

VILLAGE OF SHOREWOOD

RULES AND REGULATIONS OF THE POLICE COMMISSION
(Approved 12-2-99, updated 11-2-21)

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 These Rules shall not be repealed, amended, or modified except by majority action of the Commission at a regular meeting of the Commission.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 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 or their designee and the Attorney for the Police Commission.

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 for individuals of all abilities 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 regarding 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. Discipline of Chief

- a. **GENERALLY:** The Commission may discipline the Chief, including suspension, reduction-in-rank or discharge, pursuant to Wis. Stat. §62.13(5) and Article 6.
- b. **SUSPENSION PENDING CHARGES:** The Commission may suspend the Chief upon its own initiative or pending the investigation of written charges under Wis. Stat. §62.13(5). The suspension shall be with pay and benefits and shall be for the shortest reasonable duration within which the charges may be investigated and resolved.

Section 501. Discipline of subordinates

- a. A subordinate may only be discharged, reduced-in-rank, or suspended as provided by Wis. Stat. §62.13(5). A subordinate may otherwise be disciplined consistent with the terms of any applicable labor agreement. Such other discipline may be imposed by the Chief. A "subordinate" for purposes of Articles 5 and 6 is a non-probationary, sworn law enforcement officer.
- b. **CHARGES GENERALLY:** Charges under Article 6 may be filed against a subordinate by the Chief, by member of the Commission, by the Commission as a body, or by any aggrieved person. The Commission or the Chief may suspend the subordinate with pay pending disposition of charges. Except for extenuating circumstance, the Commission or any Commission member should not be the charging party to preserve the fairness of the hearing process outlined in Article 6. For the purpose of Chapter 6, the Village Manager is an "aggrieved person" in the Village Manager's role in overseeing the administration of Village employees, ordinances and policies.

- c. CHARGE FORM: The Commission shall make a form available for the filing of formal charge under Wis. Stat. §62.13(5), and Article 6. Charges, however, need not be filed on the Commission-prepared form. All charge should be signed by the charging party. The sources of all information supporting the charges should be stated in the complaint or in accompanying documents. The complaint must identify the person who is charged, and specify the date, place, and nature of the alleged offense.

- d. COMPLAINT GENERALLY: When a person files a complaint 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, it does not fall under the jurisdiction of the Commission. The Department shall accept, investigate, and resolve complaints by any person regarding the conduct of Department subordinates, probationary officers and civilian employees related to their status as Department employees in accordance with Policy [#1010 Personnel Complaints](#). If the Commission or any of its members receives a complaint against any Department subordinates, probationary officers and civilian employees, the complaint should be forwarded to the Chief. If the complaint is about the Chief, it should be forwarded to the Village Manager.

ARTICLE 600. DISPOSITION OF §62.13(5) CHARGES

Section 600. Procedure

a. FILING CHARGES:

- 1. Charges may be filed against the Chief or Subordinate by the Chief, the Commission, any Commission member or by an aggrieved person. Except for extenuating circumstance, the Commission or any Commission member should not be the charging party to preserve the fairness of the hearing process outlined in Article 6. For the purpose of Chapter 6, the Village Manager is an “aggrieved person” in the Village Manager’s role in overseeing the administration of Village employees, ordinances and policies.

- 2. All charges filed with the Commission shall be recorded on a docket list and assigned a number in sequence of filing with the date of filing added in parenthesis.

b. REPRESENTATION:

- 1. The accused may be represented by counsel at any meeting, conference, or hearing conducted by or on behalf of the Commission.

- 2. The attorney assigned to serve as General Counsel shall act as legal advisor for the Commission. If the Chief is the complainant, separate counsel may be retained to act as legal advisor to the Chief, if needed. If the Commission

is the complainant, it shall retain separate legal counsel to prosecute such charges on the Commission's behalf. If any member of the Commission files and actively prosecutes such charges, such member shall not participate in deliberating the charges or determining whether they are sustained.

3. Citizen complainants shall prosecute their complaints before the Commission either by themselves or by counsel they retain at their own expense.

c. PRE-HEARING:

1. If charges against the Chief or a Subordinate are filed with the Chair more than ten (10) days prior to the next regular meeting of the Commission, the Chair shall call a special meeting of the Commission. If the charges are filed within ten (10) days of the regular meeting, the Chair need not call a special meeting provided the subject of the charges is made a part of the agenda for that upcoming meeting. The hearing shall be noticed and held in closed session unless the accused requests that the hearing be held in open session.
2. Notice of the Pre-hearing shall be given, by personal service or by certified mail, return receipt requested, to the person charged and to the complainant, if the complainant is not the Chief, the Commission, or a Commission member thereof. A copy of the charges shall be furnished with the notice to the person charged with explanation that delivery of the charges does not constitute service under state law. If the Pre-hearing is set to be conducted in closed session, the person charged shall also be advised that the person has the right to demand that the meeting be conducted in open session.
3. At the pre-hearing, the Commission shall read and examine the charges to assure that the charges are sufficiently specific, related to the duties of the person charged, sufficient to warrant imposition of discipline within the scope of Wis. Stat. §62.13(5), and not defamatory in nature. The Commission shall also determine whether the person charged should be suspended with pay pending the hearing on the charges.
4. The person charged, the complainant, and/or their attorneys may address the Commission at the Pre-hearing, however the Commission shall not hear or evaluate evidence at the Pre-hearing.

d. ACTION:

1. If the Commission finds the charges to be sufficient as to form and nature at the Pre-hearing, it shall then proceed to consider those administrative details set forth in Section 6.02 for the purpose of processing of the charges.

2. If at the Pre-hearing the Commission finds the charges to be so insufficient as to form and nature that even if proven no disciplinary action would be appropriate, it shall summarily dismiss the charges. However, if the Commission deems the defective charges to be curable by the providing of additional detail or facts, it may grant the complainant up to thirty (30) days in which to supplement the complaint. If the Commission concludes that even if the allegations are proven, the discipline would not reach the level of suspension, reduction-in-rank, or termination, the Commission shall refer the complaint to the Chief for further handling as warranted or, if involving the Chief, shall determine whether lesser discipline is warranted.

Section 601. Administration Matters

The Commission shall consider the following administrative matters in proceeding toward disposition of charges filed with it.

- a. Set hearing date within the time frame provided by state law i.e. not less than ten (10) days or more than thirty (30) days following the date of service of charges on the person charged. The Commission shall have the authority to extend such time period(s) if circumstances so dictate.
- b. Establish the mechanics for causing the charges and the notice of hearing to be served.
- c. Resolve any representational issues and the need, if any, for the employment of special counsel.
- d. Make provision for the preparation of a record of the proceeding (e.g., tape recording, court reporter, etc.).
- e. Establish the mechanics for issuance of subpoenas by the Chair and the policy as to the payment of witness fees.
- f. Direct the development of the format of the public hearing and direct the furnishing of relevant information to the parties and their attorneys, if any.
- g. Direct the giving of any required notice of public hearing.
- h. Nothing contained herein precludes the parties from reaching a mutual agreement as to a recommended disposition of the charges. The parties shall submit any such Agreement to the Commission in writing. Any such Agreement shall be subject to an approval of the Commission members.

Section 602. Service of Charges

Following the Pre-hearing, the Commission shall cause there to be served on the accused and the complainant, if the complainant is neither the Chief nor the Commission, notice of the date, time and place of the hearing on the charges. A copy of the filed charges shall accompany the served notice. Service of the notice and the charges on the accused shall be by personal service if practical, otherwise by certified mail, return receipt requested. Service of the notice on the complainant shall be by certified mail, return receipt requested.

Section 603. Scheduling Conference

- a. SCHEDULING: At the discretion of the Commission, a Scheduling Conference may be conducted. If required, the Scheduling Conference shall be held at least five (5) days before the hearing. The charged person and the complainant shall be notified in writing of the date, time, and place of the pre-hearing conference.
- b. PURPOSE: The following matters shall be accomplished at the Scheduling Conference:
 1. Witness lists and any prior written or recorded statements or reports of witnesses shall be exchanged by the parties and/or legal counsel.
 2. Exhibits, if any, shall be exchanged.
 3. Witness or exhibits not submitted at the Scheduling Conference may be introduced at the hearing only if the Commission determines that there was a satisfactory or sufficient reason for such exclusion from the pre-hearing conference.
- c. FAILURE TO APPEAR: If the complainant or the complainant's counsel does not appear, the Commission may dismiss the charges unless a satisfactory reason for the nonappearance is provided. Such dismissal shall be documented in writing to each of the parties and/or counsel within two (2) days of such dismissal. If the accused or designated counsel does not appear, and no satisfactory reason for nonappearance is provided, the Commission may impose sanctions prohibiting the introduction of exhibits or witnesses on behalf of the accused and reimbursing other parties (including the Commission) for expenses incurred in attending the pre-hearing conference.

Section 604. Evidentiary Hearing

- a. The Evidentiary Hearing may be held at a regular or special meeting of the Commission at such time as shall be determined by the Commission. All hearings shall be open to the public, except that the Commission may deliberate in closed session.
- b. If the accused or legal counsel fails to appear at the Evidentiary Hearing, the Commission shall proceed to dispose of the matter on such evidence as may be

before it.

- c. All testimony of witnesses at hearing shall be given under oath, administered by the Secretary or any other Commission member, in the form and manner provided by Wis. Stats. Ch. 887. The accused and the complainant may compel the attendance of witnesses by subpoenas which shall be used by the Chair on the request and shall be served in the manner provided by Wis. Stats. Ch. 885.
- d. At the Evidentiary Hearing, the order shall be as follows:
 - 1. Reading of the charges by Secretary.
 - 2. Opening statements by the complainant and the accused.
 - 3. Testimony and introduction of evidence by the complainant to substantiate the charges with the right of cross-examination by the accused.
 - 4. Testimony and introduction of evidence by the accused with the right to cross-examination by the complainant.
 - 5. Complainant's closing arguments.
 - 6. Accused's closing arguments.

In lieu of closing argument, the Commission may direct the parties to file briefs within a prescribed time period summarizing their legal and factual arguments. This order may be modified, added to or deleted from by a majority of the Commission.

Section 605. Decision

- a. In determining whether there is just cause for discipline, the Commission shall apply the standards set forth in Wis. Stats. § 62.13(5).
- b. The Commission shall, within five (5) business days after the close of the record, (i.e., the conclusion of closing arguments or the submission of briefs), by a majority vote of its members in open or closed session, determine whether by the preponderance of the evidence the charges are sustained. Its written decision and findings shall thereafter be filed with the Secretary.
- c. If the Commission determines that the charges are sustained against the accused, it shall determine whether the good of the service requires disciplinary action by termination, suspension without pay for a period not exceeding sixty (60) days, reduction-in-rank, or suspension and reduction in rank.
- d. If the Commission determines that the charges were not sustained, the accused, if suspended pending disposition of the charges, shall be immediately reinstated in the accused's former position.

Section 606. Appeal

Any person suspended, reduced-in-rank, suspended and reduced-in-rank, or terminated after hearing may appeal from the order to the Circuit Court by serving written notice of

appeal, stating the grounds on which the appeal is based, on the Secretary within ten (10) days after the decision is filed. Within five (5) days thereafter, the Secretary shall certify to the Clerk of Circuit Court the record of the proceedings, including all documents, testimony, and minutes. After the taking of such appeal, the proceedings shall be governed by the provisions of Wis. Stat. §62.13(5)(i).

Section 607. Record Keeping

The Secretary shall keep a record of each hearing; the name and address of the accused and complainant; a brief description of the charges involved; and, the final disposition of the case. The Secretary shall also maintain all other important data and dates concerning the case, such as the date of filing of notice of appeal; date of sending out notices and to whom sent; date of posting of notice of hearing; and, dates of hearings, continuances, and final determination.

ARTICLE 700 LAYOFF, RE-EMPLOYMENT AND COMPENSATION

Section 700. 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 701. 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, updated 11-02-21.