

MEETING: REGULAR MEETING OF THE POLICE & FIRE COMMISSION

DATE & TIME: Monday, January 22, 2024 at 6:00 PM

**LOCATION: POLICE DEPARTMENT ANNEX BUILDING
N112 W16877 MEQUON ROAD**

NOTICE: Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@germantownwi.gov by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration.

AGENDA

I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

II. **ROLL CALL:**

III. **APPROVAL OF MINUTES:**

A. December 19, 2023 Minutes

IV. **NEW BUSINESS:**

A. Conducting Interviews and Establishing an Eligibility List for the Position of Police Sergeant

The Police & Fire Commission may convene into closed session per Wis. Stats. §19.85 (1) (c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and may convene into open session to take such action as it deems appropriate.

B. PFC Rules

V. **ADJOURNMENT:**

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 this service, please contact the Village Clerk at (262)250-4745 at least 2 days prior to the meeting.

POLICE AND FIRE COMMISSION MEETING MINUTES
POLICE DEPARTMENT ANNEX BUILDING
N112 W16877 MEQUON ROAD
December 19, 2023 at 6:00 P.M.

CALL TO ORDER: Chair Scott Scheife called the meeting to order at (6:00) p.m.

ROLL CALL: Present were: Chair Scott Scheife, Larry Owen, Jack Daniels and Chris Yatchak. Sam Schneider was absent. Police Chief Snow and Capt. Pat Merten were also in attendance.

APPROVAL OF MINUTES: N/A.
MOTION.

Conducting Interviews and establishing eligibility list for the Position of Police Lieutenant. MOTION (Chris / Jack) to convene into closed session at (6:02) p.m. and to include the Police and Fire Commission and Other noted attendees. Motion carried unanimously. The Police & Fire Commission may convene into closed session per Wis. Stats. §19.85 (1) (c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and may convene into open session to take such action as it deems appropriate.

MOTION: (Jack / Jack) to convene into open session at (7:53). Motion carried unanimously.
The Police and Fire Commission reconvened into open session.

MOTION: (Jack / Chris): PFC to establish an eligibility list of the following four candidates listed in alphabetical order and to be valid for a year. Darren Von Bereghy, Gregory Duckert, Matthew Jones and Justin Rechlicz. Roll Call Vote Carried Unanimously at (7:54).

MOTION: (Chris / Jack) (7:57) The motion was to amend the P&FC rules to 3 years to 2 years Lateral Process changed. Motion carried unanimously.

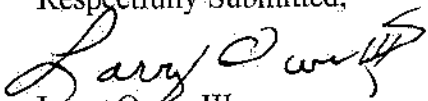
MOTION: (Chris / Jack) (7:59) The motion was to amend the P&FC rules to strike anything regarding the union contract under the detective promotion. The contract had changed so the language was outdated. Motion carried unanimously.

MOTION: (Chris / Jack) (8:00) Delete outside command staff interview process from promotional procedure. This was to ensure we did not need to conduct outside command staff interviews for the sargent position. This gets a bit confusing since the Det. Sgt. Was included with the Lieutenant and that position no longer exists. Motion carried unanimously.

NEXT MEETING DATE: New meeting is being scheduled for January 15, 16,17 or 18.

ADJOURNMENT: MOTION (Chris / Jack) Roll Call Vote Carried Unanimously. The meeting was adjourned at (8:05) p.m.

Respectfully Submitted,


Larry Owen III
Secretary

BUSINESS OF THE POLICE & FIRE COMMISSION

MEETING DATE: January 22, 2024

PLACEMENT: Action Item

ITEM TITLE: PFC Rules

SUBMITTED BY:

SUMMARY EXPLANATION:

Attached is an amended copy of the PFC rules, based on changes that had been previously approved.

ATTACHMENT:

1. pfc_rules_revised_jan24

RECOMMENDATION:

ACTION BY Committee:

SECTION 1

I. INTERNAL PROCEDURES – ADMINISTRATION

- A. Meetings of the Police & Fire Commission shall be held in a place as designated by the Chairperson. Notices of the meetings shall be given according to relevant State Statutes.
- B. Special meetings may be called by the Chairperson at any time at the request of any member of the Commission upon 24 hours notice in advance to each member of the Commission and to the public. Notices of any special meeting shall be given according to relevant State Statutes.
- C. The officers of the Commission shall be a Chairperson and a Secretary.
- D. At the first regular meeting, Commission shall elect one of its members to act as Chairperson and one to act as Secretary for a term of one year, or until a successor is duly elected. There shall be no limitation on the number of terms any officer may serve, but each term shall be for one year commencing from the date of election.
- E. Three members of the Commission shall constitute a quorum to do business.
- F. The Secretary shall attend all meetings and shall record all official actions and shall act on behalf of the Chairperson in the Chairperson's absence.
- G. The regular order of business of the Commission shall be as follows:
 - 1. Approval of minutes
 - 2. General business
 - 3. Other new business
- H. The records of the Commission shall be maintained in the Village Clerk's office.
- I. The Commission may waive any specific provision relating to hiring or promotions upon the request of either Chief and upon unanimous vote of all Commission members present.
- J. Rules & Regulations shall be reviewed annually by the Commission and any amendment thereto may be made on a 3/5ths vote of the Commission.

SECTION II

I. HIRING PROCEDURES – ENTRANCE POSITION – POLICE OFFICER

A. Minimum Requirements Qualifications – the following are the minimum requirements necessary to be appointed a police officer with the Village of Germantown Police Department:

1. U.S. Citizen
2. 21 years of age or older
3. Must possess a valid Wisconsin driver's license
4. Must possess a minimum of 60 fully accredited college level credits
5. Shall not have been convicted of a felony or of any offense which would prohibit the possession of firearms
6. The ability, through training and experience, to develop the following:
 - a) Knowledge of the geography, traffic patterns, important buildings and key locations in the Village of Germantown and surrounding areas.
 - b) Knowledge of Federal, State and local laws and ordinances.
 - c) Knowledge of Germantown Police Department policies, procedures, rules and regulations.
 - d) Knowledge of the purposes and use of police records.
 - e) Knowledge of basic police methods and procedures.
 - f) Ability to analyze situations rapidly and objectively and to determine the proper course of action without supervision.
 - g) Ability to cope with situations firmly, courteously, tactfully and with respect for the rights of others.
 - h) Ability to interact with all citizens of the community in a manner that will build a positive image for the Department.

- i) Ability to learn advanced first aid.
- j) Ability to learn principles of investigation and interrogation.
- k) Ability to understand and carry out oral and written instructions.
- l) Ability to express oneself clearly and concisely, both orally and in writing.
- m) Ability to meet physical requirements of a police officer in all phases of patrol, during investigations, and handling all calls for police service.
- n) Ability to develop skills in the use and care of firearms and maintain qualifications.
- o) Ability to develop skills in defense and arrest tactics.

B. Application Procedure – the application procedure followed for the position of police officer shall be:

- 1. The application procedure shall be administered by the Chief of Police.
- 2. Advertising shall be done to ensure a diverse and sufficient number of applicants.
- 3. Advertisements shall specify requirements, indicate where applications can be obtained, and give a time deadline.

C. Eligibility List – the Germantown Police Department shall establish a police officer eligibility list based on the following examination procedure:

- 1. Written examination
 - a) The written examination used by the Germantown Police Department will be from a professional testing service approved by the Germantown Police & Fire Commission.
 - b) Candidates must achieve a comprehensive grade of 70% on the written examination.
 - c) If a large number of candidates pass the written test, the Police Department may choose to select only candidates with the highest scores to continue in the process.

d) Those candidates that pass the written test but did not score high enough to immediately continue in the process will be eligible to continue in the process if additional openings become available before the expiration of the approved police officer eligibility list.

2. Physical Ability Test. The physical ability test is a pass/fail test. The candidate fails the test if he/she is unable to perform each of the required tasks.

3. Preference Points. Candidates are eligible for military preference points as specified in Wisconsin State Statutes 230.16. Preference Points will be added to those candidates on the police officer eligibility list.

D. Oral Interview

1. The Police Department's Command Staff shall rank the candidates based on the Command Staff's scoring of the oral interviews. If the Command Staff finds a candidate did not successfully complete the interview, the Command Staff can remove the candidate.

2. All questions and evaluations shall be consistent for all candidates.

a) The applicant's ability to verbally communicate in a clear and concise manner

b) The applicant's ability to demonstrate sound judgment and decision making.

c) The applicant's knowledge of police issues and knowledge of the Village of Germantown.

d) The applicant's appearance, speech, presentation of ideas, judgments and temperament.

3. Based on the above testing, the top remaining candidates will be interviewed by the Police & Fire Commission and the Chief of Police. The Police & Fire Commission Chairperson and the Chief of Police shall discuss and decide the number of candidates that will be interviewed by the Commission.

4. The Police & Fire Commission shall rank the candidates based on the Commissioners' scoring of the oral interviews. If the Commission finds a

candidate did not successfully complete the interview, the Commissioner can vote to remove the candidate from the list of eligible candidates.

An eligibility list will be presented to the Police & Fire Commission for approval. If approved by the Commission, the eligibility list will be in effect for one (1) year from the date the Commission approved the list.

E. Background Investigation

1. The department will conduct background investigations on candidates from the eligibility list.
2. A background investigation will be conducted by a person assigned by the Chief of Police or his designee.
3. The background investigation will attempt to gain information concerning the applicant's suitability for law enforcement employment. In particular, background investigators shall look for previous conduct that demonstrated dependability, reliability, conduct that showed the candidate was honest, conduct that demonstrated the candidate could work in a stressful environment and conduct that demonstrated maturity for the job of a police officer.

When a police officer position becomes available, the Chief of Police shall make a conditional job offer. The job offer shall be contingent on the candidate receiving a favorable recommendation on his/her psychological exam, passing his/her physical exam, and passing a drug screen.

F. Post Job Offer Testing

1. Psychological Evaluation
 - a) A psychological evaluation will be given by a State licensed psychologist or psychiatrist to determine the candidate's ability to perform essential job functions of a police officer and handle the stress of being a police officer.
 - b) The specific tests to be utilized will be determined and mutually agreed upon by the Chief of Police and contracting psychologist or psychiatrist.

c) The psychologist or psychiatrist shall render an opinion whether or not the candidate is suitable to be a police officer. If - in the opinion of the psychologist or psychiatrist- the candidate is not suitable to be a police officer, then the candidate shall not be hired as a police officer.

2. Medical Examination

a) A medical exam will be given by a State licensed physician to determine the candidate's ability to perform essential job functions of a police officer.

b) The Police Department will utilize a physician who is familiar with the essential job functions of a police officer.

c) The physician shall render an opinion that the candidate either passed or failed the medical examination based on candidate's ability to perform essential job functions of a police officer. If a candidate fails the medical examination, then the candidate will not be hired as a police officer,

3. Drug Screen

a) The candidate must successfully pass a drug screening test conducted by a certified drug testing laboratory.

b) If a candidate tests positive for any of the drugs that are screened for, then the candidate will not be hired as a police officer.

G. Appointments

1. If a candidate that was given a conditional job offer successfully completes the psychological, medical and drug screen, then the Chief of Police shall appoint the candidate to police officer.

2. If a candidate on the eligibility list is involved in conduct that would either make the candidate ineligible to be hired as a police officer, or was involved in conduct that – had it been known at the time of the background investigation – would have made the candidate ineligible to continue in the hiring process, the candidate will be deemed ineligible.

H. Probationary Period

1. Candidates that are appointed police officers by the Police and Fire Commission are to be on probation for a period of 18 months.

SECTION III

I. PROMOTIONAL PROCEDURES – POLICE DEPARTMENT

A. Detective

1. Minimum Qualifications

- a) A police officer who has successfully completed his probationary period.
- b) Satisfactory evaluations.

2. Examination & Scoring Procedure – the examination procedure shall include a written exam, a department grade, and an oral interview before the Police & Fire Commission.

- a) The Chief of Police and the Association President shall agree to meet prior to the detective promotion and agree to a proper promotional procedure in accordance with the Germantown Professional Police Associations. That process will be reviewed for approval by the Germantown Police and Fire Commission.

3. Eligibility List

- a) Based on the above scoring criteria an eligibility list shall be established. The Chief shall present the eligibility list to the Commission for its approval. If the list is approved and there is an opening for the position of Detective, the Chief shall appoint one of the two top-ranking candidates.

- b) The eligibility list shall be in place for one (1) year.

4. Probationary period – Detectives shall serve a 12 –month probationary period.

B. Sergeant

1. Minimum Qualifications

- a) A police officer who has successfully completed their probationary period prior to appointment.
- b) Satisfactory evaluations

2. Scoring Procedure – the examination shall include a department grade, an oral interview before the Police Department Command Staff, an oral interview in front of the Germantown Police and Fire Commission.

3. Eligibility List

a) Based on the above criteria, an eligibility list shall be established. The Chief shall present the eligibility list to the Commission for its approval.

b) If the list is approved and there is an opening for the position of Patrol Sergeant, the Chief shall appoint the candidate.

c) The eligibility list shall be in place for one (1) year.

4. Probationary Period – Sergeants shall serve a 12-month probationary period.

C. Lieutenant

1. Minimum Qualifications:

a) A sergeant or detective who has successfully completed the 12 month probationary period.

b) Satisfactory evaluations.

2. Scoring Procedure – the examination procedure shall include a department grade, an oral interview before Police Department Command Staff, an oral interview in front of Command Staff from other agencies, and the Police & Fire Commission.

3. Eligibility List

a) Based on the above scoring criteria, an eligibility list shall be established. The Chief shall present the eligibility list to the Commission for its approval.

b) If the list is approved and there is an opening for the position of Lieutenant/Detective Sergeant, the Chief shall appoint a candidate.

c) The eligibility list shall be in place for one (1) year.

4. Probationary Period – Lieutenants/Detective Sergeants shall serve a 12-month probationary period.

D. Captain

1. Minimum Qualifications
 - a) A non-probationary sworn member of the Germantown Police Department Command Staff
 - b) Satisfactory evaluations.
2. Selection Process
 - a) Eligible employees shall submit an application for the position to the Chief of Police.
 - b) The Chief of Police shall select candidates to interview. In selecting candidates to interview, the Chief shall take into account the employee's personal work record, education, seniority, experience, previous discipline, and his/her ability to perform the duties and responsibilities of a Captain of Police.
 - (1) Oral Interview – the Chief of Police shall interview selected candidates. The purpose of the interview is to help the Chief evaluate the employee's job knowledge, technical skills, communication skills, management skills, judgment, initiative, attitude, and leadership ability.
 - (2) Oral Interview – Police & Fire Commission. The Police & Fire Commission shall interview the candidates. The Commission shall then vote to either approve or not approve the Chief's recommendation for Captain of Police.
 - c) The Chief shall appoint the Captain of Police who will be on a one (1) year probationary period.
3. All acting positions assigned by the Chief of Police may maintain their office no longer than a two (2) month period before action is required by the Police & Fire Commission.

SECTION IV

I. HIRING PROCEDURES – ENTRANCE POSITION - FIREFIGHTER/PAID ON CALL FIREFIGHTER/EMT

A. Internal Candidates

1. Job announcement shall be posted for the time period specified in the Collective Bargaining Agreement.
2. A résumé will be submitted to the Fire Chief with copies of supporting documentation. Those meeting the minimum requirements will be forwarded to the Police & Fire Commission for review.
3. An interview with the Police & Fire Commission will be scheduled.
4. The Police & Fire Commission will provide the Fire Chief a list in alphabetical order of candidates that are eligible for appointment.
5. An Assessment Center Process may be utilized to assist the Fire Chief in determining who will be recommended to appointment.
6. Final name to be appointed will be forwarded to the Police & Fire Commission.

B. External Candidates

1. Job announcements will be posted on the Village webpage and local papers and/or websites. Applications will be available at the Fire Department, Village Hall, and will be sent to those requesting one.
2. For non-administrative positions, a written exam may be administrated. This exam will be from a third party testing company.
3. A criminal and driver license background check will be completed.
4. Candidates that pass the written exam will be required to pass the Germantown Fire Department Physical Ability Exam. (With a current

Candidate Physical Ability Test – CPAT – the candidate is exempt from the Germantown Fire Department Physical Assessment).

5. Those passing the written exam (minimum score 75%), and passing the physical ability exam will be forwarded to the Police & Fire Commission for an interview.

6. The Police & Fire Commission will provide the Fire Chief a list in alphabetical order of candidates that are eligible for appointment.

7. The Fire Chief, as part of a conditional offer of employment, will schedule the candidate for a medical exam in accordance with NFPA (National Fire Protection Association) 1001. A Psychological Assessment may also be required.

8. An Assessment Center Process may be utilized to assist the Fire Chief in determining who will be recommended to appointment.

9. Final name to be appointed will be forwarded to the Police & Fire Commission.

C. Paid on Call (POC) Members

1. Potential candidates will complete a Germantown Fire Department employment application. Applications are available at the fire stations.

2. A criminal and driver license background check will be completed.

3. Potential candidates will be requested to attend three (3) drills to see if this is truly the type of commitment they want to make.

4. Candidates will be required to take the Germantown Fire Department Physical Ability Exam, or present a current CPAT Certificate.

5. An interview with the Fire Chief and Deputy Chief will be conducted. Other officers may be invited to participate in the interview process.

6. Once a conditional offer is completed, the candidate will be required to pass a medical physical that meets NFPA 1001.

7. Name of approved POC members will be forwarded to the Police & Fire Commission.

SECTION V

I. PROMOTIONAL PROCEDURES – FIRE DEPARTMENT – LIEUTENANT, CAPTAIN, DEPUTY CHIEF

A. All Employees

1. Job announcements will be posted for time period as specified in the Collective Bargaining Agreement.
2. A résumé will be submitted to the Fire Chief with copies of supporting documentation. Those meeting the minimum requirements will be forwarded to the Police & Fire Commission.
3. An interview with the Police & Fire Commission and Fire Chief will be scheduled.
4. The Police & Fire Commission will provide the Fire Chief a list in alphabetical order of candidates that are eligible for appointment.
5. An Assessment Center Process may be utilized to assist the Fire Chief in determining who will be recommended to appointment.
6. Final name to be appointed will be forwarded to the Police & Fire Commission.

SECTION VI

I. HIRING PROCEDURES – POLICE CHIEF/FIRE CHIEF

A. The following are the qualifications necessary to be appointed Chief of Police in the Village of Germantown.

1. Preferred degree of a Bachelor's Degree in Police Science or related field, or a Master's Degree.
2. Graduate of the FBI National Academy, Northwestern School of Police Staff and Command, or other similar executive law enforcement school.
3. Minimum of ten (10) years of police experience.
4. Minimum of five (5) years of experience in management of a law enforcement agency with specific experience in planning, budgeting and a leadership position.
5. Must be a Wisconsin State certified law enforcement officer or the ability to be certified upon appointment.
6. Must possess a valid driver's license.

B. The following are the qualifications necessary to be appointed Fire Chief in the Village of Germantown.

1. Minimum of a Bachelor's Degree in Fire Science, Public Administration or related field. Master's Degree is preferred.
2. Completion of the National Fire Academy's Executive Fire Officer Program.
3. Minimum of ten (10) years of experience in the fire service.
4. Minimum of five (5) years of command and senior fire management experience.
5. Must possess a valid driver's license.

C. Application and Selection Procedure:

Upon notice of resignation of the chief of either department, or upon a vacancy in the office of chief of either department, the Commission shall decide whether to only accept applications from within the respective department or to also recruit outside the respective department. The Commission may start with only accepting applications from within the respective department, but may proceed with external recruitment at any time prior to the final selection of a chief of either department.

1. Job posting – the Commission shall ensure all members of the respective department are notified of the job posting and qualifications. If the Commission chooses to accept applications from outside the respective Village of Germantown, then the Commission shall choose the scope of the job posting. The Commission may seek the assistance of the Village of Germantown Administrator, or other outside consultant.

2. Application and Résumés – the Commission shall determine the application to be used. Options to consider would be the Village of Germantown’s standard job application or a standard State of Wisconsin application for all law enforcement officers. In addition the Commission shall require all candidates submit résumés.

3. Application Screening Committee – the Commission shall appoint a screening committee to review all applications and résumés. The screening committee may be made up entirely of Germantown Police & Fire Commissioners, may include other Village of Germantown officials, or may include other professionals in the respective fields. The screening committee shall ensure all minimum qualifications are met, and select those candidates to be interviewed by the Commission.

4. Police & Fire Commission Interview – the Commission shall interview those candidates selected by the screening committee. The Commission shall determine the number of candidates to be interviewed and set evaluation criteria and scoring process for the interview. The Commission may choose to have a professional from the respective field advise the Commission throughout the interview process. After these interviews, the Commission shall have the option to choose a top candidate or multiple candidates to continue in the process.

5. Background Investigation – the Commission shall require a complete background investigation on the top candidates selected from the interviews.

The Commission shall review all backgrounds and either choose a candidate, decide to conduct additional interviews of remaining candidates, or review additional applications for the position.

6. Second Interview – if the Commission chooses to conduct a second interview of candidates, the Commission shall determine the number of candidates to be interviewed and set evaluation criteria and scoring process for the interview. After the second interviews, the Commission shall either make a conditional job offer or make the decision to review additional applications for the position.

7. Conditional Job Offer – when the Commission chooses a person for the position, the Chairperson of the Police & Fire Commission shall make a job offer contingent on the candidate successfully completing a drug screen, a psychological and a physical examination.

8. Psychological Examination – the Commission and the Village of Germantown's Village Administrator shall contract with a State of Wisconsin licensed psychologist or psychiatrist to conduct an examination of the candidate. The psychologist or psychiatrist shall render an opinion whether or not the candidate is suitable to be a chief of police or fire chief. The Commission shall follow the recommendation of the licensed psychologist or psychiatrist.

9. Medical Examination – the Commission and the Village Administrator shall contract with a State of Wisconsin licensed physician, who is familiar with the essential job functions of a police officer and/or firefighter, to conduct an examination of the candidate. The medical examination shall be given to determine the candidate's ability to perform essential job functions of a police officer or firefighter. The physician shall render an opinion that the candidate either passed or failed the medical examination. The Commission shall follow the recommendation of the licensed physician.

10. Drug Screen – the candidate must successfully pass a drug screening test conducted by a certified drug testing laboratory.

11. Appointment – if after being given a conditional job offer, the candidate successfully completes the drug screen psychological examination and medical examination, then the Commission shall appoint the candidate to the respective chief's position.

12. The salary and benefits package for the candidate shall be negotiated between the candidate and the Village of Germantown's Administrator.

D. Appointment of Acting Chief – upon notice of vacancy in the position of Chief of Police or Fire Chief, the Commission shall appoint an acting chief until a permanent replacement is selected. The acting chief may be a present member of the department, a past chief of the department, or a past chief of another similar law enforcement agency.

SECTION VII

I. HEARING PROCEDURES

The procedures outlined below are applicable to all quasi-judicial hearings conducted by the Commission. These hearings may arise as an appeal from disciplinary actions of a Chief, as a result of the filing of a complaint by a citizen, or as a result of Commission action.

A. When a hearing is to be held, the Chairperson of the Commission shall set the date therefor. Notice of the date, time and place of the hearing shall be given the accused* and their counsel, and the complainant, by mailing a notice by certified mail to the address of the accused as obtained from the files of the Department, or by personal service. Notice shall not be given less than five (5) days prior to the date of the hearing. A copy of the charges shall accompany the notice. The Chairperson or his/her designee shall conduct the hearing and the Commission may retain counsel for assistance during the hearing.

B. The hearing on the action shall be public. Both the accused and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the Chairperson of the Commission.

C. All testimony of witnesses at hearings shall be given under oath, administered by the secretary, or other member of the Commission, in the form and manner provided by Section 887.03 Wis. Statutes. A record of the testimony shall be made by a court reporter.

D. At the hearing the order shall be as follows:

1. Statement of the charges by the Chairperson.
2. Opening statements, if any, by both sides.
3. Presentation of testimony and the introduction of evidence by the complainant to substantiate the charges.
4. Cross examination of witnesses by the accused or his/her counsel.

5. One (1) additional opportunity to question witnesses by the complainant.
6. One (1) additional opportunity to cross examine witnesses by the accused or his/her attorney.
7. Presentation of a case for the accused, if any.
8. Repeat of steps 4, 5 and 6 regarding witnesses produced on behalf of the accused.
9. Opportunity for each side to present evidence in rebuttal of any evidence presented by the opposing side.
10. Closing arguments by both sides.
11. Written briefs may be filed at the discretion of the Commission.

E. At the conclusion of the hearing, the Commission shall prepare written findings of fact based upon the evidence presented and conclusions which are based upon the findings. For purposes of deliberation after the hearing, the Commission may choose to adjourn into closed session pursuant to SS 19.85 Wisconsin Statutes.

F. If the Commission determines that the charges are sustained, the accused – by order of the Commission – may be suspended, reduced in rank, suspended and reduced in rank, suspended and reduced, removed or otherwise disciplined.

G. Subsequent to the filing of charges, but prior to a hearing, the Chairperson may set a pre-hearing conference and appoint a Commissioner or other person as conferee to preside at the pre-hearing conference. The purpose of the pre-hearing conference is to narrow the issues to be heard and also to shorten the length of time necessary to complete the presentation of evidence.

H. The pre-hearing conference shall be scheduled at least five (5) days before the hearing. The accused and the complainant shall be notified in writing of the pre-hearing conference. The accused and the complainant shall appear at the pre-hearing conference and may be represented by counsel.

I. The following matters shall be accomplished at the pre-hearing conference:

1. Witness lists and any prior written or recorded statements or reports of witnesses will be exchanged between the parties (or their counsel).

2. Exhibit lists will also be exchanged between the parties (or their counsel), and each party (or their counsel) shall be permitted to physically inspect all exhibits of the other party.

3. Witnesses not on the list submitted at the pre-hearing conference will be permitted to testify at the hearing and exhibits not on the list submitted at the pre-hearing conference may be introduced at the hearing only if the Commission determines that the party (or counsel) can demonstrate a satisfactory reason for the exclusion of such witness or exhibit from the list(s) submitted at the pre-hearing conference.

J. If a party does not appear at the pre-hearing conference, either in person or by counsel, the conferee shall report this to the Commission. In the absence of the appearance of the complainant or counsel at the pre-hearing conference, the Commission shall dismiss the charges unless the party or counsel can demonstrate a satisfactory reason for non-appearance.

*Use of the word “accused” in this section shall refer to police personnel/fire personnel appealing disciplinary action of a Chief or the person against whom a complaint has been filed by a citizen, or by the Commission.

SECTION VIII

I. DISCIPLINARY ACTIONS

A. A subordinate who has been disciplined may appeal the disciplinary action to the Commission within ten (10) days of the action. Upon receipt of an appeal, the Chief shall be required to file written charges with the Commission stating the basis for the suspension or other action.

B. Any appeal from the suspension or disciplinary action of a regular member of either department by the respective Chief thereof shall be made and conducted according to Wisconsin Statutes 62.13(5). The hearing shall be held no less than ten (10) nor more than thirty (30) days after filing of charges with the Commission by the Chief.

C. The Commission may suspend a Chief for cause upon its own initiative, or pending the investigation of written charges filed by the Administrator or by the Commission which have been filed with the Chairperson of the Commission. The Commission shall not remove a Chief except upon written charges filed with the Chairperson of the Commission by the Administrator, a member of the Commission, the Commission as a body or an aggrieved person.

D. Hearings to investigate charges against a Chief shall be governed by the provision of Wisconsin Statutes 62.13(5).

E. All hearings regarding disciplinary matters shall be conducted according to the procedures in Section VII.

SECTION IX

I. CITIZEN COMPLAINT PROCEDURE

A. Any person filing charges against any member of either Department shall file the original with the Chairperson of the Commission.

B. The complaint shall be in writing and shall state the following:

1. Name, age, and address of the complainant
2. Name or other clear identification of the accused
3. Facts which give rise to the complaint including the time and place of the alleged offense
4. Names of any independent witnesses upon whose testimony the complainant relies and their current address.

C. The complaint must be signed by the individual filing the complaint.

D. If the complaint is against any member other than the Police Chief or Fire Chief, then the Chairperson of the Commission shall deliver the complaint to the respective Chief, and instruct the Chief to investigate the allegations(s).

E. Upon the completion of a personnel investigation, the Chief of the respective department shall deliver to the Commission a summary of the investigation and a recommendation as to a disposition of the complaint.

F. If the complaint is against the Police Chief or Fire Chief, then the Commission shall meet with the respective Chief and the Commission and Chief shall agree on who will be assigned to investigate the complaint. If the Commission and the Chief cannot agree, then the Commission shall have the authority to assign an investigator.

1. When the investigation is complete, the investigator shall deliver the completed investigation to the Commission and the Commission shall review the

investigation and meet with the respective Chief to discuss a resolution. If the Commission and the Chief cannot agree on a resolution, then the Commission may consult with either the Village Attorney or other legal counsel to advise them.