



NOTICE

PLEASE TAKE NOTICE that a meeting of the **POLICE COMMISSION** of the Village of Shorewood will be held via teleconference on **Friday, August 27, 2021 at 10:00 a.m.:**

Join the meeting via zoom:

Click this link: <https://zoom.us/j/96134130031?pwd=MjFSWUZNU3lnQTZjbzNMNSsyRkpjZz09>

Or phone: 1-312-626-6799

Meeting ID: 961 3413 0031

Passcode: 078612

- AGENDA -

1. Call to order
2. Approve minutes of October 6, 2020 meeting
3. Approve minutes of July 15, 2021 meeting
4. Staff Updates on Promotional Process of the Sergeant and the Hiring Process of the Police Officer
5. Closed Session –Pursuant to section 19.85(1)(c) of the Wisconsin Statutes for the purpose of considering employment, promotion, compensation or performance evaluation data of any employee over which the governmental body has jurisdiction or exercises responsibility.
 - A. To discuss the Captain promotional process and possible candidate(s) and to receive information regarding candidate(s) for appointment to rank of Captain.
6. Closed Session –Pursuant to section 19.85(1)(c) of the Wisconsin Statutes for the purpose of considering employment, promotion, compensation or performance evaluation data of any employee over which the governmental body has jurisdiction or exercises responsibility.
 - A. To discuss the Interim Police Chief appointment.
7. Closed Session –Pursuant to section 19.85(1)(c) of the Wisconsin Statutes for the purpose of considering employment, promotion, compensation or performance evaluation data of any employee over which the governmental body has jurisdiction or exercises responsibility
 - A. To discuss a complaint filed against a department officer.
8. Reconvene into Open Session to potentially take action on any matter properly discuss in closed session.
9. Information from legal counsel on questions from the Chair.
10. Discuss process for submitting written public comments.

11. Discuss next meeting dates/times.
12. Adjournment

DATED at Shorewood, Wisconsin, this 25th day of August, 2021.

Village of Shorewood
Board of Commissioners
Richard Cole, President

Should you have any questions or comments regarding any items on this agenda, please contact the Manager's office at 847-2700.

It is possible that members of and possible a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Upon reasonable notice, efforts will be made to accommodate the needs of all individuals.

**Village of Shorewood Police Commission
Meeting Minutes
October 6, 2020**

Present Commissioners	O'Brien, Bulluck, Anderson, Cole, Carlson
Excused Commissioners	N/A
Others Present	Chief Nimmer, Alexander Weiss, Trustee Amenta
Recording Secretary	Cole

Meeting was held via Zoom.

Call to Order

Meeting called to order by Commission President O'Brien at approximately 1:05 p.m.

Approve minutes of November 7, 2019 meeting

Moved by Comm. Anderson to approve minutes; second by Comm. Bulluck.

Motion carried unanimously, Cole and Carlson abstained.

Election of Officers:

Comm. Anderson moved to nominate/elect Comm. Cole as Secretary for the Shorewood Police Commission. Comm. Bullock seconds. Brief discussion.

Motion carries unanimously.

Comm. Cole moved to nominate Comm. O'Brien to re-elect as President for the Shorewood Police Commission. Comm. Anderson seconds. Brief discussion.

Motion carries unanimously.

Overview of Police Organizational Study by Alexander Weiss

Alexander Weiss appears. Discussion of his background, website

www.alexanderweissconsulting.com.

Overview of his expertise, prior reports and recommendations. Discussion of the Shorewood Police organizational study process. Draft report could be completed in late October 2020. Members of the commission and public had questions for Mr. Weiss and discussion took place.

During questions, Mr. Weiss was unsure of the exact process but believed the draft report will be given to the Board of Trustee(s) and for public comment. Final report due to the Board of Trustee(s) after the period of public comment.

Comm. Carlson asked a question about recording of Police Commission meetings. Audio or Audio / Video recording had not previously been done. Potential for future meetings.

Adjournment

Motion to Adjourn by Comm. Cole at approximately 1:45 p.m.; second by Comm. Anderson.

Motion carried unanimously.

**Village of Shorewood Police Commission
Meeting Minutes
07/15/2021**

Present Commissioners	O'Brien, Bulluck, Anderson, Cole, Carlson
Excused Commissioners	N/A
Others Present	Chief Nimmer
Recording Secretary	Cole

Meeting was held via Zoom.

1. Call to Order

Meeting called to order by Commission President O'Brien at approximately 9:03 a.m.

2. Discussion of motion to approve minutes of October 6th, 2020 meeting

Comm. Carlson after reviewing the proposed minutes for Oct. 6th meeting, had a number of amendments to propose.

Discussion about a number of minute amendments. Comm. Carlson had a number proposed amendments. Discussion about the proposed amendments.

Friendly amendment by Pres. O'Brien, responded.

When Comm. Cole requested that Comm. Carlson submit his proposed minute amendments in writing, Comm. Carlson indicated he would. (See attachment email at end of document.)

3. Election of Officers:

Comm. O'Brien moved to nominate/elect Comm. Cole as President for the Shorewood Police Commission. Comm. Anderson seconds. Discussion.

Motion carries O'Brien, Anderson, Bullock, Cole Aye (4) Comm. Carlson Nay (1)

Motion carries. 15:24

Comm. O'Brien moved to nominate / elect Comm. Anderson as secretary for the Shorewood Police Commission. Comm. Bullock 2nds. Discussion

Motion carries unanimously 16:05

4. Announcement of Police Commission *being invited to Shorewood Village Board meeting on August 2nd, 2021. Discussion about the Village Board meeting and presentation from Attorney Steven Zach. This is whom does the training on Police Commissions in Wisconsin.*

Comm. Carlson raises various questions about the meeting invitation with the Village Board. Questions include public notice, public comment, asks if items can be added. Discussion by O'Brien and Comm. Carlson, Comm. Carlson referred to ask the additional agenda items question of Village Manager.

Comm. Carlson, when asked by Comm. Cole for specifics, lists:

- 1. Schedule police commission meetings 4 times per year, more if needed.*
- 2. Police Commission will take public comment*
- 3. Civilian oversight training. (Unknown, or not disclosed what proposed group.)*
- 4.*

19:36 Motion by Comm. Carlson to recommend agenda items to the joint meeting. No second motion fails.

20:17 Motion by Comm. Carlson that the agenda include scheduled commission meeting at least 4 times per year, more if needed. Discussion between Comm. Anderson, Comm. Carlson, Comm. O'Brien. Comm. Cole asks Comm. Carlson what the items are.

1. Police Commission to meet 4 times per year, more if needed.
2. Add a opportunity to take public comment and mark on agenda.
3. Establish training procedures for police commissioners that includes training from civilian oversite organizations.
4. Evaluate, analyze and report on the weekly, monthly reports provided on the Police department on the village website.
5. Implement informal complaint procedure as outlined in section 504 in rules and regulations of Shorewood's Police Commission.
6. Let meetings be recorded.

26:00

5. Consider the Hiring process for Police Officer.

Motion by Comm. Carlson, that documents for Police Commission Meeting be provided before the meeting. No Second. No follow up.

Chief Nimmer presents police recruitment process through zoom.

Comm. O'Brien seeks a motion to approve. Comm. Cole moves to approve the Shorewood Police Officer Recruitment process as presented by Chief Nimmer. Discussion among Comm. Carlson, Comm. O'Brien, Comm. Cole. No second, Motion Fails.

37:16

Comm. O'Brien moves to approve the hiring process for Police Officer. Comm. Cole 2nds. Comm. O'Brien, Comm. Cole, Comm. Anderson, vote Aye. Comm. Carlson vote No. Motion Carries 3 to 1. Comm. Bullock abstains. Motion Approved.

6. Consider promotional process for the position of Sgt.

Promotional process for Sgt. Chief Nimmer outlines process. (Presents on zoom.) Discussion. Comm. Carlson objects due to notice regarding presentation of the documents.

Comm. Anderson moves to approve the promotional process. Comm. Cole 2nds. Comm. O'Brien, Comm. Bullock, Comm. Anderson, Comm. Cole "Aye". Comm. Carlson "Nay". No abstentions. Motion carries.

7. Closed Session.

Comm. O'Brien notes that we need to go into closed session for Agenda item #7. Requests a motion from the floor. Comm. Bullock moves to go into closed session. Comm. Anderson 2nds. Comm. Carlson objects. Comm. Cole, reads the notice for closed session. (Friendly amendment.) Comm. Carlson, objects to the process. (Wants the process in open session.) Discussion. Chief Nimmer describes the process. Comm. Carlson objects, asks for statutory authority. Discussion. Chief Nimmer suggests friendly amendment, to change the motion to go into closed session. Discussion. 47:08 – 53:16

Comm. O'Brien calls the question on closed session. Comm. Carlson objects, asks about minutes in closed session. Comm. Carlson requests state statute authorizing no minutes in closed session. Discussion of purpose of closed session. Motion to go into closed session withdrawn by Comm. Anderson. Closed session does not occur.

9. Adjournment

Motion to Adjourn by Comm. Anderson at approximately 9:59 a.m.; second by Comm. Cole. *Comm. O'Brien, Comm Anderson, Comm. Cole "Aye", Comm. Carlson "No". Motion carries, meeting adjourned. (Comm. Bullock not present.)*

<https://vimeo.com/575420514/2f7659697c>

Recording of Shorewood Police Commission Meeting, 7/15/2021 recorded on vimeo.com by David Goldhaber.

**Village of Shorewood Police Department
Sergeant Promotional Process
2021**

Resumes and Letters of Interest are being accepted to establish an eligibility list for the position of Sergeant. Please note the minimum qualifications listed below. Resumes and Letters of Interest must be returned no later than **July 23, 2021 by Noon**.

Steps for Establishing Eligibility List:

1. Submit Resume and Letters of Interest
2. Oral Interview with North Shore Lieutenant/Sergeant Panel
4. Oral Interview with Command Staff
5. Oral Interview with Police Commission

Tentative Timeline (subject to change):

- | | |
|-----------------------------------|-----------------------|
| 1. Letter of Interest: | July 23, 2021 by Noon |
| 2. Oral Interview with Lt. Panel: | Week of July 26 |
| 3. Command Staff Interviews: | Week of August 8 |
| 4. Police Commission Interviews: | TBD, 2021 |
| 5. Eligibility List established: | TBD 2021 |

Minimum Qualifications:

1. United States Citizens
2. Minimum 21 years of age at date of hire
3. Certified as a law enforcement officer for the State of Wisconsin
4. Valid Wisconsin Driver's License with a good driving record
5. An Associate's Degree
6. 4 years of police experience
7. No felony convictions or disqualifying criminal history
8. Mental and physical ability to perform essential functions of a police officer
9. Must be of good moral character
10. Ability to possess and use all standard law enforcement equipment, techniques, and use of force options

The Village of Shorewood is an equal opportunity employer

**Village of Shorewood Police Department
Police Officer Hiring Process
2021**

Applications are being accepted to establish an eligibility list for the position of Village of Shorewood Police Officer. Please note the minimum qualifications listed below. Applications must be returned no later than **August 12, 2021 by Noon.**

Steps for Establishing Eligibility List:

1. Complete written application provided by the Village of Shorewood
2. Written Test
3. Oral Interview with Field Training Officers
4. Oral Interview with Command Staff
5. Oral Interview with Police Commission

Post Conditional Offer of Employment:

1. Background Investigation
2. Psychological exam
3. Medical exam (to include drug screen)
4. Vision and hearing exam
5. Physical fitness/Physical agility exam

Tentative Timeline (subject to change):

- | | |
|----------------------------------|---------------------------------------|
| 1. Applications due: | August 12, 2021 by Noon |
| 2. Written Test: | August 16, 2021 at 10 a.m. and 4 p.m. |
| 3. FTO Interviews: | August 19, 2021, 3 p.m. to 10 p.m. |
| 4. Command Staff Interviews: | August 24, 2021, 8 a.m. to 4 p.m. |
| 5. Police Commission Interviews: | TBD. 2021 |
| 6. Eligibility List established: | TBD 2021 |

Minimum Qualifications:

1. United States Citizens
2. Minimum 21 years of age at date of hire
3. Valid Wisconsin Driver's License with a good driving record
4. Minimum of 60 college credits
5. No felony convictions or disqualifying criminal history
6. Mental and physical ability to perform essential functions of a police officer
7. Must be of good moral character
8. Ability to possess and use all standard law enforcement equipment, techniques, and use of force options

Desired Qualification:

1. Certified or certifiable by the Wisconsin Law Enforcement Standards Board
2. Meet the eligibility requirements to complete the Reciprocity Examination
3. Bachelor's Degree

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VILLAGE OF SHOREWOOD

REPORTS AND PRESENTATIONS TO POLICE COMMISSION

Agenda Item: Consider Police Department Personnel Decisions

Date: August 27, 2021

Presenter: Tyler Burkart, Assistant Village Manager **Department:** Village Manager's Office
Rebecca Ewald, Village Manager

Agenda Item Discussion – *Please provide a summary of the agenda item along with bullet points highlighting the main items and key issues to be discussed.*

The Police Commission will consider two personnel decisions for this meeting: the promotion of Captain and the interim Police Chief appointment. Below is a summary of both actions for the Police Commission to consider.

Police Captain

The Village Board back on July 6, 2021 made some organization changes to the pay range schedule in the Human Resources Manual. Starting this year, the current organization chart in the Police Department contained one Police Chief, one Deputy Police Chief, two Lieutenants, and four Sergeants. Since the highest wage for a Detective was approximately \$85,000 and the minimum for the Police Chief was \$103,970, this created great difficulty to create three different pay bands in this given area and created a pay compression issue. Due to the current vacancies of the Deputy Police Chief and a retirement of a Lieutenant, this became an opportune time to adjust the organizational structure and address the pay compression issue.

The Village Manager's Office in direct consultation with the Police Chief proposed to eliminate the Lieutenant job classification. Deputy Chief shall be reclassified to Captain, which is much more frequently used in police departments. It is proposed for the current Lieutenant (Thomas Liebenthal) to be elevated to become a Captain. The other Lieutenant position would be lowered to a Sergeant. This offers a much more appropriate pay range for the command officer positions within our Police Department without any significant financial impact on the organization. The approved salary range of the Police Captain is \$98,635 - \$107,695.

Interim Police Chief

Police Chief Peter Nimmer provided the Village Manager his letter of resignation. As a result, the Police Chief will need to consider an interim Police Chief as it prepares to do a recruitment and hiring process for the next Police Chief. Thomas Liebenthal, who is being considered to be reclassified from Lieutenant to Captain during this meeting, is the highest-ranking officer on staff. The next highest officers would be four sergeants. The Police Commission shall consider making an appointment for the interim Police Chief position. The appointment would hold this position until a permanent Police Chief is hired.

Action Required / Recommended – *Please include the recommended motion or possible actions for this agenda item.*

Possible motions:

“I move to promote Lieutenant Thomas Liebenthal to the Captain position.”

“I move to appoint _____ to the Interim Police Chief position until a permanent Police Chief is hired.”

Attachments – *Please list the following attachments and supporting documents for this agenda item. Some attachments may be hyperlinked. Include Fiscal notes, if applicable, as the first attachment following this memorandum. Attachments may include: agreements/contracts, presentation materials, letters, service proposals, etc.*

1. Police Captain Job Description
2. Thomas Liebenthal Resume

SHOREWOOD POLICE DEPARTMENT

CAPTAIN OF POLICE

JOB DESCRIPTION

PURPOSE:

The purpose of this order is to define the duties and responsibilities of the Captain of Police.

The Captain of Police, under the direction of the Chief of Police, supervises the day to day operations of the Police Department. He/she is charged with making recommendations to the Chief for his/her review and approval. In the absence of the Chief of Police, the Captain of Police shall exercise command of the Police Department as Acting Chief.

This order consists of the following numbered sections.

- I. FUNCTIONS
- II. PHYSICAL ABILITY
- III. WORK ENVIRONMENT
- IV. EQUIPMENT USED
- V. EDUCATION/LICENSE OR CERTIFICATION
- VI. KNOWLEDGE AND SKILLS
- VII. MEDICAL AND BACKGROUND REQUIREMENTS

I. FUNCTIONS

- A. The Captain of Police shall be assigned the following duties and others as may be deemed necessary by the Chief of Police:
 - 1. Be responsible to the Chief for all assigned activities of the Police Department and have direct command of the members and employees of the department.
 - 2. Subject to the review of the Chief of Police:
 - a. Direct and coordinate the on-going activities of the department.
 - b. Promulgate such policies, procedures, rules, orders, and directives necessary for the proper operations of the departmental units and individuals.
 - c. Monitor and supervise the activities of departmental supervisors, investigators, officers, and employees.

- d. Require the maintenance of the uniforms, apparel, appearance, and equipment of members and employees, and compel obedience to specifications, rules, policies and procedures governing the same.
3. Initiate, investigate, monitor, and review disciplinary actions involving any member or employee under his/her command, and to give oral and written reprimands and recommend further disciplinary action if necessary.
4. Accept, review, and attempt to rectify and/or investigate, and report to the Chief any allegations of misconduct reported by citizens.
5. Establish such assignments of personnel and equipment necessary for the efficient operation of the department.
6. Assume command of shifts or other units as necessary.
7. Assume command of major crime or disaster scenes until relieved by proper authority.
8. Develop and maintain records, reports, accounts, and data processing functions pertaining to the operation of the department.
9. Report promptly to the Chief any unusual occurrence or serious incident within the Village.
10. Develop and implement training activities for all department personnel.
11. Inspect, and cause to be maintained, all departmental equipment, premises, supplies, and installations assigned to his command.
12. Direct the recovery of all departmental equipment or property from any member or employee who retires, resigns, dies, is suspended, or is dismissed from the department.
13. Review the circumstances pertaining to all searches, arrests, incarcerations, and other departmental activities and make appropriate corrections if necessary.
14. Have knowledge of and obey all policies, procedures, rules, orders, and directives pertaining specifically or generally to members or employees of the department.
15. Coordinate cooperative activities and perform liaison duties between the department and external organizations or agencies as assigned by the Chief.
16. Assist in the preparation of preliminary, immediate, and long range budgetary plans covering the needs of the department.
17. Assist in the development and implementation of strategic and tactical plans for the department.
18. When appropriate, serve as Village representative in addressing police labor union questions, grievances, and related concerns.

19. The Captain of Police shall evaluate the supervisors of patrol and investigative units, as well as any other individuals who report directly to him. He/she shall also review the evaluations of all other subordinate positions.
20. Be aware of, and promote, the welfare and morale of members of the Police Department.
21. Enforce the laws and ordinances within his/her assigned area of duty and as may otherwise come to his/her attention.
22. Perform such other duties or assignments as assigned by the Chief of Police.

II. PHYSICAL ABILITY

A. The Captain of Police must be capable of performing the following activities:

1. Stamina – sit/stand for prolonged periods of time, pursue running suspects, climb ladders, stairs, fences, pull, drag, or carry persons, lift traffic cones or barricades and EMS equipment up to 100 pounds.
2. Extent Flexibility – crouch, twist, reach, push, pull, move equipment, subdue suspects, or extricate accident victims.
3. Explosive Strength – force entry to vehicles or residences, apply established physical control techniques described in the use of force continuum, rapidly run in immediate pursuit of suspects.
4. Speed Limb Movement – dodge debris or other hazardous materials, pursue offenders, don and use self-contained breathing apparatus, riot gear, handcuffs, baton, firearms, perform CPR and other rescue techniques, drive police vehicles under emergency conditions.
5. Arm/Hand/Finger Dexterity – utilize baton, handcuffs, firearms, perform CPR, type, use tools and extraction equipment, conduct field sobriety tests, operate radar.
6. Vision – color discrimination, close vision, distance vision, peripheral vision, and ability to adjust focus. Tasks illustrative of these duties would be the ability to identify and describe suspects, vehicles, assess patients skin color, recognize color of smoke, fire, and hazardous materials.
7. Hearing – hear calls for help or assistance, directions or radio broadcasts, warning sirens or alarms, detect unusual or unreasonable loud noises, firecrackers and other similar explosive devices.

The descriptions noted previously are intended as illustrative of the various types of duties which may be performed. The absence of specific statements of each responsibility does not exclude unnamed tasks from this position if the work is similar, related, or a logical and reasonable assignment of the position.

III WORK ENVIRONMENT

In addition to performing daily tasks in an indoor business office environment of an usually moderate noise level, the Captain of Police may be exposed to the following work conditions:

- A. Working in a confined environment above or below ground under claustrophobic circumstances.
- B. Exposure to extreme hot or cold temperatures.
- C. In contact with water or other liquids.
- D. Loud noises of 90 or greater decibels associated with sirens or audible warning alarm systems.
- E. Vibrations related to the use of tools, equipment, or machinery.
- F. Hazardous conditions such as exposure to smoke or fire, electricity, chemicals, CN, CS, or OC gas, explosives, extreme heights, physical attack.
- G. Exposure to atmospheric conditions such as fumes, gases, toxic or caustic chemicals, noxious odors, dust, lead, and other airborne particles.
- H. Contact with blood borne pathogens through blood/saliva found at accidents, crime scenes, EMS services, jail facilities, or caused by human bites.

IV. EQUIPMENT USED

- A. The Captain of Police needs to be reasonably competent in the use of:
 - 1. All vehicles used for patrol.
 - 2. Prisoner/patient restraints, OC spray, expandable baton, firearms (handgun and shotgun).
 - 3. Operation of radar units, intoximeter, measuring devices, camera, evidence equipment.
 - 4. Use of telephone, two-way radio, and computer terminals.
 - 5. Breathing apparatus, ballistic vest, riot helmet, hearing and eye protection.

V. EDUCATION, LICENSE OR CERTIFICATION

- A. Certification by the Wisconsin Law Enforcement Standards Board.
- B. A current, valid Wisconsin driver's license.
- C. Three years of police supervisory experience.

- D. Bachelor's degree from accredited college or university.

VI. KNOWLEDGE AND SKILLS REQUIRED FOR POSITION

- A. The Captain of Police must possess:

1. Ability to communicate, coordinate, organize written and oral reports and presentations.
2. Knowledge of relevant federal, state, and local laws or codes pertaining to current labor practices, civil liability, arrest, search and seizure.
3. Understanding of the rules of evidence and ability to provide courtroom testimony.
4. Knowledge of crime prevention practices and strategies.
5. Skills in management and supervision.
6. Skills in basic fingerprinting, photography, diagram and/or reconstruction of crime scenes, collection and preservation of evidence.
7. Skills and knowledge in use of firearms, handcuffs, baton, OC Spray, emergency vehicle operation, basic first aid, communicable diseases, defensive arrest tactics.
8. Skills and knowledge in use of all department police related computer programs.

VI. MEDICAL AND BACKGROUND REQUIREMENTS

- A. The Captain of Police candidate is subject to:

1. A police background investigation.
2. A medical examination including a psychological evaluation and drug screening.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of this position.

This description has been prepared to assist in evaluating various classes of responsibilities, skills, and working conditions. It indicates the kinds of tasks and levels of work difficulty required of positions given this classification. It is not intended as a complete list of specific duties and responsibilities. Nor is it intended to limit or modify the right of any supervisor to assign, direct, and control the work of employees under supervision. Nothing contained herein is intended or shall be construed to create or constitute a contract of employment between any employee or group of employees and the Village of Shorewood. The Village retains and reserves any and all rights to change, modify, amend, add to or delete from any section of this document as it deems, in its judgment, to be proper.

THOMAS A LIEBENTHAL

Email: tliebenthal@villageofshorewood.org

EDUCATION

University of Wisconsin - Milwaukee

- Bachelor's Degree – Criminal Justice

Northwestern University

- School of Police Staff and Command – Advanced Law Enforcement Management Training

EXPERIENCE

2020-Present – Shorewood Police Department

- Acting Deputy Chief

2014-2020 – Shorewood Police Department

- Lieutenant

2005-2014 – Milwaukee County Sheriff's Office

- Sergeant

2003 – 2005 – Milwaukee County Sheriff's Office

- Detective

1996-2003 – Milwaukee County Sheriff's Office

- Deputy Sheriff

RELATED TRAINING

International Chiefs of Police Association

- Leadership in Police Organizations

National Center for Missing and Exploited Children

- Unit Commander and Policy Training

City of Milwaukee Police Department

- Specialized Detective Training

Federal Emergency Management Agency

- Incident Command Training – Levels 100, 200, 300, and 700

Fair and Impartial Policing, LLC

- Fair and Impartial Policing Instructor Training