

**RULES OF PROCEDURE  
FOR THE  
POLICE AND FIRE COMMISSION**

**Village of Grafton, Wisconsin**

**ARTICLE 1 DEFINITIONS**

Section 1.00 Commission

The term "Commission" shall refer to the Grafton Police and Fire Commission.

Section 1.01 Police Department

The term "Police Department" shall refer to the Grafton Police Department.

Section 1.02 Fire Department

The term "Fire Department" shall refer to the Grafton Fire Department.

Section 1.03 President

The term "President" shall refer to the President of the Grafton Police and Fire Commission.

Section 1.04 Secretary

The term "Secretary" shall refer to the Secretary of the Grafton Police and Fire Commission.

Section 1.05 Address

The official address of the Commission for all correspondence shall be:

Grafton Police and Fire Commission  
860 Badger Circle  
Grafton, WI 53024

**ARTICLE 2 ~~ORGANIZATIONS~~ORGANIZATION OF THE POLICE AND FIRE COMMISSION**

Section 2.00 Powers of the Commission

The Grafton Police and Fire Commission exercises those powers specified in Wisconsin Statute 62.13 and the Grafton Municipal Code Section 2.24.010. The Commission has not been granted the optional powers set forth in Wisconsin Statute 62.13(6).

Section 2.01 Composition of the Commission

The Commission shall consist of five (5) citizens. (Wis. Stat. § 62.13(1))

Section 2.02 Appointment to the Commission

The Village President shall annually, between the last Monday of April and the first Monday of May, appoint in writing, to be filed with the Secretary of the Commission, one (1) member for a term of five (5) years. (Wis. Stat. § 62.13(1))

Section 2.03 Election of Commission Officers

The Commission shall hold an Annual Meeting for the purpose of elections of Commission Officers. The first meeting in June will be designated as the Annual Meeting. The Commission shall elect one of its members to act as the President and one to act as Secretary for a term of one year or until successors are duly elected. Upon request of at least two members of the Commission, election of Officers may involve the use of secret ballots as set forth in Wisconsin Statute 19.88(1).

Section 2.04 Absence of Commission Officers

When a Commission Officer is absent from a meeting, the Commission members in attendance will designate a member to act in the capacity of the Officer.

Section 2.05 Duties of Officers

- (a) President: The President shall preside over meetings of the Commission; call meetings when necessary; preside over hearings conducted by the Commission and insure they are conducted in accordance with the rules and applicable laws; receive written charges filed against the Chief or filed by the Chief against sworn members of the Department; issue subpoenas to compel the attendance of witnesses; and oversee the proper notice of all Commission meetings and hearings is given to the media and public.

- (b) Secretary: Subject to the direction of the Commission, the Secretary shall: conduct all correspondence; send out notices required by law or these Rules; arrange such official publications as may be necessary; attend all meetings and hearings; prepare and keep calendars, dockets and minutes of the Commission meetings; provide for the taking and recording of testimony and other evidence received at hearings; and preserve such evidence in a permanent record and certify the record to the Circuit Court when notice of appeal from decision of the Board is served. Duties may be performed with the assistance of the Village staff.

**Section 2.06 Rules of the Commission**

These Rules shall apply to all entrance and promotional positions in the Grafton Police Department and Grafton Fire Department that are under the jurisdiction of the Commission, and to the conduct of all business relating to the functions and responsibilities of the Commission.

These rules are subject to the applicable 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.

Should a court of competent jurisdiction declare any provision of these Rules unlawful, all other provisions shall remain in full force and effect.

These rules shall not be repealed, amended or modified except by a majority action of the Commission at a regular meeting of the Commission

**Section 2.07 Commission Records**

The Secretary of the Commission will retain copies of official records of the Commission. Original records shall be turned over to the Village of Grafton Clerk for filing.

**ARTICLE 3 POLICE AND FIRE COMMISSION MEETINGS**

Section 3.00 Schedule of Meetings

The Commission shall meet at least annually to elect officers. The Commission shall also meet at any time set by the Commission during an official business meeting, at the call of the President or upon written request of at least two members of the Commission.

Section 3.01 Location of Meetings

The Commission ~~meets~~shall meet at such location ~~as shall be~~ designated by the Commission President or his/her designee.

Section 3.02 Meetings Subject to Wisconsin Open Meetings Law

The Police and Fire Commission meetings shall conform to the requirements of Wisconsin's Open Meetings law, currently Subchapter V of Chapter 19 of the Wisconsin State Statutes or its successor statute.

The Commission will have and post the required agenda, will meet in open session and will discuss matters in closed session only when authorized to do so under ~~the~~state law.

Section 3.03 Quorum

Three Commissioners shall constitute a quorum. (Wis. Stat. § 62.13(1))

Section 3.04 Rules of Order

The presiding officer of the Commission shall conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, as from time to time revised, unless otherwise provided by statute or ordinance, and excepting that motions for reconsideration may be made at the same, or the next regular meeting of the Commission by a member having voted in favor ~~or~~of the outcome of the motion for which reconsideration is sought.

**ARTICLE 4 APPOINTMENTS OF ENTRY LEVEL POLICE OFFICERS**

Section 4.00 Minimum Qualifications

Every applicant for appointment as a police officer shall meet the minimum qualifications for a law enforcement officer in the State of Wisconsin as established by the Wisconsin Department of Justice, Law Enforcement Standards Board.

Every applicant for police officer shall:

- (a) Possess, or be able to obtain by the time of hire, a valid Wisconsin driver's license or such other valid operator's permit recognized by the Wisconsin Department of Transportation as authorizing operation of a motor vehicle in Wisconsin.
- (b) Have attained a minimum age of 18 years.
- (c) Have not been convicted of any federal felony or of any offense that if committed in Wisconsin could be punished as a felony unless the applicant has been granted an absolute and unconditional pardon.
- (d) Have no Domestic Abuse related convictions.
- (e) Be a United States citizen.
- (f) Be able to read and write the English language understandably.
- (g) Be of good moral character.
- (h) Possess a Wisconsin high school diploma or a diploma issued by an out of state high school accredited by an appropriate agency of the state or shall have passed the general education development diploma test or any other test recommended by the Wisconsin department of public instruction as indicating high school diploma level.
- (i) Have completed a minimum of 60 college credits from an accredited college or university, or have earned a minimum of an Associate Degree from an accredited college or university at the time of application.
- (j) Be eligible to be certifiable by the Wisconsin Law Enforcement Standards Board upon appointment to the position.

Section 4.01 Application Process

- (a) Notice of the times and places that applications are available and due may be made in the newspapers, web sites, or other media, or in such manner as determined by the Commission ~~may determine~~.
- (b) All applicants applying for the position of police officer must complete a state application form (DJ-LE-330). Applications may be supplemented with a formal resume. The application is required to maintain a level of comparable information on each applicant.
- (c) All applicants must read and sign an “Authorization for Release of Information” form. The form shall be delivered with the above application.
- (d) Applications may be rejected if not entirely and properly completed.
- (e) Any misrepresentation in regard to any material fact contained in the application or release form shall be sufficient ~~cause~~reason for excluding the applicant from consideration for the position. Excluding information from the application shall constitute misrepresentation.
- (f) If an application is rejected, the applicant will not be permitted to progress any further in the selection process.
- (g) The information in the application is for official use only and will not be released to unauthorized persons, nor will it be used to discriminate against any applicant based on the applicant’s membership in any classification protected from discrimination by local, state or federal law.

Section 4.02 Examination and Hiring Process

The examination and hiring process shall consist of:

- (a) A standardized written examination that demonstrates both content and criterion-related validity will be administered to qualifying applicants. The Commission shall have the option of choosing the type of examination and establishing a minimum passing score. Failure to take the written examination on the date and time assigned will eliminate the applicant from further participation in the selection process. Applicants failing to achieve the required minimum score will be eliminated from further participation in the selection process.
- (b) A job-related Physical Agility test will be administered to qualifying applicants. Qualifying applicants will be provided with a copy of the test prior to the test date. Failure to take the Physical Agility test on the date and time assigned will eliminate the applicant from further participation in the selection process. Components of the agility test will be scored on a

Pass/Fail basis. Failure to pass any one component of the Physical Agility Test will exclude an applicant from further participation in the selection process.

- (c) Members of the Grafton Police Department pursuant to LES 2.01(1) (h) will administer an oral interview to qualifying applicants. The interview panel will normally consists of the Chief of Police, Captain(s), Sergeant(s), and a Field Training Officer. Failure to ~~take~~complete the interview on the date and time assigned will eliminate the applicant from further participation in the selection process.
- (d) The Commission will administer an oral interview from acceptable candidates that have advanced. If a candidate is unable to appear on an assigned date and time and gives prior notification to the Commission, the Commission may assign an alternative date and time. Candidates failing to appear for the oral interview on the assigned date and time will be eliminated from the selection process. After all candidates have been interviewed, the Commission will certify acceptable candidates and place their names on an eligibility list that will be forwarded to the Chief of Police. The Commission reserves the right to suspend or extend the eligibility list at any time.
- (e) The Chief may make a conditional offer of employment, contingent upon successful completion of ~~a psychological assessment, pursuant to LES-2.01(1)(g), a medical examination, pursuant to LES 2.01(1)(g) 1& 2, and a drug test, pursuant to LES 2.02, will be made~~the tests identified in subsection (f), to the candidate upon ~~successfully completing~~successful completion of an in-depth background investigation.
- (f) The candidate will undergo a psychological assessment, pursuant to LES 2.01(1)(g), a medical examination, pursuant to LES 2.01(1)(g) 1& 2, and a drug test, pursuant to LES 2.02.
- (g) Upon satisfactory completion of the testing process identified in subsection (f), the Chief of Police may make an offer of employment to the candidate.

#### Section 4.03 Designated Examiners

All examinations shall be carried out under the supervision of the Commission. The Commission may designate any suitable person(s) to conduct or assist in conducting the examinations.

#### Section 4.04 Records

The Chief of Police in accordance with all local ordinance, State and federal laws will retain any applications, releases, scores, background investigations, medical records, and any other records resulting from the process of qualifying and examining candidates for an appointment to entry level police officer.

**ARTICLE 5 POLICE DEPARTMENT PROMOTIONS**

Section 5.00 Promotions

The Chief of Police shall recommend all promotions to the Commission, except appointment of the Chief of Police. When the promotion can be made with advantage from within the Department, the Chief of Police shall make such appointments subject to approval of the Commission.

Section 5.01 Qualifications and Promotional Process

The Commission shall establish promotional standards for the positions covered in this Article. The Commission reserves the right to modify and/or amend the standards by a majority vote of members present at a regular meeting. The current promotional standards are contained in Appendix A (Sergeant) and Appendix B (Captain) of this document.

Section 5.02 Appointments

When an eligibility list is needed to appoint a subordinate position because promotion cannot be made with advantage from within the Department's ranks, the Commission shall devise and implement an appropriate process to develop said list.

The eligibility list shall expire one year from the date of approval, however, the Commission reserves the right to modify the expiration date of said list, as ~~they~~ deem it deems necessary.

Section 5.03 Designated Examiners

All examinations shall be carried out under the supervision of the Commission. The Commission may designate any suitable person(s) to conduct or assist in conducting the examinations.

Section 5.04 Records

The Chief of Police in accordance with all local ordinance, State and federal laws will retain any applications, releases, scores, background investigations, medical

records, and any other records resulting from the process of qualifying and examining candidates for promotions.

**ARTICLE 6** ~~APPOINTMENTS~~APPOINTMENT TO CHIEF OF POLICE

Section 6.00 ~~Appointments~~Appointment

The Commission shall appoint the Chief of Police. The Chief shall hold office during good behavior, subject to suspension or removal by the Commission for cause.

Section 6.01 Temporary Appointments

The Chief of Police will designate a subordinate to be in charge of the department during a temporary absence of thirty days or less, unless otherwise designated by the Commission. If the office of Chief of Police is vacant for more than thirty days, the Commission may appoint an acting Police Chief when the permanent Chief has been unable to perform his/her duties or is incapacitated and cannot carry out the duties of the office. The Village Administrator will notify the President of the Commission as soon as possible when a Chief has been incapacitated.

Section 6.02 Qualifications, Application, Examination, and Hiring Process

Whenever there is vacancy in the office of the Chief of Police, the Commission shall devise and implement, with the input and assistance of the Village Administrator and other Village staff as designated by the Commission, ~~create~~the minimum qualifications for and a search process to recruit, examine, and appoint a Chief of Police. Any costs to be incurred by the search must be approved by the Village Board in advance.

Section 6.03 Designated Examiners

All examinations shall be carried out under the supervision of the Commission. The Commission may designate any suitable person(s) to conduct or assist in conducting the examinations.

Section 6.04 Records

The Village Clerk in accordance with all local ordinance, State and federal laws will retain any applications, releases, scores, background investigations, medical records, and any other records resulting from the process of qualifying and examining candidates for an appointment to Chief of Police.

**ARTICLE 7 APPOINTMENTS OF ENTRY LEVEL PAID-ON-CALL FIREFIGHTER / EMT and DAY-SHIFT FIREFIGHTER / EMT**

**Section 7.00 Minimum Qualifications**

- (a) Every applicant for appointment as a Paid-on-Call Firefighter / EMT shall meet the following minimum qualifications.
  - 1. Obtained High School diploma or GED.
  - 2. Ability to complete or have completed Firefighter 1 Certification.
  - 3. Ability to complete or have completed EMT-Basic Certification.
  - 4. Possess, or be able to obtain by the time of hire, a valid State of Wisconsin Driver's License without record of suspension or revocation in any state.
  
- (b) Every applicant for appointment as a Day-Shift Firefighter / EMT shall meet the following.
  - 1. Obtained High School diploma or GED.
  - 2. Completed Firefighter 1 Certification.
  - 3. Completed EMT-Basic Certification.
  - 4. Completion or ability to attain Fire Inspector 1 Certification.
  - 5. Possess, or be able to obtain by the time of hire, a valid State of Wisconsin Driver's License without record of suspension or revocation in any state.

**Section 7.01 Application Process**

- (a) Applications for the position of Paid-on-Call Firefighter / EMT and Day-Shift Firefighter / EMT are available at the service counter at Grafton Village Hall, Grafton Fire Department, and the Village of Grafton website.
  
- (b) Applications may be rejected if not entirely and properly completed.
  
- (c) Any misrepresentation in regard to any material fact contained in the application or release form shall be sufficient cause for excluding the applicant from consideration for the position. Excluding information from the application shall constitute misrepresentation.

- (d) If an application is rejected, the applicant will not be permitted to progress any further in the selection process.
- (e) The information in the application is for official use only and will not be released to unauthorized persons, nor will it be used to discriminate against any applicant based on the applicant's membership in any classification protected from discrimination by local, state or federal law.
- (f) Completed applications shall be returned to the Fire Department Chief.

Section 7.02 Examination and Hiring Process

The examination and hiring process shall consist of:

- a) Application reviewed by Fire Chief (or designee).
- b) Applicant interviewed by the Fire Chief (or designee).
- c) Based on the results of the interviews, the Fire Chief determines suitability for employment and then advises applicant on selection, rejection or if application will be placed on file for future consideration.
- (d) If ~~applicant~~ selected, the applicant will be notified that appointment ~~will be~~ contingent on successful background investigation and Pre-Employment ~~health screening~~ Health Screening. The Pre-Employment Health Screening will include but not be limited to an Occupational Medical Examination, drug test, physical agility test, and medical record review of needed vaccinations
- (e) Fire Chief (or designee) in conjunction with the Grafton Police Department conduct a background check on the applicant. Applicant is scheduled for Pre-Employment Health Screening
- f) If the background check and Health Screening do not identify any issues that in the opinion of the Fire Chief, would impact the candidate's ability to serve, the Fire Chief will extend probationary appointment to the applicant.
- g) Fire Chief (or designee) informs Police and Fire Commission President and Commission Secretary within forty-eight (48) hours of probationary appointment.
- h) At next available Commission meeting that the Fire Chief (or designee) attends, the Fire Chief (or designee) presents name and application information of each Paid-on-Call Firefighter / EMT and Day-Shift

Firefighter / EMT appointed to probationary status since last meeting attended.

Section 7.03 Records

The Fire Chief in accordance with all local ordinance, State and federal laws will retain any applications, releases, scores, background investigations, medical records, and any other records resulting from the process of qualifying and examining candidates for an appointment to entry level police officer.

**ARTICLE 8 FIRE DEPARTMENT PROMOTIONS**

Section 8.00 Promotions

The Fire Chief shall recommend all promotions to the Commission, except appointment of the Fire Chief. When the promotion can be made with advantage from within the Department, the Fire Chief shall make such appointments subject to approval of the Commission.

Section 8.01 Qualifications and Promotional Process

The Commission shall establish promotional standards for the positions covered in this Article. The Commission reserves the right to modify and/or amend the standards by a majority vote of members present at a regular meeting. The current promotional standards are contained in Appendix C (Lieutenant) and D (Captain) of this document.

Section 8.02 Appointments

When an eligibility list is needed to ~~appoint~~fill a subordinate position because promotion cannot be made with advantage from within the Department's ranks, the Commission shall devise and implement the appropriate process to develop said list.

The eligibility list shall expire one year from the date of approval, however, the Commission reserves the right to modify the expiration date of said list, as ~~they~~it deems necessary.

Section 8.03 Designated Examiners

All examinations shall be carried out under the supervision of the Commission. The Commission may designate any suitable person(s) to conduct or assist in conducting the examinations.

Section 8.04 Records

The Fire Chief in accordance with all local ordinance, State and federal laws will retain any applications, releases, scores, background investigations, medical records, and any other records resulting from the process of qualifying and examining candidates for promotions.

**ARTICLE 9 ~~APPOINTMENTS~~APPOINTMENT OF FIRE CHIEF**

Section 9.00 Appointments

The Commission shall appoint the Fire Chief. The Fire Chief shall hold office during good behavior, subject to suspension or removal by the Commission for cause.

Section 9.01 Temporary Appointments

The Fire Chief will designate a subordinate to be in charge of the department during a temporary absence of thirty days or less, unless otherwise designated by the Commission. If the office of Fire Chief is vacant for more than thirty days, the Commission may appoint an acting Fire Chief when the permanent Fire Chief has been unable to perform duties or is incapacitated and cannot carry out the duties of the office. The Village Administrator will notify the President of the Commission as soon as possible when a Fire Chief has been incapacitated.

Section 9.02 Qualifications, Application, Examination, and Hiring Process

Whenever there is vacancy in the office of the Fire Chief, the Commission shall devise and implement, with the input and assistance of the Village Administrator and other Village staff as designated by the Commission, ~~create~~the minimum qualifications and a search process to recruit, examine, and appoint a Fire Chief. Any costs to be incurred by the search must be approved by the Village Board in advance.

Section 9.03 Designated Examiners

All examinations shall be carried out under the supervision of the Commission. The Commission may designate any suitable person(s) to conduct or assist in conducting the examinations.

Section 9.04 Records

The Village Clerk in accordance with all local ordinance, State and federal laws will retain any applications, releases, scores, background investigations, medical records, and any other records resulting from the process of qualifying and examining candidates for an appointment to Fire Chief.

**ARTICLE 10 DISCIPLINARY PROCEDURES**

Section 10.00 Definitions

“Accused” refers to a sworn police officer appealing disciplinary action by the Chief of Police, or against whom a complaint ~~that~~ has been filed by a citizen, the Commission, or a Commission member.

“Complainant” means the person or entity that signs the statement of charges against the respondent.

“Department” means the Grafton Police Department.

“Respondent” means the person charged in a statement of charges.

Section 10.01 Scope and Authority

The provisions of this article govern the administration of disciplinary procedures over which the Commission has jurisdiction pursuant to Wisconsin Statute 62.13(5). These rules are adopted pursuant to the authority granted to the Commission under Wisconsin Statute 62.13(5)(g) to promulgate rules for the administration of disciplinary actions.

Section 10.02 Disciplinary Actions Against a Subordinate - Wis. Stat. § 62.13(5)

- (a) Subordinate may be suspended as hereinafter provided as a penalty. The subordinate may also be suspended by the Commission pending the disposition of charges filed against the subordinate.
- (b) Charges may be filed against a subordinate by the Chief, by a member of the Commission, by the Commission as a body, or by any aggrieved person. Such charges shall be in writing and shall be filed with the President of the Commission. Pending disposition of such charges, the Commission or Chief may suspend such subordinate. The Chief may also file charges requesting the termination of the officer’s employment.
- (c) A subordinate may be suspended for just cause, as described in par. (f), by the Chief or the Commission as a penalty. Chief shall file a report of such suspension with the commission immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended subordinate. If the subordinate suspended by the Chief requests a hearing before the Commission, the Chief shall be required to file charges with the Commission upon which such suspension was based.

- (d) Following the filing of charges in any case, a copy thereof shall be served upon the person charged. The Commission shall set a date for the hearing not less than 10 days nor more than 30 days following service of charges. The hearing on the charges shall be public, and 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 President of the Commission on request and be served as are subpoenas under Wisconsin Statute chapter 885. Each party shall bear the costs of presenting its case including attorneys fees, witness fees, etc.
  
- (e) If the Commission determines that the charges are not sustained, the accused, if suspended, shall be immediately reinstated and all lost pay restored. If the Commission determines that the charges are sustained, the accused, by order of the Commission, may be suspended or reduced in rank, or suspended and reduced in rank, or removed, as the good of the service may require.
  
- (f) No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the Commission under par. (e), based on charges filed by the Commission, members of the Commission, an aggrieved person or the Chief under par. (b), unless the Commission determines whether there is just cause, as described in this paragraph, to sustain the charges. In making its determination, the Commission shall apply the following standards, to the extent applicable:
  - 1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
  - 2. Whether the rule or order that the subordinate allegedly violated is reasonable.
  - 3. 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.
  - 4. Whether the effort described under subsection 3 was fair and objective.
  - 5. Whether the Chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
  - 6. Whether the Chief is applying the rule or order fairly and without discrimination against the subordinate.

7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Department.
- (g) Findings and determinations hereunder and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within 3 days thereof with the Secretary of the Commission
- (h) The Commission may make further rules for the administration of this subsection.
- (i) No person shall be deprived of compensation while suspended pending disposition of charges.
- (j) Any person suspended, reduced, suspended and reduced, or removed by the Commission may appeal from the order of the Commission to the circuit court by serving written notice of the appeal on the Secretary of the Commission within 10 days after the order is filed. Within 5 days after receiving written notice of the appeal, the Commission shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the Commission fix a date of trial, which shall not be later than 15 days after such application except by agreement. The trial shall be by the court and upon the return of the Commission, except that the court may require further return or the taking and return of further evidence by the Commission. The question to be determined by the court shall be: Upon the evidence is there just cause, as described under par. (f), to sustain the charges against the accused? No costs shall be allowed either party and the clerk's fees shall be paid by the ~~village~~Village. If the order of the Commission is reversed, the accused shall be forthwith reinstated and entitled to pay as though in continuous service. If the order of the Commission is sustained it shall be final and conclusive.
- (k) The provisions of pars. (a) to (j) shall apply to disciplinary actions against the ~~chiefs~~Chiefs where applicable. In addition thereto, the board may suspend the Chief pending disposition of charges filed by the Commission or by the Village President.

#### Section 10.03 Applicability of Wisconsin Statutes

Any appeal from the suspension or disciplinary action of a sworn member of the Department by the Chief shall be made and conducted in accordance with

Wisconsin Statute 62.13(5). The hearing shall be held no less than ten (10) nor more than thirty (30) days after filing or charges with the Commission by the Chief.

#### Section 10.04 Discipline of the Chief of Police

The Commission may suspend the Chief for cause upon its own initiative, or pending the investigation of written charges filed by the Commission that have been filed with the President of the Commission. The Commission shall not remove a Chief except upon written charges filed with the President of the Commission, by a member of the Commission, the Commission as a body, [the Village President \(so consistent with k above\)](#) or an aggrieved person. Wisconsin Statute 62.13(5) shall govern hearings on charges against the Chief.

#### Section 10.05 Pre-Hearing Procedures

- (a) **PRE-HEARING CONFERENCE:** The Commission may conduct or authorize the President or the Commission's counsel to conduct a pre-hearing conference to schedule any further proceedings, to identify issues, to stipulate to the facts and law, to consider any other matters relating to the administration of further proceedings in the case. The pre-hearing conference shall be scheduled at least five (5) days before the hearing. The accused and complainant shall be notified in writing of the pre-hearing conference. The accused and complainant shall appear at the pre-hearing conference.
- (b) **DISCOVERY:** The following matters concerning discovery will 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.

4. Any other discovery shall be subject to the discretion of the Commission.
- (c) **DISMISSAL OF CHARGES:** 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 nonappearance.
- (c) **SUBPOENAS:** Both parties may compel the attendance of witnesses by subpoena, which will be issued by the President 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.

## **ARTICLE 11 HEARING PROCEDURES**

### Section 11.00 Applicability

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 the Chief, as a result of the filing of a complaint by a citizen, or as a result of Commission action.

### Section 11.01 Procedures

- (a) When a hearing is to be held, the President shall set the date therefore. Notice of the date, time and place of the hearing shall be given to 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 file 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 President, or his/her designee, shall conduct the hearing and the Commission may retain counsel for assistance during the hearing.
- (b) Hearings may be closed to the public, by a vote of the Commission, unless requested to be open by the ~~respondent~~accused (see Wis. Stat. § 19.85(1)(b)) as long as the Wisconsin Open Meetings law is complied with. Attorneys may represent ~~both~~ the accused and the complainant at the hearing.

- (c) All testimony of witnesses at hearings shall be given under oath, administered by the secretary, or any other member of the Commission, in the form and manner provided by Wisconsin Statute 887.03. A record of the testimony shall be made by a court reporter.
  
- (d) The following shall be the order of the hearing:
  - 1. Statement of Charges by the President
  - 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.

#### Section 11.02 Additional Hearing Rules

The Commission may make such additional rules, as it deems necessary, for the conduct of the hearing for purposes of assured fairness to the parties or promoting the orderly administration of the proceedings.

#### Section 11.03 Findings

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

Section 11.04 Decision by the Commission

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

Section 11.05 Appeal and Judicial Review

Appeals and other forms of judicial review of Commission findings and orders shall be as provided for by Wisconsin Statutes and case law.

**ARTICLE 12 CITIZEN COMPLAINT PROCEDURES**

Section 12.00 Citizen Complaint Defined

A citizen complaint is any written communication received by the Commission that alleges a violation of rules or standards of operating procedures by a sworn member of the Department that meets the requirements of Sections 11.01, 11.02, and 11.03. Filing a citizen complaint is not the same as filing charges. The complaints shall be submitted on a form approved by the Commission, which is contained in Appendix E.

Section 12.01 Who May File a Citizen Complaint

Any aggrieved person may file a written complaint alleging misconduct by a sworn member of the Department. An aggrieved person is someone who is directly affected by or witnessed the alleged misconduct, or the parent or legal guardian of minor who is directly affected by the alleged misconduct.

Section 12.02 Filing Process

Complaint forms are available from the Chief of Police, Fire Chief, Village Clerk, or the Secretary of the Commission. Unless the complaint is received within 180 days of the alleged incident, acceptance of the complaint will be at the discretion of the Commission. The completed form can be delivered or mailed to:

President  
Grafton Police and Fire Commission  
860 Badger Circle  
P.O. Box 125  
Grafton, WI 53024

Section 12.03 Contents and Form of Complaint

- (a) The complaint must state, in plain language, the full name, address, and telephone number of the complainant; the name, badge number or other identification of the accused member(s); the date(s), approximate time(s) and location(s) of the incident(s); and a detailed description of the alleged misconduct.
- (b) The complainant must describe the individual acts of each accused member that would constitute grounds for discipline of the member(s) from the Police or Fire Department. The aggrieved person, or the parent or legal guardian of an aggrieved minor, in the presence of a notary, must sign the complaint. The person signing the complaint must, upon oath or affirmation, declare that the contents of the complaint are true and correct to the best of that person's knowledge. The complaint must be signed, dated and sealed by a notary.

#### Section 12.04 Receipt of the Complaint

- (a) Written citizen complaints will be forwarded to the President of the Commission.
- (b) The Commission will review each written complaint ~~and complaint form~~ for the purpose of ascertaining whether the form includes sufficient facts upon which to conclude that a complaint has been stated. The Commission may decline to process a complaint form which provides insufficient information or when the complainant refuses to provide sufficient information.
- (c) The Commission will maintain a file containing a copy or listing of all citizen complaint forms received.

#### Section 12.05 Processing of Citizen Complaints

- (a) Informal Resolution
  - 1. Except as specifically provided herein, the President will refer each written citizen complaint and complaint form to the Chief of Police or Fire Chief, unless the complaint is against the Chief of Police or Fire Chief. The Chief of Police or Fire Chief or designee will take the following actions:
    - (1) Conduct a departmental investigation as to the matters in complaint.
    - (2) Contact the person filing the complaint and schedule an informal settlement conference for the purpose of

attempting to resolve the complaint. The officer(s) complained against may be present at the settlement conference, if determined appropriate by the Chief of Police or Fire Chief or designee.

- (3) Make a report to the Commission as to those steps taken to informally resolve the complaint and the disposition of the complaint, if any. In those cases where an informal resolution of the complaint has not been reached, the person filing the complaint will be advised that he or she has the right to file charges against the accused officer and the right to request a formal hearing before the Commission.
2. Upon receipt of the report from the Chief of Police or Fire Chief, the Commission shall do one of the following:
    - (1) Place the complaint on file if an informal resolution has been reached.
    - (2) If no informal resolution has been reached ~~then~~, notify the citizen of such outcome.
  3. The President will not refer written citizen complaints ~~and~~ ~~complaint~~ forms to the Chief of Police or Fire Chief in those cases ~~wherein~~ where the citizen complaint is directed against the Chief of Police or Fire Chief and arises out of specific conduct on part of the Chief of Police or Fire Chief.
  4. A citizen who has filed a written complaint may petition the Commission for the purpose of demonstrating good cause why the complaint should not first be referred to the Chief of Police or Fire Chief for the purpose of informal resolution. The Commission shall decide whether a complaint should be referred to the Chief of Police or Fire Chief for purposes of an informal resolution.

## **ARTICLE 13 CHARGES**

### Section 13.00 Charges Defined

A charge is a formal allegation and request for a hearing and discipline pursuant to Section 62.13(5) of the Wisconsin Statutes.

### Section 13.01 Filing Charges

- (a) Charges may be filed against a subordinate by the Chief of Police or Fire Chief, by a member of the Commission, by the Commission as a body, or by any aggrieved person. Such charges shall be in writing and shall be filed with the President of the Commission (Wis. Stat. § 62.13(5)(b)).
- (b) Charges may be filed against a Chief of Police or Fire Chief by a member of the Commission, by the Commission as a body, [by the Village President \[?\]](#) or by any aggrieved person. Such charges shall be in writing and shall be filed with the President of the Commission (Wis. Stat. § 62.13(5)(i)).
- (c) Charges shall be mailed or delivered to:
  - President
  - Grafton Police and Fire Commission
  - 860 Badger Circle
  - Grafton, WI 53024
- (d) Once filed, the charges are [a](#) public record in accordance with the Wisconsin Open Records Law.

#### Section 13.02 Contents of the Charges

- (a) The charge(s) must adequately apprise the accused party of the nature of the alleged violation. Therefore, the charges should include:
  - 1. The offending conduct in detail constituting the basis for discipline. Minimally the charges should include:
    - (1) Date(s) of alleged violation
    - (2) Time(s) of alleged violation
    - (3) Location(s) of alleged violation
    - (4) Names, addresses and telephone numbers of witness(s), if any.
- (b) The Grafton Police Department or Grafton Fire Department rule(s) or order(s) violated.
- (c) Name, address and telephone number of the person filing the charges.
- (d) The charges must be signed, dated, and sworn before a Notary Public.

#### Section 12.04 Formal Hearing

Once the charges are filed, the procedures set forth in Section 10.02 and Article 11 of these Rules must be followed.



Document comparison by Workshare Professional on Thursday, May 01, 2014 4:09:44 PM

Input:	
Document 1 ID	file://S:\DOCS\04200\08564\~VER\1\00205957.DOC
Description	00205957
Document 2 ID	file://S:\DOCS\04200\08564\00205957.DOC
Description	00205957
Rendering set	standard

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	47
Deletions	30
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	77