

VILLAGE OF SHOREWOOD

RULES AND REGULATIONS OF THE POLICE COMMISSION
(Approved 12-2-99)

ARTICLE 1 ORGANIZATION OF THE POLICE COMMISSION

Section 100. Powers of the Commission

The Commission exercises those powers specified in section 62.13(2) through (5) and (7) through (12) of the Wisconsin Statutes. The Commission has not been granted the optional powers set forth in section 62.13(6), Wis. Stats.

Section 101. Officers of the Police Commission

At the first regular meeting of the Commission held after July 1st, annually, the Commission shall elect one of its members to act as President and one to act as Secretary for a term of one year or until successors are duly elected.

Section 102. Rules of the Police Commission

These Rules shall apply to all entrance and promotional positions in the Shorewood Police Department which are under the jurisdiction of the Commission, and to the conduct of all business relating to the functions and responsibilities of the Commission.

These Rules are subject to the applicable provision of state and federal law. It is the express intention of the Commission to comply with all applicable state and federal laws as they relate to hiring, promotion, discipline, and termination.

Should any provision of these Rules be declared unlawful by a court of competent jurisdiction, all other provisions shall remain in full force and effect.

REPEAL OF RULES. These Rules shall not be repealed, amended or modified except by majority action of the Commission at a regular meeting of the Commission.

Section 103. Records of the Police Commission.

Records of the Police Commission will be stored securely in the Office of the Village Attorney or in such a place as the Commission may from time to time designate. Access to the stored records will be limited to Officers of the Police Commission and the Village Attorney.

ARTICLE 2 POLICE COMMISSION MEETINGS

Section 200. Schedule of Meetings

The Police Commission shall meet at least annually in July to elect officers. The Commission shall also meet at any time set by the Commission during an official business meeting, at the call of the President or upon the written request of at least two members of the Commission.

Section 201. Location of Meetings

The Police Commission meets in the Committee Room of the Village Hall or at such other location as shall be designated by the President or his designee.

Section 202. Notice of Meetings

Public notice of every meeting shall be given in accordance with Section 19.84 of the Wisconsin Statutes.

Upon request, the Commission will make reasonable accommodations to those disabled individuals who wish to attend the meeting.

Section 203. Meetings Subject to Wisconsin Open Meetings Law

The Police Commission meetings shall conform to the requirements of Wisconsin's Open Meetings law, currently subchapter IV, Chapter 19, Wis. Stats. or its successor statute.

The Commission will have and post the required agenda, will meet in open session and will discuss matters in closed session only when authorized to do so under law.

Section 204. Quorum

Three members of the Commission shall constitute a quorum to do business.

Section 205. Rules of Order

The most current edition of *Robert's Rules of Order* shall be the rules of order for the conduct of business at Police Commission meetings, unless stated by the Commission, these rules or Wisconsin law.

ARTICLE 3 APPOINTMENT AND PROMOTION OF POLICE CHIEF, CAPTAINS AND LIEUTENANTS

Section 300. Appointments

The Commission shall appoint the Police Chief. The Chief shall hold office during good behavior, subject to suspension or removal by the Commission for cause.

Whenever there is a vacancy in the Office of Police Chief, the Police Commission shall devise and implement, with the input and assistance of Village staff and personnel, a search process to recruit and appoint a Police Chief. Any cost incurred in the search must be approved by the Village Board in advance.

The Commission may appoint someone to be the Acting Police Chief when the permanent chief has been unable to perform his/her duties for a three day period and is incapacitated and the nature of his incapacity indicates he or she will continue to be incapacitated for more than a 20 day period. The Village Manager will notify the President of the Commission as soon as possible when a chief has been incapacitated.

Except when the appointment can be made with advantage by promotion from within the department, the chief shall make appointments to all positions from an eligibility list approved by the Commission. All appointments shall be subject to approval by the Commission.

When an eligibility list is needed to fill a subordinate position because promotion within cannot be made with advantage from within the department's ranks, the Commission may devise and implement an appropriate process to develop said list.

The eligibility list shall expire at the end of one year from the date approved unless extended or discontinued by the Commission.

Section 302. Probation

A person promoted to a higher position within the police department under the process outlined above shall be on probation for a one year period from the date on which the appointment takes effect subject to any requirements under Wisconsin law.

ARTICLE 4. QUALIFICATIONS, EXAMINATION AND APPOINTMENT OF ENTRY-LEVEL POLICE OFFICERS

Section 400. Minimum Qualifications

Every applicant for appointment to the police service shall:

- (a) Be a citizen of the United States.
- (b) Be able to communicate effectively in the English language.
- (c) A high school diploma or GED equivalent.

- (d) An associate degree or 60 college credits hours.
- (e) Not have been convicted of a felony, unless subsequently pardoned.
- (f) Not have been previously rejected by the Commission for medical reasons that remain uncorrected.
- (g) Be at least twenty-one years old at the time of making application.
- (h) Be in good health and sound mental, emotional and physical condition.
- (i) Possess an unrestricted Wisconsin Motor Vehicle Operator's license.
- (j) Any other qualification which the Commission may spell out in each examination announcement bulletin.
- (k) The minimum requirements set forth in the Law Enforcement Standards of the Wisconsin Administrative Code.

Section 400. Application Process

FORMS. The Commission shall authorize the issuance of application forms. Notice of the times and places that applications are available may be made in the daily newspapers or other media, or in such a manner as the Commission may determine.

MISREPRESENTATION. Any misrepresentation in regard to any material fact contained in the application shall be sufficient cause for excluding the applicant from the examination, removing the same from the eligibility list, or being discharged from the service. Applications must be signed and sworn to by the applicant.

REFERENCES. An applicant shall furnish as references the names and addresses of at least three adult persons not holding Village of Shorewood positions and not related by blood or marriage. These references shall have been personally acquainted with the applicant for at least one year and shall be able to verify to applicant's character and capability.

FILE. Upon completion of the examination process, copies of the applications of those candidates placed on the eligibility list shall be turned over to the police department to become part of the department's files.

Section 401. Examination Process

These rules are applicable to both the promotion and initial appointment procedures. The Police Commission shall approve a process which may include any of the following:

- (a) Written examination
- (b) Validated physical performance tests
- (c) Assessment center skills testing
- (d) Medical examination
- (e) Background investigation
- (f) Oral interviews
- (g) Psychological examination
- (h) Finger printing

- (i) Any other test the Commission may deem of assistance in the selection of personnel.

GRADING. The Commission may determine what score is a passing grade on each segment of the examination process or assign that responsibility to a designated person or entity. The Commission shall apply the appropriate veteran's preference as provided by Section 62.13(4)(d) of the Wisconsin Statutes.

Section 402. Probation

A person appointed to the position of police officer under the process outlined above shall be on probation for an eighteen month period from the date on which the appointment takes effect.

ARTICLE 5 DISCIPLINARY PROCEDURES

Section 500. Scope and Authority

The provision of this article govern the administration of disciplinary procedures over which the Commission has jurisdiction pursuant to Section 62.13(5) of the Wisconsin Statutes. These rules are adopted pursuant to the authority granted to the Commission under Section 62.13(5)(g) to promulgate rules for the administration of disciplinary actions.

The provisions of the article do not apply to probationary police officers, who may be summarily discharged from the police department and unsworn employees of the police department.

DEFINITIONS. "Compliant" means the person or entity who signs the statement of charges against the respondent. "Respondent" means the person charged in the statement of charges.

Section 501. Suspension as a Penalty

The Police Chief or the Commission may suspend a member of the police department as penalty. Such suspensions may be imposed only for just cause, as defined by Wisconsin Statutes and case law.

If a suspension is imposed by the Police Chief, the Chief shall file a report with the President of the Commission immediately.

REQUEST FOR HEARING. A request for a hearing shall be in writing and shall be filed with the President of the Commission within ten calendar days of the date on which the written order of suspension was received by the member. If a request for hearing is received, the Commission shall require the complainant or Chief to file a written statement of charges upon which the suspension is based.

Section 502. Pre-Hearing Procedures

PRE-HEARING CONFERENCE. The Commission may conduct or authorize the President or the Commission's counsel to conduct, a pre-hearing conference to schedule any further proceedings, to identify issues, stipulate to facts and law and to consider any other matter relating to the administration of future proceedings in the case.

DISCOVERY. At least seven calendar days before the date scheduled for the hearing, both parties shall furnish each other and the Commission with the names and addresses of the witnesses each intends to call at the hearing. Except as otherwise allowed by the Commission, there is no right to any additional pre-hearing discovery.

SUBPOENAS. Both parties may compel the attendance of witnesses by subpoena, which shall be issued by the President of the Commission on request. The service of subpoenas shall be the responsibility of the party requesting the subpoenas, and the cost of any service fees, witness fees and other related expenses shall be borne by the party requesting the subpoenas.

Section 503. Hearing Procedures

COMMENCEMENT. The hearing shall be commenced not less than 10 days nor more than 30 days following the service of charges on the respondent, unless said deadlines are waived by the respondent and the Commission.

NOTICE OF HEARING. The Commission shall furnish written notice of the hearing to the complainant and to the respondent promptly upon scheduling the hearing, with at least five business days of advance notice. The notice shall state the date, time and location of the hearing.

RIGHTS OF RESPONDENT. The respondent has the right to attend the hearing in person, be represented by an attorney at respondent's expense, to respond to the charges, to cross-examine the witnesses against him under oath, to present witnesses under oath on his own behalf, to testify on his own behalf and to subpoena witnesses.

Hearings may be closed to the public, by a vote of the Commission, unless requested to be open by the respondent. (See 19.85(1)(b), Stats.) All hearings shall be recorded.

PRESENTATION OF EVIDENCE. The complainant presents evidence in support of charges first. The respondent may then present evidence. Thereafter, each side may offer evidence in rebuttal until both sides rest. All testimony shall be under oath. The Commission may question any witnesses and may call witnesses of its own. Witnesses may be sequestered by order of the Commission.

DECISION BY THE COMMISSION. If the Commission determines that one or more of the charges have been proved, it may sustain such charges and order any of the following:

1. That the respondent be suspended.
2. That the respondent be reduced on rank.
3. That the respondent be both suspended and reduced in rank; or
4. That the respondent be removed from the Department.

If the Commission determines that the charges are not sustained, the respondent if suspended, shall be reinstated and all lost pay restored.

FINDINGS OF WRITTEN FACTS. Findings and determinations rendered at the conclusion of the hearing and orders of suspension, reduction or removal, shall be in writing and shall be filed within three days of their rendering with the Secretary of the Commission. The Village Attorney or designee may offer assistance to the Commission in the drafting of such findings and orders.

ADDITIONAL HEARING AND RULES. The Commission may make such additional rules for the conduct of the hearing for purposes of assured fairness to the parties or promoting the orderly administration of the proceedings as it deems necessary.

APPEAL AND JUDICIAL REVIEW. Appeals and other forms of judicial review of Commission findings and orders shall be as provided for by Wisconsin Statutes and case law.

Section 504. Informal Citizen Complaint Process

When a citizen files a written complaint with the Commission about the conduct of a member of the Department but does not invoke the formal disciplinary process by filing a statement of charges that meets statutory requirements, the Commission may, in its discretion, either refer the matter to the Police Chief for investigation and possible disciplinary action or cause its own investigation of the matter to be conducted. In either event, the citizen shall be notified of the results of any investigation conducted in response to his or her complaint. Forms for complaints are available from the Village Clerk or the Police Department.

Pursuant to Section 66.312, Stats., aggrieved persons may also file a complaint about the conduct of Shorewood law enforcement officer with the Shorewood Police Chief.

Section 505. Discharge or Suspension of the Chief

The Commission may suspend the Chief for just cause pending the investigation of written charges filed with the President of the Commission by the Village President, a commissioner or other appropriate complainant. The Commission shall follow the

procedures outlined in this article in conducting a suspension or discharge hearing for the Chief.

ARTICLE 600. LAYOFF, RE-EMPLOYMENT AND COMPENSATION

Section 600. Layoff and re-employment

Layoffs and re-employments will be conducted according to pertinent union contract provisions and the provisions of current Section 62.13(5)(m), Wis. Stats. or its successor statute.

Section 601. Decrease in Chief's salary

It shall be the duty of the Commission to consider and to recommend to the Village Board in writing whether it approves or disapproves of any decrease in salary of the Chief, pursuant to current Section 62.13(7), Wis. Stats. or its successor statute.

These rules were approved by vote of the Commission on 12-2-99.