



Winnebago County
Chapter 5

Law Enforcement and Courts Ordinance

Adopted 11/06/78
Revised 6/16/15

**WINNEBAGO COUNTY
FINANCE AND TAXATION ORDINACE
CHAPTER 5, WINNEBAGO COUNTY GENERAL
CODE**

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LAW ENFORCEMENT AND COURTS

5.01 HUBER LAW PRISONERS:

- (1) Authority. This ordinance is enacted pursuant to that authority provided by § [303.08\(4\)](#), Wis Stats.
- (2) Per Capita Daily Costs.
- (a) The per capita daily charge for maintenance and costs of the prisoners boarded in the Winnebago County Jail is hereby established. Each prisoner shall be charged for all meals served and for each day incarcerated, regardless if the prisoner actually consumes each meal. The per day charge for all Huber Law prisoners shall be established in the following amounts commencing on the following dates:
- | | |
|-----------------------|---------|
| January 1, 2011 | \$24.50 |
| July 1, 2011..... | \$25.00 |
| January 1, 2012..... | \$25.50 |
| July 1, 2012..... | \$26.00 |
- (3) Transfer Fees
- (a) Huber Law prisoners sentenced to the Winnebago County Jail who request a transfer to another county jail shall pay a fee of \$25.00 to Winnebago County prior to their actual transfer.
- (b) Huber Law prisoners who transfer to the Winnebago County Jail from another county shall be assessed an additional \$2.00 fee for each day incarcerated at the Winnebago County Jail, in addition to all other fees assessed pursuant to this Ordinance.
- (4) Electronic Monitoring Fee: Inmates placed in the Electronic Monitoring Program pursuant to § 302.425, Wis Stats, shall pay a fee established at a rate equal to the daily Huber Fee and an additional one-time set up fee of \$45.00 plus any actual costs in relationship to the Global Positioning System with regard to the use of said device and the tracking of said prisoner. The Sheriff may require prepayment of expenses set forth herein as a requirement for participation in said Program.
- (5) Daily Reporting Fee. All Huber Law Prisoners who are assigned to the Winnebago County Sheriff's Day Reporting Program shall be charged a fee established at a rate equal to the Huber Fee per day. No fees for meals shall be charged to Day Reporting prisoners.

5.02 SHERIFF'S RESERVE DEPUTIES: From and after July 1, 1976, the County elects to adopt the provisions of § [75.521](#), Wis. Stats, for the purpose of enforcing tax liens in the County in the cases where the procedure provided by such section is applicable.

- (1) **Authority:** This Ordinance is enacted pursuant to that authority provided by § [59.26\(1\)](#), [\(5\)](#), and [\(8\)\(a\)](#), Wis Stats, and § [59.07](#), Stats.
- (2) **Definitions**

- (a) "Reserve Deputy" is an adult deputized by the Winnebago County Sheriff for the purpose of voluntarily performing those duties as are set forth herein.

(3) Appointment of Reserve Deputies

- (a) The Winnebago County Sheriff is hereby authorized to deputize no more than 50 persons as reserve sheriff's deputies at any one time. Only those persons who meet those qualifications as set forth herein may be deputized.
- (b) The Winnebago County Sheriff may at any time, within his sole discretion, revoke a reserve deputy's deputization.

(4) Qualifications

- (a) In order for a person to qualify for deputization by the Sheriff as a Sheriff's Reserve Deputy, that person shall first meet the following qualifications:
1. The person shall be at least 18 years of age.
 2. The person shall be a United States citizen.
 3. The person shall have no record of criminal court convictions for any felonies or misdemeanors.
 4. The person shall successfully pass a psychological evaluation, to be administered by the County Personnel Department, which is regularly administered to those job applicants seeking employment as full-time Sheriff's Deputies.
 5. The person shall possess a valid Wisconsin Driver's License and shall have no history of license revocations or suspensions within the previous two years.
 6. The person shall have completed those police training requirements as are deemed necessary by the Winnebago County Sheriff.
- (b) No Reserve Deputy shall be allowed to carry a firearm or any other potentially lethal weapon while on duty unless that deputy has completed all police training requirements for the use of that weapon as are mandated by the State of Wisconsin, and authorization to carry that weapon has been specifically provided to that Deputy by the Winnebago County Sheriff.

(5) Duties

- (a) Reserve Deputies shall only be utilized by the Winnebago County Sheriff to perform the following duties:
1. Traffic control;
 2. Crowd control at events open to the general public;
 3. Boat patrol functions;
 4. Guarding juries;
 5. Guarding hospitalized prisoners;
 6. During emergencies resulting from natural disasters, performing functions normally performed by the Patrol Division;
 7. Other duties, within the discretion of the Sheriff, which are consistent with the foregoing purposes.
- (b) Reserve Deputies shall not be utilized for the following purposes:

1. To provide security for private businesses, residences, or persons;
 2. To provide security or crowd control at bars, restaurants, or taverns.
 3. To provide assistance to municipalities which have not made a written mutual aid request to Winnebago County.
- (c) All assignments of Reserve Deputies shall be first approved by the Sheriff or his designee.
- (d) No Reserve Deputy may work more than five hundred and ninety (590) hours during any floating twelve (12) month period.

(6) Fee Schedule

- (a) Winnebago County shall charge a fee which is equal to the actual cost to Winnebago County of the hourly salary, benefits, and any other actual costs related to the assignment to any entity of a Reserve Deputy, upon that entity's request, for the purpose of providing traffic control or crowd control.

(7) Salary

- (a) Reserve deputies shall be compensated at a rate which shall be determined in accordance with Chapter 15 (B)(2)(e) of the Winnebago County Personnel Policy Manual, for services performed at the direction and approval of the Winnebago County Sheriff.
- (b) Reserve Deputies shall be solely responsible for the purchase and provision of a firearm, if authorized by the Sheriff, and Sam Brown belt. No expenses incurred for the purchase of a firearm or belt shall be reimbursed by Winnebago County.
- (c) Reserve Deputies shall not be compensated for that time spent in training with the Winnebago County Sheriff's Department.

(8) Effective Date

- (a) The effective date of this Ordinance shall be September 1, 1993.

5.03 MEDICAL CARE TO PRISONERS

- (1) **Indigency Standard For Medical Treatment Within County Jail:** This Ordinance is adopted pursuant to the authority provided under [§ 49.02\(5\)](#) and [§ 302.38](#), Wis Stats.
- (2) **Limitation On Liability:** The maximum amount that Winnebago County shall pay for the cost of medical or hospital care provided to any prisoner housed at the Winnebago County Jail whom it is financially responsible for shall be limited to the amount payable by Medical Assistance under [§ 49.43](#) to [49.47](#), Wis Stats, except [§ 49.468](#), Wis Stats, for care for which a Medical Assistance rate exists.

- (3) Inability Of Prisoner To Pay For Cost Of Care:** It shall be presumed that a prisoner is able to pay for the cost of medical care if his income and assets exceed the financial eligibility standards established by the State of Wisconsin for AFDC eligibility. In making a determination as to the financial ability of a prisoner to pay for the cost of his medical care, the income of a prisoner shall be counted for thirty (30) days prior to the first date of medical treatment. Winnebago County shall not pay the cost of medical and hospital care provided to a prisoner outside of the Jail who exceeds such financial eligibility limit. For purposes of making a determination as to the financial ability of a prisoner to pay for the cost of medical and hospital care, the Winnebago County Sheriff or an employee of Winnebago County may require a prisoner to complete an AFDC application form. In the absence of such a completed form, Winnebago County may rely on any other information which is available as to the prisoner's present income and assets, including, but not limited to, the prisoner's application for representation through the Wisconsin Public Defender's Office. This Ordinance shall not diminish the rights of Winnebago County to collect any amount paid on behalf of the prisoner for medical or hospital care from the prisoner or his or her estate in the future.
- (4) Collection:** Winnebago County shall make a diligent effort to collect the value of any medical or hospital care provided to a prisoner, both inside and outside the County Jail, or from the prisoner's estate as provided for in [§ 49.08](#), Wis Stats. The Winnebago County Sheriff, in conjunction with the Winnebago County Finance Department, shall formulate a policy with regard to the collection of said monies.
- (5) Service Fee:** Any prisoner requesting sick call shall be charged a fee against his or her prisoner account of \$10.00 and a \$3.00 service fee for prescription medication. No person shall be denied benefit of medical care or medication as a result of having insufficient funds in their account.

5.04 CORONER'S FEES

- (1) Authority:** This Ordinance is adopted pursuant to the authority provided under [§ 59.36](#) and [69.18\(2\)\(d\)\(3\)](#), Wis Stats.
- (2) Cremation Permit Fee.**
- (a)** A fee of \$200.00 is hereby established for the viewing of a body by a coroner and the issuance of a permit as a precedence to cremation, pursuant to that procedure outlined by [§ 979.10](#), Wis Stats. The estate of the deceased shall be liable for payment of said fee, unless another party agrees in advance, in writing, to be responsible for the payment of said fee.
- (b)** Disinterment Fee. A fee of \$50.00 is hereby established for the application of disinterment of a decedent's corpse. Said fee shall be paid at the time of application by the applicant. Said fee shall not be applicable when a valid court order for disinterment has been issued.
- (3) Payment Of Fees:** All fees paid pursuant to this Ordinance shall be paid to the Office of the Winnebago County Treasurer.

5.05 FEES OF SHERIFF

- (1) Authority:** This Ordinance is enacted pursuant to the authority provided in [§ 814.70](#) and [814.705](#), Wis Stats.



(2) Fees For Civil Process And Travel Related Costs: For the service of any summons, writ, or other process, except criminal warrants and for travel related costs related to said process service, the following fees shall be charged by the Winnebago County Sheriff’s Department:

- (a) Service of civil process:**
 - Each attempt of service of process \$45.00
 - Actual Service \$45.00
 - Plus mileage at the rate
established Pursuant to Section
3.05(4)(a)(1) of this Code.

- (b) Service of civil process on each additional Person** \$25.00

- (c) Service of civil process accomplished at Winnebago County Sheriff’s Department** \$45.00

- (d) Sheriff’s Foreclosure Sale:**
 - 1. Posting of Notice \$75.00
 - 2. Holding of Sale \$75.00

- (e) Notice of Sheriff’s Sale:**
 - 1. Posting of Notice \$75.00
 - 2. Occurrence of Sale \$75.00

- (f) Executions – Tax Warrants:**
 - 10% of 1st \$300
 - 5% of 2nd \$300
 - 3% of Remaining Balance, with a maximum charge of \$60.00

- (g) Presence of Sheriff’s Deputy during execution Of Writ** \$31.00/per Hour

- (h) Post Office Address Requests...** Actual Labor Costs

- (i) Copy Fee (Photocopies or telephone Facsimiles)** \$ 1.00 per Page

- (j) Presence of Contracted Deputy during Execution of Writ** Actual Labor Costs

5.06 CITY-COUNTY SAFETY BUILDING BOARD

(1) Authority: This Ordinance is adopted pursuant to the authority provided under [§ 66.508](#), Wisconsin Statutes.



- (2) **City-County Public Safety Building:** Winnebago County hereby authorizes the equipping, furnishing, operating, and maintaining of a county-city building jointly with the City of [Oshkosh](#). [Said function shall be governed by a County-City Safety Building Board. Section § 66.508, Wis Stats, together with any future amendments, deletions, or supplements thereto](#) shall govern the operation of said building and board, and said statute is herewith incorporated as a part of this Chapter and shall have the same force and effect as those set forth in full herein.
- (3) **Effective Date.** This Ordinance shall be effective as of the date following the date of its publication.

5.07

JAIL INMATE FEES

- (1) **Jail Inmate Fees:** This Ordinance is adopted pursuant to that authority provided under [§ 302.372, 302.38, 302.381, 302.388, 302.425, 302.43, 303.08, and 303.19](#), Wis Stats.
- (2) **Intent:** It is the intent of the provisions of this Ordinance that incarcerated persons be held responsible for paying part of the costs of incarceration and any related expenses, to the extent permitted by law.
- (3) **Waiver Of Fees:** The Sheriff or his designee, within his discretion, may waive any fees established pursuant to this Section of the General Code of Winnebago County for any prisoner upon good cause shown.
- (4) **Use Of Monies Collected:** Any money collected under this section shall be accepted by the Winnebago County Jail or Finance Department and deposited in the Winnebago County treasury, and it shall be utilized to offset the costs of operating the Winnebago County Jail.
- (5) **Daily Jail Fee:**
- (a) For expenses incurred by Winnebago County for crimes for which an individual is sentenced to the Winnebago County Jail or for which the individual was placed on probation and confined in jail, the Winnebago County Board hereby establishes a daily per person Jail Fee. The rate of the daily jail fee shall be established in the following amounts commencing on the following dates:

	<u>First Day</u>	<u>Each Day thereafter</u>
January 1, 2011	\$49.50	\$24.50
July 1, 2011	\$50.00	\$25.00
January 1, 2012	\$50.50	\$25.50
July 1, 2012	\$51.00	\$26.00

- (6) **Warrant Fee**
- (a) The Sheriff may impose a fee for all criminal warrants and civil warrants as authorized pursuant to [§ 814.70 and 814.705](#), Wis Stats.
- (b) The Sheriff may set and impose a fixed warrant fee as authorized by law for all ordinance and civil warrants.
- (c) The Sheriff may set and impose a fixed warrant fee and a per-mile warrant fee as authorized by law for all criminal warrants.



- (d) Any warrant fees imposed or established by the Sheriff shall be charged to the inmate against whom said warrant is executed, or, if a civil warrant, to that person on behalf of whom the warrant is executed.

(7) Prisoner Reimbursement

- (a) Every person confined to the Winnebago County Jail shall complete a financial disclosure form containing the information set forth in [§ 302.372\(2\)\(b\)](#), Wis Stats.
- (b) Within twelve (12) months after the release of a prisoner from jail, Winnebago County may commence an action in Circuit Court to recover the expenses incurred under this Ordinance plus any costs incurred to investigate the financial status of the prisoner and any other expenses of collection not otherwise recovered.

(8) Institutional Accounts

- (a) The Sheriff may charge a prisoner for expenses set forth above, while he/she is a prisoner, including the costs to investigate the financial status of the prisoner and the expenses of collection.
- (b) Should an inmate or prisoner have a balance due for expenses under this ordinance from prior incarcerations, any institutional account created as part of the subsequent incarceration may be used to recover the sums due from the prior incarceration.

(9) Prisoner Cooperation

- (a) A prisoner in a jail shall cooperate with the County in seeking reimbursement under this section for expenses incurred by the County.
- (b) A prisoner who intentionally refuses to cooperate may not earn good time credit under [§ 302.43](#), Wis Stats, or diminution of sentence under [§ 303.19\(3\)](#), Wis Stats.

(10) Duplication Of Expenses Prohibited.

- (a) Winnebago County shall not recover for the same expenses twice pursuant to this Ordinance.

5.08

DISPOSAL OF UNCLAIMED BODIES

- (1) **Authority:** This Ordinance is created pursuant to that authority provided under [§ 979.09](#), Wis Stats.

(2) Disposal By Cremation

- (a) The Winnebago County Coroner shall cause the body of an unclaimed deceased person to be cremated upon his written authorization. Cremation of an unclaimed body shall occur no earlier than seven (7) days subsequent to the pronounced date of death of the deceased person.

(3) Costs

- (a) The Winnebago County Coroner shall request the assistance of the Winnebago County Department of Human Services to determine the Medical Assistance eligibility of the deceased. Should the deceased individual be eligible for Medical Assistance, any Medical Assistance payments made on behalf of the deceased shall be used to offset cremation costs of the deceased individual's unclaimed body.
 - (b) Family members of deceased individuals who refuse to claim the deceased individual's body shall not have any input into the decision regarding the means of disposition of the unclaimed body. Winnebago County shall have no obligation to pay for visitation or other funeral arrangements relating to any deceased individual whose body remains unclaimed.
 - (c) Cremation costs shall not exceed \$500 unless otherwise authorized by the Personnel and Finance Committee of the Winnebago County Board of Supervisors.
 - (d) The Winnebago County Coroner, within his discretion, may dispose of an unclaimed body by burial or by other means when it is in the interests of law enforcement or Winnebago County.
 - (e) Nothing contained within this Ordinance shall prevent the Winnebago County Coroner or Winnebago County from filing a claim against the estate of the deceased, or using other legal means, to recover the costs of disposition of the deceased individual should it appear that assets are available within the estate of the deceased individual or otherwise to cover said disposition costs.
- (4) **Effective Date**: This Ordinance shall take effect upon the date following the date of publication.

CHAPTER 5 HISTORY INDEX

5.01	Ordinance Adopted	11/6/1978
(2)	Amended	9/26/2000
	Amended	10/21/2008
(2)(a)	Amended	6/20/1995
	Amended	12/21/1999
	Amended	2/19/2002
	Amended	8/17/2004
	Amended	12/21/2010
(3)	Amended	6/23/1992
(4)	Created	2/19/2002
(4)	Amended	11/12/2008
(4)(a)	Amended	6/23/1992
(5)(a)&(b)	Rescinded	11/12/2008
5.02	Ordinance adopted	8/17/1993
	Amended	9/21/1994
(2)	Amended	5/19/1998
	Amended	2/16/2005
(4)(a)(3)	Amended	10/16/2007
(6)	Amended	6/17/1997
(7)	Amended	6/17/1997
5.03	Ordinance adopted	9/21/1994
5.04	Ordinance adopted	10/8/1996
	Amended	9/26/2000
(2)(a)	Amended	2/18/2003
	Amended	11/16/2004
	Amended	10/18/2005
	Amended	6/16/2015
5.05	Ordinance adopted	10/8/1996
(1)	Amended	12/21/1999
(2)	Amended	1/20/2004
	Amended	12/20/2005
5.06	Ordinance created	7/28/1998
	Rescinded	10/21/2008
5.07	Ordinance created	1/23/2001
	Amended	3/15/2005
	Amended	10/21/2008
(b) & (c)	Rescinded	10/21/2008
(5)	Amended	12/18/2007

(5)(a)	Amended	12/21/2010
(5)(d)(a)	Amended	6/20/2006
5.08	Ordinance Created	4/16/2013

