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ARTICLE I ORGANIZATION OF THE GLENDALE POLICE COMMISSION

§ 100. Establishment of the Glendale Police Commission.

(1) The Glendale Police Commission is provided for in § 62.13 of the Wisconsin Statutes.

§ 101. Powers of the Commission.

The Police Commission exercises those powers specified in § 62.13(2) to (12) of the Wisconsin Statutes pertaining to boards of police and fire commissioners, but it does not exercise the "optional powers" specified in § 62.13(6) of the Statutes.

§ 102. Appointment of Commissioners.

(1) The Police Commission is composed of five members appointed by the Mayor of Glendale, Wisconsin and confirmed by the Common Council.

(2) There are no alternate members of the Police Commission.

§ 103. Terms of Office.

(1) **Terms of Office.** The terms of office for Police Commission members shall expire in five years according to the following schedule:

- (a) Commissioner Robert Whitaker
April 30, 2007
- (b) Commissioner Mary Viergutz
April 30, 2007
- (c) Commissioner John Nowak
April 30, 2008
- (d) Commissioner Pam Hoderman
April 30, 2009
- (e) Commissioner Joseph Zancanaro
April 30, 2010

- (2) **Subsequent Terms of Office.** Subsequent terms of office for all Police Commission members shall be five years in duration.
- (3) **Vacancies.** Whenever a vacancy occurs during the term of office of a Police Commissioner, a new Commissioner shall be appointed to complete his or her predecessor's term of office. The appointment shall be made in the same manner as original appointments are made. Exceptions to this can be made only upon the express approval of the Common Council and the Mayor.

§ 104. Officers of the Police Commission.

- (1) **Chair.**
 - (a) **Election.** The Police Commission shall elect a Chair at the first meeting of the Commission that occurs after January 1st of each year. The Chair shall hold office until his or her replacement is duly elected by the Commission.
 - (b) **Duties.** The Chair of the Police Commission shall have the responsibility to:
 - 1. Set the agenda for Commission meetings, which shall include all items requested by any Commission member;
 - 2. Preside over Commission meetings;
 - 3. Preside over any disciplinary hearings involving the Police Chief or subordinate members over whom the Commission has jurisdiction and perform such other functions in the disciplinary process as are identified in Article VII of these Rules or in § 62.13 of the Wisconsin Statutes;
 - 4. Serve as public spokesperson for the Police Commission;
 - 5. Appoint Commission members to any committees that are created by the Police Commission from time to time;
 - 6. Assure that the Glendale Common Council is regularly informed about Police Commission activities;
 - 7. Approve all official correspondence of the Police Commission;
 - 8. Assure that Police Commission expenditures are vigilantly monitored and kept within budgetary limits.

9. Take such other action as is necessary to assure that the duties of the Police Commission are properly discharged, provided that such action is not inconsistent with these Rules or with the Wisconsin Statutes.

(2) **Vice Chair.**

- (a) **Election.** The Police Commission shall elect a Vice Chair at the first meeting of the Commission that occurs after January 1st of each year. The Vice Chair shall hold office until his or her replacement is duly elected by the Commission.
- (b) **Duties.** The Vice Chair of the Police Commission shall have the responsibility to:
 1. Preside at Commission meetings when the Chair is absent;
 2. Assume the responsibilities of the Chair when requested to do so by the Chair; and
 3. Perform such other Commission duties as requested by the Chair, provided that such duties are not inconsistent with these Rules or with the Wisconsin Statutes.

(3) **Secretary.**

- (a) **Election.** The Police Commission shall elect a Secretary, who need not be a member of the Commission, at the first meeting of the Commission that occurs after January 1st of each year. The Secretary shall hold office until his or her replacement is duly elected by the Commission.
- (b) **Duties.** The Secretary of the Police Commission shall have the responsibility to:
 1. Attend all meetings of the Commission, prepare the Minutes thereof for approval by the Commission, and maintain the official copy of the Minutes once they are approved;
 2. Serve as the official custodian of the Minutes of Commission meetings and of all other Commission documents and records;
 3. Prepare and publish official notices of Commission business, including meeting notices and agendas, as requested by the Chair or as otherwise required by these Rules or by the Wisconsin Statutes;

4. Assist the Chair in preparing and circulating Commission correspondence;
5. Accept for filing all appointments of Commission members pursuant to § 62.13(1) of the Wisconsin Statutes;
6. Perform such functions in the disciplinary process as are identified in Article VII of these Rules or in § 62.13 of the Wisconsin Statutes;
7. Perform such other Commission duties as requested by the Chair, provided that such duties are not inconsistent with these Rules or with the Wisconsin Statutes.

§ 105. Address of the Police Commission.

All correspondence with the Police Commission, its officers, and its members shall be sent to the following address:

Police Commission
City of Glendale
5909 N Milwaukee River Parkway
Glendale, WI 53209

§ 106. Service of Process on the Police Commission.

The Police Commission designates the City Clerk, whose office is located at the Glendale City Hall, 5909 N Milwaukee River Parkway, Glendale, WI. 53209, as its agent to receive legal process addressed to the Commission or to any of its members in their official capacities, unless personal service of process is otherwise required by law.

§ 107. Rules of the Police Commission.

- (1) These Rules of the Police Commission shall govern the conduct of all business relating to the duties and responsibilities of the Commission and shall further apply to the position of Police Chief and to all subordinate positions within the Glendale Police Department that are under the jurisdiction of the Commission.
- (2) These Rules of the Police Commission and any amendments thereto shall take effect upon adoption by the Commission at a regular meeting thereof and shall remain in effect until such time as they are repealed or amended in whole or in part.

- (3) These Rules of the Police Commission are subject to the applicable provisions 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 of Department members within the jurisdiction of the Commission.
- (4) 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.

§ 108. Public Records and Records Retention Policy.

Maintenance of Glendale Police Commission records, access to those records, and destruction of those records are governed by the "Policy Regulating Access to and Maintenance and Destruction of Glendale Police Department " records and Section 3-3-9 of the Glendale Code of Ordinances.

§ 109. Definitions.

Unless otherwise indicated, the following terms have the indicated meanings whenever they are used in these Rules:

- (1) "Chair" means the duly elected chairperson of the Glendale Police Commission.
- (2) "Chief" and "Police Chief" mean the person officially appointed by the Police Commission to the position of Police Chief of the Glendale Police Department and, in the event of a vacancy in the position of Police Chief, the person appointed by the Commission to serve as Acting Police Chief.
- (3) "Commission" and "Police Commission" mean the Police commission officially known as the City of Glendale Police Commission.
- (4) "Commissioner" and "Police Commissioner" mean a duly appointed member of the Glendale Police Commission.
- (5) "Department" means the Glendale Police Department.
- (6) "Member" means all personnel employed by the Glendale Police Department, including the Police Chief, who are within the jurisdiction of the Police Commission. As used in these Rules, the term "member" does not include the Auxiliary and civilian employees of the Department.
- (7) "Participating municipality" means a municipality that is a party to the Glendale Police Department mutual support Agreement.

- (8) "Rules" means the Rules of the Glendale Police Commission.
- (9) "Secretary" means the duly elected Secretary of the Glendale Police Commission.
- (10) "Subordinate" and "subordinate member" mean all personnel employed by the Glendale Police Department, except the Police Chief, who are within the jurisdiction of the Police Commission. As used in these Rules, the terms "subordinate" and "subordinate member" do not include Auxiliaries and civilian employees of the Department.
- (11) "Vice Chair" means the duly elected Vice Chairperson of the Glendale Police Commission.

ARTICLE II POLICE COMMISSION MEETINGS

§ 200. Schedule of Meetings.

- (1) The Police Commission shall meet at least annually during the month of January to elect a Chair, Vice Chair, and Secretary.
- (2) The Police Commission shall also meet at any time set by the Commission during an official business meeting, at the call of the Chair, or upon the written request of at least two members of the Commission.

§ 201. Location of Meetings.

The Police Commission meets at the Kenehan Civic Center , 5909 N Milwaukee River Parkway, Glendale, Wisconsin 53209 and at such other locations as specified in the Commission's public meeting notices.

§ 202. Notice of Meetings.

- (1) Public notice of every meeting shall be given at least twenty-four (24) hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two hours in advance of the meeting.
- (2) The notice of meeting shall be provided to each Commission member, to the City Clerk for public posting, and to the designated representative of the Police Department.
- (3) The notice of meeting shall be provided to those news media which have filed a written request for such notice and to any official newspapers designated under §§ 985.04, 985.05 or 985.06 of the Wisconsin Statutes or, if none exists, to a news medium likely to give notice in the Glendale area.
- (4) The notice of meeting shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and the news media thereof.
- (5) The notice of meeting shall invite those who require special accommodations in order to attend the meeting to contact the Police Chief in advance so that reasonable accommodations can be made.

§ 203. Meeting Agenda.

- (1) The Chair shall set the agenda for each meeting and cause it to be included in the notice of meeting.
- (2) In setting the agenda the Chair shall include any item of business requested by any Commission member.

§ 204. Order of Business.

The ordinary order of business for most meetings of the Commission is as follows:

Call to Order
Roll Call
Consideration of Minutes of Previous Meeting(s)
Police Chief's Report on Department Activities
Unfinished Business from Prior Meetings
New Business
Other Business Authorized by Law
Set Next Meeting Date
Adjournment

§ 205. Meetings Subject to Wisconsin Open Meetings Law.

Meetings of the Police Commission are open to the public and all business of the Commission shall be conducted in open session, except that the Commission may convene in closed session when duly authorized to do so pursuant to law and then only upon a motion to that effect that is carried in a roll call vote that is recorded in the Minutes. The motion shall specify the subject matters to be discussed in closed session and the statutory authority for considering them in closed session.

§ 206. Quorum.

A majority of the members of the Police Commission shall constitute a quorum for the transaction of any business at a meeting of the Commission.

§ 207. Vote Required to Take Action.

- (1) The act of a majority of the Commissioners present at a Police Commission meeting at which a quorum is present shall be the act of the Commission.
- (2) Only duly appointed members of the Commission may vote on matters at a Commission meeting.
- (3) Proxy voting is not permitted at Commission meetings.

§ 208. Floor Privileges.

- (1) Only duly appointed members of the Police Commission shall have the right to speak at Commission meetings.
- (2) The Commission may, in its sole discretion, allow anyone else present at a Police Commission meeting to speak at the meeting and then only to the extent of and subject to any parameters established by the Commission.

§ 209. Rules of Order.

The then current edition of *Robert's Rules of Order* shall be the rules of order for the conduct of business at Police Commission meetings, unless otherwise provided by these Rules of the Commission or by the Wisconsin Statutes or unless the Commission waives those rules of order or specified provisions thereof for a particular meeting.

ARTICLE III APPOINTMENT OF CHIEF OF POLICE, CAPTAIN OF POLICE AND LIEUTENANT OF POLICE.

§ 300. General Provisions.

- (1) The provisions of Article III shall govern the appointment of the Chief of Police, Captain, Lieutenant, Sergeants and, when necessary, Acting Positions in these ranks.
- (2) The qualifications for appointment thereto are established by the Police Commission.

§ 301. Recruitment and Appointment of Police Chief; Acting Police Chief.

- (1) The Police Commission is vested under the Wisconsin Statutes with the authority to appoint the Police Chief, who shall hold office during good behavior, subject to suspension or removal by the Commission for cause.
- (2) Whenever there is a vacancy in the office of Police Chief, the Police Commission shall devise and implement a search process to recruit and appoint a Police Chief. The steps in the search process are, subject to applicable state and federal law, within the sole discretion of the Commission.
- (3) Whenever there is a vacancy in the office of Police Chief, the Police Commission may appoint an Acting Chief who shall perform the duties of the Police Chief until such time as he or she is removed by the Commission or until a new permanent Police Chief is appointed and takes office.

§ 302. Appointment of Captain; Acting Captain.

- (1) Whenever there is a vacancy in the rank of Captain, the Police Commission shall devise and implement a process to appoint a Captain. The steps in the process are, subject to applicable state and federal law, within the sole discretion of the Commission.
- (2) A person appointed to the rank of Captain shall be on probation in that rank for a period of six months from the date the person takes office.

- (3) Whenever there is a vacancy in the rank of Captain, the Police Commission may appoint an Acting Captain who shall perform the duties of the Captain until such time as he or she is removed by the Commission or until a permanent Captain is appointed and takes office.

§ 303. Appointment of Lieutenant; Acting Lieutenant

- (1) Whenever there is a vacancy in the rank of Lieutenant, the Police Commission shall devise and implement a process to appoint a Lieutenant. The steps in the process are, subject to applicable state and federal law, within the sole discretion of the Commission.
- (2) A person appointed to the rank of Lieutenant shall be on probation in that rank for a period of six months from the date the person takes office.

§ 304. Appointment of Sergeant; Acting Sergeant

- (1) Whenever there is a vacancy in the rank of Sergeant, the Police Commission shall devise and implement a process to appoint a Sergeant. The steps in the process are, subject to applicable state and federal law, within the sole discretion of the Commission.
- (2) A person appointed to the rank of Sergeant shall be on probation in that rank for a period of six months from the date the person takes office.

ARTICLE IV PROMOTION PROCEDURES FOR THE REPRESENTED RANKS

§ 400. General Provisions.

- (1) Promotions to the rank of Detective are subject to the provisions of the Collective Bargaining Agreement between the City of Glendale and the Glendale Professional Police Officers Association.
- (2) All applicants shall take a written examination provided, administered and scored by the Wisconsin City and County Testing Service. The scores shall be filed with the Police Commission.
- (3) At a meeting called by the Chair of the Police Commission and attended by the President of the GPPA, the Chief and the Secretary of the Police Commission, all documents shall be opened and tabulated. The results shall be announced at this meeting and recorded.

ARTICLE V APPOINTMENT OF ENTRY LEVEL POLICE OFFICERS

§ 500. General Provisions.

- (1) The provisions of Article V shall apply whenever there is a vacancy in the position of Police Officer.
- (2) Whenever a vacancy occurs in the position of Police Officer, the Police Commission shall act as expeditiously as possible to fill that vacancy, provided that it is authorized by the Common Council.

§ 501. Appointment Options.

When a vacancy in the rank of Police Officer, the Police Chief shall appoint from an eligibility list created pursuant to § 503.

§ 502. Appointments from Eligibility List.

- (1) If the Police Chief elects to appoint from a ranked eligibility list created under § 503, the Chief shall select from among the top five individuals on the ranked list who are available for appointment and who remain otherwise qualified for appointment. The Chief may extend to a candidate so chosen a conditional offer of appointment on behalf of the Glendale Police Department.
- (2) The offer of employment is subject to the candidate's successful completion of a medical examination, psychological examination and a background investigation and to final approval by the Police Commission.

§ 503. Creation of Eligibility List.

- (1) When the Police Commission decides to establish an eligibility list for appointments to the position of Police Officer, it shall observe the procedures specified in this section.
- (2) Before instituting the procedures specified in § 503(3), the Police Commission shall approve a protocol specifying application procedures, advertising techniques to be employed, the vendors (if any) to be employed for purposes of conducting testing procedures, the passing score for scored tests, the number of applicants passing the

written test who are to be invited to participate in the physical performance test, and any other specifications which the Commission deems necessary to assure a process which fully conforms with the law and which reliably identifies the most qualified applicants.

- (3) The procedures for establishing an eligibility list shall be as follows:
 - (a) Advertisement of intention to establish an eligibility list.
 - (b) Administration of written examination to applicants who possess minimum credentials as specified by the Police Commission.
 - (c) Prescreening interview by Chief and/or the Chief's designee(s) of applicants who pass the written test.
 - (d) Administration of physical performance test to a predetermined number of applicants who pass the written examination conducted under § 503(3)(b).
 - (e) Administration of Assessment Center process to applicants who pass the physical performance test.
 - (f) Oral interview by the Police Commission of predetermined number of top scorers on the prescreening oral interview.
 - (g) Creation of ranked eligibility list by Police Commission following the oral interviews conducted under § 503(3)(e). Only candidates who pass the oral interview specified in § 503(3)(e) qualify for placement on the eligibility list. In determining eligibility list rankings, the Commission shall consider all relevant information gathered in the preceding steps.
- (4) The eligibility list established under § 503(3) shall remain in effect for a period of one year from the date of its creation by the Commission, unless it is extended or rescinded by order of the Commission.

§ 504. Probation.

A person appointed to the rank of Police officer under the provisions of Article V shall be on probation in that rank for a period specified in the labor agreement.

ARTICLE VI DISCIPLINARY PROCEDURES

§ 600. Scope and Authority.

- (1) The provisions of Article VI govern the administration of disciplinary procedures over which the Police Commission has jurisdiction pursuant to § 62.13(5) of the Wisconsin Statutes. They are adopted pursuant to the authority granted to the Commission under § 62.13(5)(g) to promulgate rules for the administration of disciplinary actions.
- (2) The provisions of Article VI apply to the Police Chief and to all subordinate members of the Department.
- (3) The provisions of Article VI do not apply to:
 - (a) Auxiliary Police, who may be disciplined or discharged at the discretion of the Chief;
 - (b) Probationary entry Police officers, who may be summarily discharged from the Department by the Chief; subject to the labor agreement.
 - (c) Members of the Department who are serving in a probationary capacity in a promoted rank and who are demoted by the Police Commission for failing to satisfactorily complete the period of probation; and
 - (d) Civilian employees of the Department.

§ 601. Definitions.

When used in Article VI, the following terms have the indicated meanings:

- (1) "Complainant" means the person who signs the statement of charges against the respondent. In the case of a statement of charges filed by the Police Commission as a body, "complainant" means the Commission.
- (2) "Respondent" means the person charged in the statement of charges.

§ 602. Legal Counsel for the Commission.

The Police Commission may, with the prior approval of the Common Council, retain legal

counsel to assist it in the administration of any disciplinary matter pending before it.

§ 603. Appointment of Hearing Examiner.

The Police Commission may, with the prior approval of the Common Council, appoint a hearing examiner to assist it in the administration of any disciplinary matter pending before it. Use of a hearing examiner, however, does not relieve the Commission of its responsibility for making findings of facts and conclusions of law in the matter. A hearing examiner duly appointed by the Commission may be discharged by it at any time.

§ 604. Suspension of Members as a Penalty.

- (1) **Authority to Suspend; Written Order of Suspension.** The Police Chief or the Police Commission may suspend a member of the Department as a penalty. Such suspension may be imposed only for just cause, as described in § 607(7)(b) below. The order of suspension shall be in writing, shall state the reasons for the suspension and the length thereof, shall indicate the date on which the suspension takes effect, and shall advise the member suspended of the right to appeal the suspension to the Police Commission pursuant to § 604(3) of these Rules.
- (2) **Report of Suspension.** If a suspension penalty is imposed by the Police Chief, the Chief shall file a report with the Chair of the Commission immediately upon issuing the order of suspension.
- (3) **Request for Hearing.**
 - (a) If a member suspended by the Police Chief requests a hearing on the suspension, the Police Chief shall file with the Chair of the Commission a written statement of charges upon which the suspension is based. The statement shall conform to the requirements of § 605(2) below. Thereafter, the processes described §§ 606-607 shall be observed.
 - (b) If a member suspended by the Commission requests a hearing on the suspension, the Commission shall require the complainant to file a written statement of charges upon which the suspension is based. The statement shall conform to the requirements of § 605(2) below. Thereafter, the processes described in §§ 606-607 shall be observed.
 - (c) A request for a hearing shall be in writing and shall be filed with the Chair of the Commission within ten (10) calendar days of the date on which the written order of suspension was received by the respondent.

- (4) **No Request for Hearing.** If the suspended member does not request a hearing on the suspension within ten (10) calendar days of the date on which he or she received the written order of suspension, no hearing shall be held.

§ 605. Filing of Charges; Suspension Pending Disposition of Charges.

- (1) **Who May File Charges.** Charges may be filed against a subordinate member of the Department by the Police Chief, by a member of the Police Commission, by the Commission as a body, or by any aggrieved person. Charges may be filed against the Police Chief by a member of the Police Commission, by the Commission as a body, or by any aggrieved person.
- (2) **Statement of Charges.** In order to invoke the formal disciplinary process as described in Article VI of these Rules, the statement of charges shall:
- (a) Be in writing;
 - (b) Be addressed to the Police Commission;
 - (c) Identify the person against whom the charges are brought;
 - (d) State sufficient facts to allow the accused to know and understand the factual allegations and to be able to prepare a defense. The statement of charges shall indicate the date(s) and location(s) of the alleged offense(s). If any portion of the statement of charges is made upon information and belief, the source(s) of such information and belief shall be identified by name and address;
 - (e) State the specific statute, rule, regulation, policy, procedure, or order which the accused is charged with violating;
 - (f) Be verified, meaning that the complainant must sign and date the statement of charges in the presence of a notary public after declaring under oath or affirmation that the contents of the statement are true and correct to the best of the person's knowledge, information, and belief; and
 - (g) Be filed with the Chair of the Police Commission at the address specified in § 105 of these Rules.
- (3) **Dismissal of Charges.** The Commission may dismiss without prejudice any statement of charges that fails to comply with the requirements of § 605(2).
- (4) **Service of Charges.** Following the filing of charges with the Chair of the

Commission, the complainant shall cause a copy thereof to be promptly served upon the respondent and shall promptly furnish the Chair of the Commission with written evidence of that service.

- (5) **Suspension Pending Disposition of Charges.** Pending disposition of charges that have been filed with the Chair of the Commission, the Police Chief or the Commission may suspend the respondent.

§ 606. Pre-Hearing Procedures.

- (1) **Scheduling Conference.** After the respondent has been served with the statement of charges, the Commission may conduct a scheduling conference with the parties and their counsel to calendar future proceedings in the matter and to consider any other matters relating to the administration of future proceedings in the case.
- (2) **Pre-Hearing Conference.** The Commission may authorize the Chair or a Commissioner designated by the Chair to conduct a pre-hearing conference with the parties for such purposes as attempting to simplify the issues at the hearing, determining which issues are contested by the respondent, and identifying facts to which the parties are willing to stipulate. Participation in a pre-hearing conference shall not disqualify any Commissioner from participating in further proceedings in the case.
- (3) **Discovery.**
 - (a) At least seven calendar days before the date scheduled for the hearing, the complainant and the respondent shall furnish each other and the Chair with the names and addresses of the witnesses each intends to call at the hearing. The Commission may refuse to allow a party to call a witness not named on the witness list, unless the Commission determines that the failure to name the witness occurred for good reason.
 - (b) Except as otherwise allowed by the Commission, there is no right to any additional pre-hearing discovery.
- (4) **Subpoenas.** Both the complainant and the respondent may compel the attendance of witnesses by subpoena, which shall be issued by the Chair of the Commission on request. The service of subpoenas shall be the responsibility of the party requesting the subpoenas, and the cost of any service fees, witness fees and other related expenses shall be borne by the party requesting the subpoenas.

§ 607. Hearing Procedures.

- (1) **Commencement.** The hearing shall be commenced not less than 10 days nor more than 30 days following the service of charges on the respondent.
- (2) **Notice of Hearing.** The Commission shall furnish written notice of the hearing to the complainant and to the respondent promptly upon scheduling the hearing. The notice shall state the date, time and location of the hearing and shall advise the respondent of the following rights:
 - (a) To attend the hearing in person;
 - (b) To be represented by an attorney;
 - (c) To respond to and challenge the charges;
 - (d) To cross-examine and confront the witnesses against him or her under oath;
 - (e) To present witnesses under oath on his or her own behalf;
 - (f) To testify on his or her own behalf;
 - (g) To argue his or her view of the law and the facts; and
 - (h) To subpoena witnesses.
- (3) **Representation by Counsel.** Both the complainant and the respondent may be represented by counsel at the hearing.
- (4) **Duty to Prosecute Case.** When the complainant is the Police Chief, it is the responsibility of the Chief and the Chief's counsel, if any, to prosecute the case. When the complainant is other than the Police Chief, it is the responsibility of the complainant and the complainant's counsel, if any, to prosecute the case.
- (5) **Hearing to be Public.** Disciplinary hearings before the Commission shall be conducted in public, except that deliberations by the Commission may be conducted in closed session.
- (6) **Hearing to be Recorded.** All public portions of the hearing shall be recorded verbatim.
- (7) **Issues at Hearing.**
 - (a) No member may be suspended, reduced in rank, suspended and reduced in rank, or removed by the Commission based on charges filed by the Commission as a body, by an individual Commissioner, by the Police Chief, or by an aggrieved person, unless the Commission determines that there is just cause, as described in § 607(7)(b) below, to sustain the charges.
 - (b) In making its determination of just cause under § 607(7)(a), the Commission shall apply the following standards, to the extent applicable:
 1. Whether the member could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct;

2. Whether the rule or order that the member allegedly violated is reasonable;
 3. Whether the Police Chief, before filing the charge against the member, made a reasonable effort to discover whether the member did in fact violate a rule or order;
 4. Whether the effort described in § 607(7)(b)3 was fair and objective;
 5. Whether the Police Chief discovered substantial evidence that the member violated the rule or order as described in the statement of charges filed against the member;
 6. Whether the Police Chief is applying the rule or order fairly and without discrimination against the member; and
 7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the member's record of service with the Police Department.
- (8) **Opening Statements.** The parties shall be allowed to make opening statements to the Commission prior to the presentation of evidence. The Commission may set reasonable time limitations on the length of opening statements.
- (9) **Presentation of Evidence.**
- (a) The complainant shall proceed first with the presentation of evidence in support of the charges filed with the Commission. The respondent may then present evidence. Thereafter, each side may offer evidence in rebuttal until both sides rest.
 - (b) The testimony of witnesses shall be under oath or affirmation and shall be recorded verbatim.
 - (c) Cross-examination of all witnesses by the opposing party shall be permitted.
 - (d) The Police Commission may question any witness and may call witnesses of its own.
 - (e) Parties may be called to testify adversely.
 - (f) Witnesses may be sequestered upon order of the Commission.

- (g) The Wisconsin Rules of Evidence shall be applied at the hearing, provided that the Commission may, in its discretion, relax said rules if it deems that the interests of justice will be served by doing so. Objections to the admissibility of evidence and offers of proof regarding evidence ruled inadmissible may be made and incorporated into the hearing record.
- (10) **Final Arguments.** At the close of the presentation of evidence, the complainant may make a final argument, the respondent may make a final argument, and the complainant may make a rebuttal argument. The Commission may set reasonable time limitations on the length of final arguments.
- (11) **Decisions by the Commission.**
 - (a) If the Commission determines that one or more of the charges have been sustained, it may order any of the following as the good of the service may require:
 1. That the respondent be suspended;
 2. That the respondent be reduced in rank;
 3. That the respondent be both suspended and reduced in rank; or
 4. That the respondent be removed from the Department.
 - (b) If the Commission determines that none of the charges are sustained, the respondent, if suspended, shall be immediately reinstated and all lost pay restored.
- (12) **Filing of Written Findings.** Findings and determinations rendered at the conclusion of the hearing and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and shall be filed within three days of their rendering with the Secretary of the Commission.
- (13) **Appeal and Judicial Review.** Appeals and other forms of judicial review of Commission determinations shall be as provided for by the Wisconsin Statutes and by controlling decisions of Wisconsin courts.
- (14) **Additional Hearing Rules.** The Commission may make additional rules for the conduct of the hearing for purposes of assuring fairness to the parties or promoting the orderly administration of the proceedings.

§ 608. *Informal Citizen Complaint Process.*

When a citizen files a written complaint with the Commission about the conduct of a member of the Department but does not invoke the formal disciplinary process by filing a statement of charges meeting the specifications of § 605(2) above, the Commission may in its discretion either refer the matter to the Police Chief for investigation and possible disciplinary action or cause its own investigation of the matter to be conducted. In either event the citizen shall be notified of the results of any investigation conducted in response to his or her complaint.