and react effectively and appropriately. It is quite common for an Officer involved

in a shooting/in custody death incident to experience perceptual distortions. The Department recognizes that such emotional and psychological phenomena are relatively common. In many situations, Officers cannot provide basic or detailed information concerning the incident. In order to get a full and accurate recall of the incident, no member of this Department will interview an involved Officer regarding details of the incident until a minimum of 24 hours has passed.

4. If they choose, involved Officers may be accompanied by their personal or union attorney and/or a union representative during the interview.

5. If they choose, interviews may be accompanied by the City Attorney, the Department's Civil Attorney or members of the District Attorney's Office.

F. Jefferson County District Attorney Office & City Attorney

1. As soon as practical after an Officer Involved Shooting / Deadly Force Incident (with injury of death), fatal industrial accident, or in-custody deaths, the District Attorney's Office and City Attorney must be notified.

2. Attempt contact to the District Attorney's Personnel below in order listed (contact only one): (numbers updated 0-25-2020)

a. District Attorney Vacant
Office: 674-7225
Home: 674-3544
Cell: 920-723-1185

b. Assistant District Attorney Brook Teuber
Office: 674-7606
Home: 262-513-8513
Cell: 414-467-4166

c. Assistant District Attorney Jeff Shock
Office: 674-7227
Home: None
Cell: 414-708-3670

d. Assistant District Attorney Monica Hall
Office: 674-7172
Home: None
Cell: 608-206-3035

e. Assistant District Attorney Terri Beck
Office: 674-7225
Home: 920-674-2322
Cell: 920-674-2322

f. Assistant District Attorney Michael Witt
Office: 674-7422
Home: N/A
Cell:

3. A District Attorney will respond to the scene and usually:

a. Conduct a walk-through of the scene.

b. Conduct joint or independent interviews of witnesses and Officers.

c. Interview the involved Officer.

Note: Members of the District Attorney's Office typically prefer to interview involved Officers as soon as possible after the incident. Officers are reminded that this is an inquiry to determine if the Officer has committed a crime. Officers are not required to answer questions or make a statement. The Police Department will not participate in such an interview until a minimum of 24 hours post incident. The Department encourages Officers to refrain from answering any questions until this time has passed and encourages Officers to first consult with a personal or union attorney. The Department will not, however, prohibit Officers from participating in this interview.

4. The City Attorney will not respond to the scene

a. The City Attorney is notified as soon as possible.

b. The City Attorney will not be involved in the investigation but may be used for department advice.

1. City Attorney Bill Cole
Office: 608-283-6766

G. Post Incident Procedures

1. In an Officer Involved Shooting/Incident resulting in death/injury, the involved Officer(s) will be placed on administrative leave, without loss of pay or benefits. However, they must remain available for any necessary investigation.

2. All Officers directly involved in the incident will be required to contact an agency designated specialist for counseling and evaluation as soon as practical after the incident. After the counseling session(s) the specialist will advise the Chief:

   a. Whether it would be in the Officer's/Department's best interest for the Officer to remain on administrative leave or light duty, and for how long;

   b. Whether it would be in the Officer's/Department's best interest to return to full duty.

3. Officers will remain on administrative leave until deemed appropriate by the Chief of Police.

4. The Department will brief other agency members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved Officers their concern, however are discouraged from asking specific questions about the incident.

5. All media releases will be made by the Chief of Police or his/her designee. All other Department Personnel are not permitted to speak with the media about the incident.

6. Any Department investigation of the incident will be conducted as soon and quickly as practical.

7. The results of the Department's investigation will be submitted to the District Attorney's Office for review. The District Attorney's Office will determine if criminal charges will be filed.

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   a. The Jefferson County District Attorney's Office or the Jefferson County Coroner may order an inquest when there is a Death In Custody or as a result of police action AND the family of the deceased requests an inquest OR there is a need to compel testimony.

      1. An inquest is conducted by a judge or commissioner with the power to issue subpoenas and compel testimony.

      2. An inquest verdict is advisory only and does not require or preclude issuance of criminal charges by the District Attorney.

8. Upon <u>completion</u> of the criminal investigation, the Chief of Police may order an internal administrative investigation to determine whether the Officer violated any department rules, regulations or policies.

   a. The results of a supervisor's investigation will be recorded on

internal documents and forwarded directly to the Chief of Police.

H. Out of Jurisdiction/Other Agency

1. This policy does not govern incidents of Officer Involved Shootings, whether by on or off duty Officers of this agency that occur outside of the City of Waterloo. In such instances, the investigating authority will be primary law enforcement agency where the incident occurred.

2. Investigations of Officer Involved Shootings/Deadly Force Incidents of other agencies that occur within the City of Waterloo will be investigated by this Department and all applicable principles of this policy will be adhered to.

I. Off Duty

1. Any member of the Department that is involved in a Law Enforcement Related shooting incident of any kind while off duty will, report the incident immediately to a Waterloo Police Department supervisor.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 278-2 **Possession and use of firearms and other dangerous weapons.**
[Amended 11-3-2011 by Ord. No. 2011-04; 9-18-2014 by Ord. No. 2014-09]

A. Definitions. For the purpose of this section, the following definitions shall apply:

FIREARM

Any weapon from which a shot may be fired by the force of an explosive or propellant, including but not limited to rifles, pistols, shotguns, air guns and BB guns.

LAW ENFORCEMENT OFFICER

Includes duly authorized active and duly authorized retired law enforcement officers.

OTHER DANGEROUS WEAPON

Includes bow and arrow, crossbow, slingshot, blow gun and other similar weapons.

PUBLIC BUILDING

Any building, including the grounds thereof, owned by the state or federal government, the City, the county or the public school district.

PUBLIC LAND

Any land owned by the state or federal government, the City, the county or the public school district.

PUBLIC PLACE

Any privately owned building which is open to the public.

B. Possession of firearms prohibited. In addition to the provisions of Subsection **C** below, no person, except duly authorized City, village, county, state or federal law enforcement officers specifically authorized by law to carry firearms, or persons duly licensed to carry a concealed weapon pursuant to § 175.60, Wis. Stats., shall possess a firearm while in any public building or on public land within the City. No such person shall possess a firearm while in any public place within the City unless written consent to so possess a firearm has been given by the owner or lessee of such public place and such possession is not contrary to § 440.26, Wis. Stats.

C. Use of firearms.

(1) Regulated. No person, except a law enforcement officer authorized by law to carry firearms, shall discharge any firearm within the City. No person, except such an authorized law enforcement officer, or a person duly licensed to carry a concealed weapon pursuant to § 175.60, Wis. Stats., shall have any firearm in his possession within the City unless it is unloaded and enclosed in a carrying case or other suitable container, except as provided in Subsection **C(2)**.

(2) Exceptions:

(a) Pest control permits issued by the Chief of Police.

(b) Uses granted under a conditional use permit pursuant to Chapter **385**, Zoning, of this Code.

D. Use of other dangerous weapons.

(1) Regulated. No person shall shoot or discharge any other dangerous weapon anywhere in the City except as provided in Subsection **D(2)** below.

(2) Exceptions:

(a) Supervised areas designated as shooting ranges by the Council.

(b) Uses granted under a conditional use permit pursuant to Chapter **385**, Zoning, of this Code.

(c) Bow hunting in accordance with Wisconsin Department of Natural Resources regulations which takes place on privately owned property, 300 feet or greater from a building on an adjacent property owner's land used for human occupancy, is permissible. All municipal and county parks along with school district grounds are public property. Bow hunting is not allowed on public property. Bow hunters shall discharge the arrow or bolt in a direction described as "immediately toward the ground."

E. Dangerous weapons prohibited on municipal property. When posted, no person, except law enforcement officers duly authorized by law to carry firearms, shall carry or be in possession of a dangerous weapon in any building, structure or vehicle owned or leased by the City of Waterloo, including but not limited to its City Hall, Wastewater Treatment Facility and Municipal Garage. "Dangerous weapon" means any firearm, rifle or handgun, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. Electronic weapons such as stun guns, rifles, shotguns, handguns, spring guns, air guns, bow-and-arrow devices and knives are included within this definition. Nothing contained herein shall prohibit the storage of a concealed weapon by a person licensed under § 175.60, Wis. Stats., from carrying a firearm in his/her privately owned motor vehicle which is parked at any City-owned parking facility or parking lot.

F. Municipal special events. No person, except law enforcement officers duly authorized by law to carry firearms, shall enter or remain at any special event sponsored by the City of Waterloo while carrying a dangerous weapon as defined in § **278-2E** above. "Special event" shall have the meaning provided for in § 943.13(1m)(c)3, Wis. Stats.

G. Signage. When requested, the City Clerk shall post all signage required by § 943.13, Wis. Stats., for purposes of implementing the provisions of § 272-2E and F hereof.