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**POLICIES AND PROCEDURES**

**POLICE COMMISSION**

**CITY OF MEQUON, WISCONSIN**

Adopted; March 5, 2024

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# Chapter 1: Police Commission Overview

## 1.1 Source of Authority:

The Police Commission is created by Section 62.13 of the Wisconsin Statutes and Section 2-481 of the Code of General Ordinances of the City of Mequon. The Commission consists of five members appointed by the Mayor and confirmed by the Common Council. One member shall be appointed each year between the last Monday of April and the first Monday of May, to a five-year term ending on the first Monday of May of the fifth year following appointment. The Commission does not possess “optional powers” as defined by Wisconsin Statute Section 62.13(6).

## 1.2 Scope of Authority:

As set forth in Section 62.13 of the Wisconsin Statutes, the Commission's scope of authority includes:

1. Appoint the Police Chief and exercise the power to suspend or remove them for cause.
2. Adopt rules of procedure and selection criteria for Police Officers, including their qualifications, providing those qualifications do not conflict with and meet or exceed those qualifications established by state statute or administrative rule.
3. Review and act on disciplinary charges concerning the conduct of and discipline imposed on Police Officers involving suspensions, reductions in rank, and removals, as permitted by law.
4. Authorize reductions in salaries of subordinates and the Chief of the Police Department in the event the Common Council directs the reduction in salaries of personnel.
5. Exercise other and all powers conferred upon the Commission by the Wisconsin Statutes or the City Ordinances.

## 1.3 Definitions:

The rules provided herein shall be applicable to all positions in the police services. The words "police service" as used herein shall include sworn positions in the Police Department of the City of Mequon, which are the only positions under the jurisdiction of the Police Commission.

The word "Commission" when used herein shall refer to the Board of Police Commissioners of the City of Mequon.

## 1.4 Meetings:

1. Regular meetings: Meetings shall be scheduled on an as needed basis. Meetings will be held in City Hall or an alternate publicly accessible location. All regular meetings must comply with Wisconsin's Open Meetings Law. Other than the Commission's first meeting after the Common Council's organization meeting, if there are no items on the agenda requiring timely action, the President may cancel any regularly scheduled meetings of the Commission by notifying each member of the Commission and the City Clerk no less than 24 hours before such a meeting.

2. Other than matters involving disciplinary action or appeals of disciplinary action, any member of the Commission may place an item on the agenda for the Commission's next regular meeting upon reasonable notice to the President of the Commission. For purposes of this paragraph only, reasonable notice is considered to be not less than 72 hours prior to the scheduled start time of the next regular meeting.
3. Special Meetings: Special meetings of the Commission may be held on the call of the President or by any two members of the Commission. All special meetings must be properly scheduled and comply with Wisconsin's Open Meetings Law.

### **1.5 Quorum:**

Three (3) members of the Commission shall constitute a quorum.

### **1.6 Voting:**

A majority vote of the members of the Commission present shall be necessary to take any action. A City staff representative shall record all votes.

### **1.7 Minutes and Records:**

The Police Chief's designee shall be the custodian of all records of the Commission and shall retain minutes of all meetings. Furthermore, the City Clerk shall keep official copies of all agendas and minutes electronically in perpetuity.

### **1.8 Officers:**

1. President: The President shall preside over all meetings and hearings of the Commission. The President shall also receive charges, notices, and issue subpoenas. The President shall be selected at the Commission's first meeting each year following the Common Council's organizational meeting.
2. Vice President: The Vice President shall serve as the President in the event of the absence or disability of the President. The Vice President shall be selected at the Commission's first meeting each year following the Common Council's organizational meeting.

### **1.9 Repeal of Policies and Procedures**

These Policies and Procedures shall not be repealed, amended, or modified except by a super majority action of the Commission at a regular or special meeting of the Commission. Super Majority is defined as a minimum of 80% (4 of 5) of the entire membership. The phrase "entire membership" means all members of the voting body, whether or not they are present at the meeting, but depending on whether the seats are vacant or full.

# Chapter 2: Police Department – Patrol Officer Application

## 2.1 Application Process, Diversity and Inclusion

1. Every applicant for a sworn position shall complete the current City of Mequon, Law Enforcement Officer Application. When completing the application, applicants must fill in all fields that apply. The work experience section must be completed. Applicants shall enter their entire work history, including all internships and volunteer experience. Applicants shall also forward a cover letter and resume along with the application via email to [jobbank@ci.mequon.wi.us](mailto:jobbank@ci.mequon.wi.us), or other email address designated by the Chief, or to City of Mequon Human Resources, 11333 N. Cedarburg Road, Mequon, WI 53092.
2. The City of Mequon reserves the right to invite only the most qualified applicants to participate in testing and interviews as defined in Section 2.2.
3. Any misrepresentation or omission of a material fact in the application or during the hiring process shall be sufficient cause for excluding the applicant from the examination, removing the applicant's name from the eligibility list, or discharging the applicant from the City.
4. Applicants for Patrol Officer must complete all steps of the Patrol Officer processes in order to be eligible for hire by the City, unless otherwise designated by the Chief or Commission.
5. The City of Mequon Police Department is committed to promoting inclusion and diversity in its hiring process. The Department believes that a diverse workforce not only reflects the community it serves but also brings a variety of perspectives and experiences that can enhance its ability to effectively address the needs of the community. The Department actively seeks out candidates from all backgrounds and strives to create a welcoming and inclusive environment for all employees. By fostering a diverse and inclusive workforce, the Department is better equipped to build trust and strengthen relationships with the population served. The Department is dedicated to ensuring that the hiring practices are fair, transparent, and free from bias, and is continuously working to improve our recruitment efforts to attract a diverse pool of qualified candidates.

## 2.2 Minimum Qualifications

1. Be a United States Citizen.
2. Possess a valid unencumbered Wisconsin Driver's license at the time of appointment.
3. Attained a minimum age of 21 years.
4. Have never been convicted of a felony, domestic violence related incident, or other disqualifying conviction.
5. Have a high school diploma or GED.
6. Possess either a two-year associate degree from a Wisconsin Technical College System district or its accredited equivalent from another state or a minimum of 60 fully accredited college level credits.

7. Able to communicate in English, both orally and in writing, in a clear manner using appropriate grammar and spelling.
8. Able to operate a motor vehicle under normal and adverse high-stress conditions while maintaining the ability to communicate and activate the equipment in the vehicle.
9. Able to make quick decisions, form accurate observations, use sound judgment, and maintain a professional demeanor in ordinary and highly stressful situations.
10. Able to recall details, copy written and oral information, and apply instructions with a high degree of accuracy.
11. Able to read and comprehend legal and non-legal material written in English.
12. Able to learn and comply with Department operations, rules, regulations, policies, and procedures associated with the position.
13. Able to learn and apply provisions, procedures, sources, and elements of state and federal law and municipal ordinance related to duties and responsibilities.
14. Able to learn and apply concepts, procedures, and techniques related to interviewing, investigations, confessions, defense and arrest tactics, evidence preservation, search and seizure, and the use of force.
15. Able to pass a thorough background check.
16. Other qualifications established in position descriptions adopted by the City.

### **2.3 Recruitment Process**

1. The Chief of Police or the Chief's designee may facilitate a continuous recruitment process for Patrol Officers. Notice of recruitment will be posted by the Police Department and the City's Human Resources Division on the City's website and other communication resources.
2. Applications will be reviewed for qualifications and evaluated and scored based on education and experience by the Administrative Captain or the Chief's designee. Qualified applicants will be ranked from highest to lowest by total points awarded and placed on an application list. New applicants will be added to the list based on total points awarded by the Administrative Captain. Applications will be used as part of this stage of selection for a period of 6 months from the date it is received. Applicants must reapply after six months if they wish to remain on the applicant list.
3. When Patrol Officer vacancies occur or are anticipated to occur, applicants will be invited to participate in a written test facilitated by the City and an interview with members of the Department hiring panel, which can consist of persons selected by the Chief to include rank-and-file members of the Police Department. Up to two members of the Commission may attend at the same time to observe interviews by the members of the Police Department. Based on the information obtained from the written test and the interview, applicants will be scored and ranked by the Chief or the Chief's designee.
4. The selected applicants as determined by the qualification and testing and initial interview process will then be interviewed by the Command Staff of the Police Department and the Assistant City Administrator. The Department will provide a background information packet to the applicant. The applicant shall complete the packet prior to the interview and bring the completed packet to the interview.

5. If an applicant meets the current ranking minimum, the Chief or the Chief's designee will place them on an unranked Patrol Officer eligibility list.
6. The eligibility list must be reviewed and certified by the Police Commission. The Chief may then select one or more of the candidates on the certified eligibility list to move forward in the recruitment process.
7. Upon selection by the Chief, a candidate will undergo a background investigation. If the candidate passes the background investigation, then a conditional offer that includes the requirement of successfully passing a medical exam, a psychological exam, and a drug screen will be presented to the candidate. The Assistant City Administrator should be present when conditional offer letters are presented to Patrol Officer candidates to facilitate the next steps in the pre-employment onboarding process.
8. Patrol Officer candidates will remain on the certified eligibility list for a period of one year. If after one year they have not been selected, candidates must start over with the application process if they wish to continue to be considered for hiring as a Patrol Officer by the Department.

# Chapter 3: Police Department – Sergeant Promotions

## 3.1 Promotion

Sergeant vacancies are non-entry level positions with supervisory responsibilities that will be filled by internal promotion from within the Department, provided a qualified applicant has applied, can fulfill the needs of the City, and is available.

## 3.2 Minimum Qualifications

1. Fulfills the minimum qualifications of Section 2.2.
2. Possesses a valid certification as a Police Officer from the State of Wisconsin.
3. Is an officer in good standing with the Mequon Police Department or another law enforcement agency.
4. Has a minimum of five consecutive years of service as a sworn officer as of the closing date posted for the application period. For internal candidates, three of the five consecutive years of service must be with the Mequon Police Department.

## 3.3 Promotion Process

1. Notice of the promotional opportunity, a copy of the job description, and the expected duration of the process shall be posted for a minimum of two weeks at the Police Department in locations accessible to all staff and also emailed to all Police Department sworn staff.
2. Applicants must submit a "Matter Of Report" stating their intention to apply for the position, a response to a written prompt, and a resume that summarizes their employment history, including specialized training and noteworthy accomplishments, by the posted application submission deadline. Application materials will be reviewed and scored by the Chief or the Chief's designee.
3. Applicants who fulfill the minimum qualifications and initial screening by the Chief or the Chief's designee will be invited to interview before two Sergeants and the Assistant City Administrator panel. Two members of the Commission may attend at a time to observe the Sergeants and Assistant City Administrator panel interviews.
4. After the completion of panel interviews, applicants will be invited to interview with the Police Department Command Staff as the final step in the interview process.
5. Following the interview process, the Chief or the Chief's Designee will rank the applicants. Each applicant's final score will be an average of their respective results from all steps in the promotion process and each applicant's most recent annual performance evaluation. The following weight is given to each metric.
  - a) 10% - Application Materials
  - b) 10% - Performance Evaluations
  - c) 30% - Sergeant and Assistant City Administrator Panel
  - d) 50% - Command Staff Interview
6. If an applicant meets the current ranking minimum, the Chief or the Chief's designee will place them on an unranked eligibility list as a Sergeant candidate. The Chief may advise



all applicants whether or not they will be on the eligibility list that will go before the Commission for approval and may advise those applicants on the recommended list as to who is being recommended to fill the vacant position(s).

7. The eligibility list must be reviewed and certified by the Police Commission. The Chief may then select one or more of the candidates on the certified eligibility list to move forward in the promotional process to fill the vacant position(s).
8. Upon selection by the Chief, a candidate will be given a promotional offer letter and a copy of the job description of the new position to sign and return.
9. The certified eligibility list for Sergeant promotions will remain for a period of one year.
10. The Sergeant shall serve a promotional probationary period for a duration as determined in the collective bargaining agreement wherein the Sergeant may be moved back to the rank of Police Officer in the discretion of the Chief.

# Chapter 4: Police Department – Detective Promotions

## 4.1 Promotion

Detective vacancies are non-entry level positions with additional investigatory responsibilities that will be filled by internal promotion from within the Department, provided a qualified applicant has applied and is available.

## 4.2 Minimum Qualifications

1. Fulfills the minimum qualifications of Section 2.2.
2. Possesses a valid certification as a Police Officer from the State of Wisconsin.
3. Is an officer in good standing with the Mequon Police Department or another law enforcement agency.
4. Has a minimum of five consecutive years of service as a sworn officer as of the closing date posted for the application period. For internal candidates, three of the five consecutive years of service must be in the Mequon Police Department.

## 4.3 Promotion Process

1. Notice of the promotional opportunity, a copy of the job description, and the expected duration of the process shall be posted for a minimum of two weeks at the Police Department in locations accessible to all staff and also emailed to all Police Department sworn staff.
2. Applicants must submit a "Matter Of Report" stating their intention to apply for the position, a response to a written prompt, and a resume that summarizes their employment history, including specialized training and noteworthy accomplishments, by the posted application submission deadline. Application materials will be reviewed and scored by the Chief or the Chief's designee.
3. Applicants who fulfill the minimum qualifications and initial screening by the Chief or the Chief's designee will be invited to interview before a panel of up to two Detectives and the Assistant City Administrator panel. Two members of the Commission may attend at a time to observe the Detectives and Assistant City Administrator panel interviews.
4. After the completion of panel interviews, applicants will be invited to interview with the Police Department Command Staff as the final step in the interview process.
5. Following the interview process, the Chief or the Chief's Designee will rank the applicants. The applicant's final score will be an average of their respective results from all steps in the promotion process and each applicant's most recent annual performance evaluation. The following weight is given to each metric.
  - a. 10% - Application Materials
  - b. 10% - Performance Evaluations
  - c. 30% - Detective and Assistant City Administrator Panel
  - d. 50% - Command Staff Interview
6. If an applicant meets the current ranking minimum, the Chief or the Chief's designee will place them on an unranked eligibility list as a Detective candidate. The Chief may advise

all applicants whether or not they will be on the eligibility list that will go before the Commission for approval and may advise those applicants on the recommended list as to who is being recommended to fill the vacant position(s).

7. The eligibility list must be reviewed and certified by the Police Commission. The Chief may then select one or more of the candidates on the certified eligibility list to move forward in the promotional process to fill the vacant position(s).
8. Upon selection by the Chief, a candidate will be given a promotional offer letter and a copy of the job description of the new position to sign and return.
9. The certified eligibility list for Detective promotions will remain for a period of one year.
10. The Detective shall serve a promotional probationary period as determined in the collective bargaining agreement.

# Chapter 5: Police Department – Captain Promotions

## 5.1 Promotion

Captain vacancies are upper management positions with additional supervisory and operational responsibilities that will be filled by internal promotion, from within the Department, provided a qualified applicant has applied and is available.

## 5.2 Minimum Qualifications

1. Fulfills the minimum qualifications of Section 2.2.
2. Possesses a valid certification as a Police Officer from the State of Wisconsin.
3. Is a Supervisor in good standing with the Mequon Police Department or another law enforcement agency.
4. Has a minimum of ten consecutive years of service as a sworn officer, as of the closing date posted for the application period. For internal candidates, seven of the ten years of consecutive years of service must be in the Mequon Police Department.

## 5.3 Promotion Process

1. Notice of the promotional opportunity, a copy of the job description and the expected duration of the process shall be posted for a minimum of two weeks at the Police Department in locations accessible to all staff and also emailed to all Police Department sworn staff.
2. Applicants must submit a "Matter Of Report" stating their intention to apply for the position, a response to a written prompt, and a resume that summarizes their employment history, including specialized training and noteworthy accomplishments, by the posted application submission deadline. Application materials will be reviewed and scored by the Chief or the Chief's designee.
3. Applicants who fulfill the minimum qualifications and initial screening by the Chief or the Chief's designee will be invited to interview before a Ranking Officer(s) and Assistant City Administrator Panel. This panel will be comprised of up to two Captains from the Mequon Police Department and the Assistant City Administrator of Mequon. Two members of the Commission may attend at a time to observe the Ranking Officer and Assistant City Administrator panel interview.
4. After the completion of panel interview, Applicants will be invited to interview with the City of Mequon Chief of Police as the final step in the interview process.
5. Following the interview process, the Chief or the Chief's designee will rank the applicants. The applicants' final score will be an average of their respective results from all steps in the promotion process and each applicant's most recent annual performance evaluation. The following weight is given to each metric.
  - a. 10% - Application Materials
  - b. 10% - Performance Evaluations
  - c. 30% - Ranking Officers and Assistant City Administrator Panel
  - d. 50% - Chief of Police Interview

6. If an applicant meets the current ranking minimum, the Chief or the Chief's designee will place them on an unranked eligibility list as a Captain candidate. The Chief may advise all applicants whether or not they will be on the eligibility list that will go before the Commission for approval and may advise those applicants on the recommended list as to who is being recommended to fill the vacant position(s).
7. The eligibility list must be reviewed and certified by the Police Commission. The Chief may then select one or more of the candidates on the certified eligibility list to move forward in the promotional process to fill the vacant position(s).
8. Upon selection by the Chief, a candidate will be given a promotional offer letter and a copy of the job description of the new position to sign and return.
9. The certified eligibility list for Captains promotions will remain for a period of one year.
10. The Captain shall serve a promotional probationary period for a duration of one year from the date of the promotion appointment wherein the Captain may be moved back to their previous rank in the discretion of the Chief.

# Chapter 6: Appointment of a Chief

## 6.1 Appointment

The Commission shall appoint the Police Chief. The Chief shall hold office, subject to suspension or removal by the Commission for cause. The Commission may appoint a suitable person at its discretion, whom need not be a member of the Department or resident of the City of Mequon.

## 6.2 Police Chief Minimum Qualifications

1. Fulfills the minimum qualifications of Section 2.2.
2. Possesses a valid certification as a Police Officer from the State of Wisconsin.
3. Be a citizen of the United States.
4. Have a Bachelor's Degree in Criminal Justice or related field with a Master's Degree or Advanced Command Staff Training preferred.
5. Possess a valid Wisconsin driver's license.
6. Have ten years of police experience with administrative or supervisory experience at the rank of Sergeant or above for at least seven years.
7. Subject to the provisions of Wisconsin Statute Chapter 111, not have been convicted of a crime which substantially relates to the duties of the position of Chief of the Police Department, unless subsequently pardoned, and be of good character. "Good character" shall be determined from a written report containing the following:
  - a. The applicant's fingerprints and a search of local, state, and national fingerprinting records.
  - b. Police checks in all of the applicant's current and previous areas of residence.
  - c. Investigation of each school attended by the applicant from high school and beyond (certified transcripts).
  - d. Investigation in the applicant's current neighborhood of residence and in neighborhoods of former permanent residences.
  - e. Investigation of each place of employment. The interview with the applicant's current employer should be at or toward the end of the background investigation.
  - f. Such other investigation as determined by the Commission.
  - g. The background investigation shall not be assigned a score to be used in rating the applicant. Evidence of unsatisfactory character and/or activities shall be grounds for disqualification.

## 6.3 Appointment Process

1. The Commission has the authority to determine the recruitment process for a Chief, subject to financing and contract authorization for any vendor by the Common Council. The Commission can either vote to petition the City for funds to contract with an external recruitment service, vote to conduct a recruitment process utilizing internal City resources, or appoint a current Captain from within the Department.
2. If the Commission chooses to conduct a recruitment process utilizing internal City resources, then it is suggested the hiring process for a Chief include:

- a. Establishing a timeline.
- b. Human Resources Division's review and placement of advertisements.
- c. Human Resources Division screening of applications for minimum qualifications as set out in this chapter and the respective job description.
- d. Selection of semi-finalists by the Commission.
- e. Semi-finalist interviews with Department Heads and a panel designated by the Commission which may include other outside Chiefs or law enforcement executives and former Chiefs and executives.
- f. Selection of finalists by the Commission.
- g. Finalist interviews with the Commission.
- h. Chief selection by the Commission.
- i. The Commission will extend a conditional offer to the selected candidate subject to completion of the background investigation and then a medical examination with drug screen, psychological examination, and salary negotiation by the City.

# Chapter 7: Disciplinary Procedures

## 7.1 Discipline

1. Subject to Wisconsin Law and in accordance with applicable departmental policies, procedures and regulations, and after an internal investigation by the Chief's designee in compliance with Department Rules and Regulations, and Code of Conduct as well as any procedural requirements set forth in the current labor contract, subordinates may, for just cause, be disciplined by the Police Chief as follows:
  - a. Temporarily removed from duty without loss of pay and benefits; and
  - b. Suspended with loss of pay and benefits.
2. For purposes of this subsection, the Commission uses the following definitions:
  - a. Charged Party: A subordinate or Chief against whom a charge has been filed.
  - b. Commission: The Police Commission.
  - c. Charging party: Person filing charges.
  - d. Days: Days referred to shall mean calendar days.
3. Initiation of Proceedings by Filing of Charges. A proceeding before the Commission is initiated by the filing of a statement of charges in writing with the President of the Commission. Such charges may be filed by a Chief, by a member of the Commission, by the Commission as a body, or by an aggrieved person. Pending disposition of such charges, the Commission or Chief may suspend such subordinate with pay. Charges are distinct from a complaint. The Commission reserves all rights to determine whether the Charge is in fact a charge or merely a complaint requiring investigation pursuant to applicable Police Department or City policy involving complaints. The Commission also reserves all rights to determine whether the Charge should be investigated pursuant to applicable Police Department Policy or Commission Rule or directive.
4. Initiation of Proceedings at Request of a Subordinate. A proceeding may be initiated at the request of a subordinate who has been suspended for disciplinary reasons by the Chief as a penalty. When a subordinate has been suspended for disciplinary reasons, the Chief shall file a report of such suspension with the Commission within 48 hours after issuing the suspension. No hearing of the suspension shall be held unless requested by the suspended subordinate. The subordinate's request for a hearing must be in writing and made to the Chief and the Assistant City Administrator within ten days of the date of service of the notice of suspension by the Chief on the subordinate. Failure to request a hearing within ten days of the date of service of the notice of suspension shall be deemed a waiver of the right to a hearing before the Commission. If the subordinate suspended by the Chief requests a hearing before the Commission, then the Chief shall file charges with the Commission President upon which such suspension was based.
5. No Chief or subordinate shall be deprived of pay or benefits while charges are pending disposition by the Commission.
6. Form and Service of Documents. Charges are a written statement of the essential facts constituting the charges. All charges filed with the Commission shall be in the form of a written charge which shall state the following in plain language:
  - a. The full name, address, and telephone number of the Charging Party



- b. The name or other means of identifying the accused subordinate or Chief.
  - c. The date(s), approximate time(s) and location(s) of the conduct complained of
  - d. A clear statement of facts specifically stating the alleged conduct being complained of that is sufficient to allow the accused to know and understand the factual allegations and to be able to prepare their defense.
  - e. Citation of the rule or order allegedly violated, including its date of issuance and the facts surrounding its dissemination if known.
  - f. Charging Party's signature verifying the accuracy of the information contained in the complaint under penalty of perjury.
7. Documents shall clearly show the title of the proceeding including the name of the Charging Party and Charged Party. The charges shall be signed by the Charging Party and filed with the President of the Commission.
  8. All documents submitted to the Commission shall be printed, typed or legibly handwritten. All documents shall be served upon all counsel of record and upon all parties not represented by counsel, and upon the Commission. Service on the Commission shall be made by service on the Commission President who shall receive an original and five copies of all documents. Service upon a party's counsel shall constitute service upon the party. Service shall be in a manner satisfactory to the Commission and may include hand delivery, mail delivery, and in some cases by email. Service as to an appeal of the Commission's decision shall be as required by Wis. Stat. § 62.13(5).
  9. Charges may be filed by mailing the original Charge and five copies of the Charge to: Police Commission President, 11300 N. Buntrock Avenue, Mequon, WI 53092.
  10. The President of the Commission shall control the timing of service of the Charges on the subordinate. In any case where charges are filed against a subordinate, the Chief shall see to the personal service of a copy of all charges against the subordinate to be disciplined, either by the Chief or through another member of the department or a private process server and shall provide the President with written confirmation of such service and the date thereof. After service of the Charges, the President shall set a date for a hearing.
  11. In the event charges are brought against a Chief, the Commission President shall cause a copy of such charges to be personally served to the Chief.

## **7.2 Hearings**

All hearings shall be conducted in accordance with the provision of Section 62.13, Wis. Stats. and these Rules & Regulations.

### **Scheduling of Hearings**

1. Following service of the Charges and consultation with the Commission and the parties, the President shall set a hearing date before the Commission not less than 10 or more than 30 days after the service of charges. A modification of this time period may occur upon agreement of the parties and the Commission.
2. Notice of the hearing date, time and place shall be personally served or sent by registered or certified mail to the Charging Party and the Charged Party or his/her legal counsel at least eight (8) days prior to the hearing date. A copy of the charges shall accompany the

notice. Notices to the accused shall be sent to the accused at the address noted in the department records.

3. The notice provided by the Commission shall state whether, pending the disposition of any pending charges, the accused shall continue to be suspended if previously suspended.
4. The Commission may adjourn any hearing date on its own motion or upon a showing of good cause.
5. A prehearing conference shall be scheduled by the Commission President before a hearing and as soon as possible after the filing of charges and determination by the Commission that it has jurisdiction, but in no event less than five business days prior to the scheduled hearing. Representatives of both parties shall confer with the President and/or legal counsel for the Commission for purposes of defining the issues to be considered at the hearing. The retention of a court reporter shall also be addressed at that time. No witnesses need to appear at the prehearing conference. The prehearing conference may be deemed by the President to be commencement of the hearing as required under s. 62.13(5)(d) Wis. Stats. The purpose of the prehearing conference is intended to provide an opportunity to consider issues designed to lead to an efficient and fair hearing:
  - a. Orderly exchange of witness information and exhibits. Whether the parties can reconcile differences and settle issues among themselves.
  - b. The possibility of obtaining stipulations as to the facts in the case. Procedural and all other pre-hearing motions by the parties; and
  - c. Any other matters which may aid the Commission in performing its duties.

### **Hearing Procedures**

1. Hearings before the Commission shall be conducted so as to assure fundamental fairness to the parties.
2. Both the Charging Party and Charged Party may request subpoenas from the President to compel the attendance of witnesses. Service of subpoenas and witness fees shall be the responsibility of the party requesting the subpoena.
3. A Charged Party may have an attorney represent them at the hearing at their own expense. The Commission may be represented by a Special Counsel as appointed by the Commission based on a recommendation from the City.
4. Ten calendar days prior to the scheduled hearing, both parties shall provide witness and exhibit lists to opposing counsel and provide for the inspection of any exhibits prior to the hearing. A copy of said lists shall be provided by both parties to the Commission. Any witness or exhibit not on the list filed with the Commission may be excluded at the hearing unless the party seeking its introduction can demonstrate satisfactory reasons to the Commission for its inclusion.
5. All hearings before the Commission shall be conducted in public except those deliberations, including consultation with legal counsel, by the Commission shall be conducted in closed session.
6. No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the Commission unless the Commission determines there is just cause to sustain the charges and the good of the police service requires the disciplinary action. In

making its just cause determination, the Commission shall apply the following standards, to the extent applicable, under Wis. Stat. § 62.13(5)(em)1–7:

- a. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct
  - b. Whether the rule or order that the subordinate allegedly violated is reasonable
  - c. Whether the Chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did, in fact, violate a rule or order.
  - d. Whether the effort described under sub. 3 was fair and objective
  - e. Whether the Chief has presented credible evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate
  - f. Whether the Chief is applying the rule or order fairly and without discrimination against the subordinate
  - g. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate’s record of service with the Chief’s department.
7. In the absence of the appearance of the Charged Party, the Commission will proceed to dispose of the matter on such evidence as may be before it. In the absence of the appearance of the Charging Party, the Commission may dismiss the charges without consideration.
  8. The Charging Party shall first present evidence supporting the charges filed with the Commission. The Charged Party may then present evidence. Thereafter, each side may offer rebuttal evidence. Cross-examination of all witnesses by the opposing party shall be permitted. The Charged Party and Charging Party may be called adversely. The Commission may modify the order of testimony or make such additional rules as it deems necessary in the interest of fairness to the parties.
  9. Testimony of witnesses shall be under oath administered by the President or court reporter in the form and manner provided by the Wisconsin Statutes. Testimony of witnesses at the hearing may also be preserved. The Commission or President may direct that witnesses be sequestered after considering the request of either Party or any member of the Commission.
  10. Proceedings before the Commission shall not be governed by the common law or statutory rules of evidence except those relating to privileges under Wis. Stat. Ch. 905 or to admissibility under Wis. Stat. §§ 901.05, 901.053, and 901.055. The Commission shall admit all evidence having reasonable probative value, but the President may exclude immaterial, unduly redundant, and nonprobative testimony. Objections to evidentiary offers and offers of proof regarding evidence ruled inadmissible may be made and incorporated into the record.
  11. At the close of the presentation of evidence, each party shall be entitled to a limited oral summation of the evidence, or at the discretion of the Commission, a written submission representing proposed findings of fact and conclusions of law.
  12. The President may entertain a motion to enter into closed session pursuant to Wis. Stat. § 19.85(1)(a) and (g) to deliberate and confer with legal counsel for the Commission.
  13. The applicable burden of proof shall be whether the Charges are sustained by substantial evidence, and the Charging Party shall bear the burden of proof and production of evidence. In the event the Commission determines that the Charging Party has failed to meet their

burden of proof, the charges shall be dismissed, and the proceedings terminated with the Charged Party being immediately reinstated and all lost pay, if any, restored.

14. At the conclusion of any hearing, the Department shall provide the Assistant City Administrator with a sealed copy of the employment history and performance records of the Charged Party if the same has not been made a part of the record during the hearing. Such file(s) shall not be opened or reviewed by the Commission unless the Commission shall have first determined by a majority vote that the charges have been sustained by substantial evidence. If the Commission shall determine that there is just cause to sustain the charges, the Commission shall review said file to determine what, if any, discipline is appropriate for the good of the police service. If the charges are sustained, the Commission may, for the good of the police service, order that the accused be:
  - a. Suspended
  - b. Reduced in rank.
  - c. Suspended and reduced in rank.
  - d. Discharged
15. The Commission shall prepare a written decision containing a summary of its findings and orders within three days of its decision. A longer period may be provided by agreement of the parties. A copy of the written decision shall be provided to both parties and to the Chief of the appropriate Department if the Chief is not a party to the proceedings.

### **7.3 Rehearing & Appeal Process**

1. No request for a rehearing shall be entertained unless substantial new material evidence is submitted which could not reasonably have been presented at the previous hearing and which was not presented through any fault or lack of diligence of the party offering it. In all cases, the request for a rehearing shall be presented to the Commission in writing, reciting the reasons for the request.
2. Any person suspended, reduced, suspended and reduced, or removed after a hearing may appeal from the order to the Circuit Court by serving written notice thereof, stating the grounds upon which the appeal is based, on the Assistant City Administrator within ten days after the order is filed. Within five days thereafter, the City Administrator's Office shall certify to the Clerk of the Circuit Court the records of the proceedings, including all documents, testimony, and minutes. After the taking of such appeal, the proceedings thereafter shall be governed by the provisions of Wis. Stat. Sec. 62.13(5)(i).
3. The Assistant City Administrator shall keep a record of each hearing, name and address of the parties, a brief description of the Charges involved, and the final disposition of the case. The Assistant City Administrator shall also show on the docket for each case, all other important date and dates concerning the case, such as date of filing, notice of appeal, dates of service, date of sending out notices and to whom sent, date of posting of notice of hearing, and dates of hearings, continuances, and final determination.