

Police and Fire Commission Meeting

December 5, 2023

6:00 PM

River Falls City Hall
Lower Level Training Room
222 Lewis Street
River Falls, WI

Police

Fire

POLICE & FIRE COMMISSION MEETING
December 5, 2023 at 6:00 p.m.
City Hall Lower Level Training Room
222 Lewis Street
River Falls, WI 54022

NOTE: OFFICIAL ACTION MAY BE TAKEN ON ANY AGENDA ITEM

Agenda

Call Meeting to Order
Roll Call
Approval of Minutes: July 31, 2023 Regular Meeting

Police Department

- 1) Establish Patrol Officer Eligibility List
- 2) Appointments from Patrol Offer Eligibility List

Other

- 3) Review of Police and Fire Commission Duties

Adjournment

***Council members may be in attendance for informational purposes only.
No official Council action will be taken.***

NOTE: Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials to be in an accessible location or format may contact City Clerk Amy White at (715)-426-3408 or in person at 222 Lewis Street for accommodations. Requests for accommodations should be made at least three (3) business days in advance of the meeting. Every effort will be made to arrange accommodations.

Posted: November 29, 2023 at 11:00 am

POLICE & FIRE COMMISSION MEETING MINUTES

July 31, 2023 at 5:30 p.m.

River Falls City Hall
City Council Chambers
222 Lewis Street
River Falls, WI

Commissioner Donath called the meeting to order at **5:30** p.m.

Commission Members Present: Gary Donath, Dick Rinehart, Jon Longsdorf

Commission Members Absent: Mark Sams

Staff Present: Gordon Young, Matthew Kennett

Approval of Minutes: Regular Meeting Minutes from September 1, 2022.

MSC Rinehart/Longsdorf. Unanimous.

1) Election of President of Police & Fire Commission

Commissioner Donath requested nominations. Consensus was Mark Sams is doing a good job as president and would once again like him to continue in that role, even though he is not present.

MSC Rinehart/Longsdorf to nominate Mark Sams to another term as president of the Police and Fire Commission. Unanimous

2) Election of Vice President of Police & Fire Commission

Commissioner Donath requested nominations. Commissioner Rinehart stated he would volunteer.

MSC Longsdorf/Donath to nominate Dick Rinehart as vice-president of the Police and Fire Commission. Unanimous

3) **Removal from Probation for Officer Allison Libor (effective 8/21/2023)**

Chief Young shared Officer Libor's background and shared some information on cases for which she had received notes of appreciation. Chief stated mental health issues are prevalent in our community and she does a wonderful job helping individuals in crisis. Chief also shared an incident where Officer Libor went out of her way to assist a new resident to the community while moving in. She displays a positive attitude, willing to learn, and is receptive to constructive feedback.

Chief Young asked that Officer Libor be removed from probationary status on August 21, 2023

MSC Longsdorf/Rinehart to remove Officer Allison Libor from Probation, effective August 21, 2023. Unanimous

4) **Removal from Probation for Officer Adam Amaro (effective 8/25/2023)**

Chief Young shared Officer Amaro's background and shared some information on cases for which he had received notes of appreciation, including attention to detail and research in a case which led to a suspect admitting the crime. He also received a compliment that he was very professional, respectful, and treated everyone with dignity when investigating an incident. He

shows initiative in organizing the squad medical bags and providing staff with real-life examples of how to use them. This is a joint effort with Officers Libor and Fluno. Chief Young shared that Officer Amaro volunteered to lead our department's involvement with Shop with a Cop events with both counties. Chief stated Officer Amaro is a leader, compassionate and driven to success.

Chief Young asked that Officer Amaro be removed from probationary status on August 25, 2023.

MSC Rinehart/Longsdorf to remove Officer Adam Amaro from Probation, effective August 25, 2023. Unanimous

5) Authorization to end current Police Officer Eligibility List

Chief Young explained the current list, dated April 7, 2022 contained six candidates. We hired four candidates from the list. Paige Harlow was the final person on the list and she resigned her position with our agency. Chief advised our agency is currently authorized 26 sworn officers and we currently have 25 sworn. With permission by the City Administrator, we are looking to hire one more officer soon, to be trained in time for the next anticipated retirement, to provide a smooth transition for our department.

MSC Rinehart/Longsdorf to end current Police Officer Eligibility List. 2023. Unanimous

6) Authorization to create a new Police Officer Eligibility List

Donath expressed appreciation for the forward-planning done by the Chief. Discussion regarding area staffing needs and how the determination to add staff is made. Chief Young assured the Commission that we want only the best to serve our community and we won't lower our standards.

MSC Rinehart/Donath to authorize the creation of a new Police Officer Eligibility List. UNANIMOUS

Adjournment: **MSC Longsdorf/Donath. Unanimous.**

Meeting adjourned at **5:56** p.m.

Respectfully Submitted,



Ailene Splittgerber
Recording Secretary

CITY OF RIVER FALLS
POLICE AND FIRE COMMISSION

POLICE DEPARTMENT
RULES OF PROCEDURE

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ARTICLE 1: MISSION AND JURISDICTION

- 1.01 Mission. The mission of the City of River Falls Police and Fire Commission is to provide citizen oversight of the Police Department personnel as authorized by Section 62.13, Wis. Stats.
- 1.02 Delegation. The Commission may use the assistance of the Police Department including the Police Chief, City Administrator/or designee, Human Resources Director/or designee, outside consultants, and/or citizens, as appropriate, in carrying out the Commission duties. However, the final selection of a Police Chief shall be approved by Commission members only.
- 1.03 Jurisdiction. The Police and Fire Commission shall have the authority vested in it by Section 62.13 of the Wisconsin Statutes, subject to Chapter 164 (Law Enforcement Officers' Bill of Rights) of the Wisconsin Statutes. These powers include:
- a. Appoint, suspend or remove the Police Chief or any subordinate;
 - b. Approve appointments and promotions of sworn subordinates as recommended by the Police Chief;
 - c. Adopt rules of procedure for selection of Police Officers, including their qualifications, providing those qualifications do not conflict with qualifications established by State Statute or administrative rule;
 - d. Approve competitive examinations used to judge suitability for appointment of subordinates and certification of a list of persons eligible for employment;
 - e. Initiate charges against the Police Chief or any subordinate;
 - f. Hear charges filed against the Police Chief or a subordinate, make findings and determinations, and impose discipline if appropriate;
 - g. Exercise other powers conferred upon the commission by Section 62.13, Wisconsin Statutes, or the City's Municipal Code(s).

1.04 Scope of Rules. These rules apply to all sworn positions within the department positions requiring the employment of a Police Officer (sworn position).

ARTICLE 2: COMMISSION ADMINISTRATION

2.01 Meetings. The Commission shall hold meetings in designated place at a time and day selected by the Commission.

2.02 Officers. The Commission may designate one member of the Commission as President and another member as Vice-President. The Vice-President serves as President in their absence. The City Clerk/or designee serves as the Commission Secretary.

2.03 Special Meetings. All special meetings of the Commission shall be held at the place where the regular meetings are held, if possible. Special meetings may be called at any time by the President, or by any two members, by causing an email, written or oral notice of the special meeting to be personally delivered to each Commissioner. If a Commissioner cannot be found, notice may be delivered by leaving a written copy of the notice at the Commissioner's usual place of abode in the presence of a member of their family of suitable age and discretion.

2.04 Quorum. Three Commission members constitute a quorum in order to transact business. All Commission decisions shall be made by a majority vote of members present.

2.05 Order of Business. The Commission's regular order of business shall be:

- a. Call to Order
- b. Roll Call
- c. Approval of Minutes
- d. Public Comments Related to Agenda
- e. Consideration of Old Business
- f. Consideration of New Business
- g. Closed Session (if necessary)
 - 1. Motion to convene in closed session under Wisconsin Statutes 19.85(1)(c) to discuss
 - 2. Motion to return to open session
 - 3. Announce or take action, if any and if appropriate, arising out of closed session
- h. Adjourn

2.06 Commission President; Duties. The Commission President shall preside over all Commission meetings and hearings. The President shall receive written charges filed against the Police Chief or subordinate Police Officers, and when necessary, the Commission President may issue subpoenas to compel the attendance of witnesses in accordance with Chapter 885 of the Wisconsin Statutes. In the event of the Commission President's absence or disability, the Vice-President shall assume the duties of the President.

2.07 City Clerk/or designee; Commission Secretary; Duties.

- a. The City Clerk/or designee shall receive appeals from action of the Police Chief, send out notices as required by law, ordinance, these Rules of Procedure, or as requested by the Commission, make official publications as may be necessary, attend all Commission meetings and hearings, provide for the taking and recording of testimony and other evidence received at hearings, preserve the evidence in a permanent record, and certify the record to the Circuit Court when required by law.
- b. The City Clerk/or designee shall keep a minute book, showing all important facts pertaining to each meeting and hearing. The minutes of each meeting and hearing shall be signed by the City Clerk/or designee and approved by the Commission. A copy of the unapproved minutes shall be provided each Commission member and the Police Chief as soon after each meeting as is possible.
- c. After the minutes are approved by the Commission, one copy shall also be filed with the City Administrator.
- d. The City Clerk/or designee, at the discretion of the Commission President, may conduct correspondence on behalf of the Commission. Any Commission member designated by the Commission President may also conduct correspondence on behalf of the Commission.

2.08 Action.

- a. Should the charges be found at the preliminary meeting to be insufficient as to form and nature, the charges shall be dismissed. If it appears that the defects in the charges may be cured by providing additional detail or facts, the Commission may grant the complainant up to thirty (30) days to supplement the complaint.

b. Hearing. If the charges are found to be sufficient as to form and nature, the Commission shall so find and proceed to schedule a hearing. A hearing may be held at such time as shall be determined by the Commission. All hearings shall be open to the public, except that the Commission may deliberate and take final action in closed session. Hearing procedures are as follows:

1. The accused and the complainant may be represented by legal counsel. Any party may compel the attendance of witnesses by subpoenas that shall be issued by the Commission President at the request of a party. The subpoenas shall be served under Chapter 885 of the Wisconsin Statutes.
2. All testimony of witnesses shall be under oath in the form and manner provided by Chapter 887 of the Wisconsin Statutes;
3. The hearing order shall be as follows:
 - i. Reading of the charges by the Secretary.
 - ii. Opening statements by the parties, at the Commission's discretion.
 - iii. Testimony and introduction of evidence by the complainant to substantiate the charges with right of cross examination by the accused.
 - iv. Testimony and introduction of evidence by the accused with right of cross examination by the complainant.
 - v. Complainant's arguments.
 - vi. Accused's arguments.

c. Legal Counsel at Hearing:

1. The prosecuting counsel for all charges filed by the Police Chief, the Commission, the City Council, the Mayor, or City Administrator shall be special counsel appointed by the City Council and/or the City Administrator.

2. The City Attorney shall, in the absence of a conflict of interest, advise the Commission on its hearing procedures, the merits of alleged violations of department rules and its findings, determinations, and orders, and represent the Commission in any appeal or other legal proceedings or action.
3. Complainant citizens shall prosecute their charges before the Commission either by themselves or by counsel retained at their own expense.

ARTICLE 3: POLICE CHIEF HIRING PROCESS

3.01 Police Chief Qualifications.

- a. Must meet minimum qualifications as established by the Wisconsin Department of Justice, Training and Standards Bureau, and at least one of the following by the date of hire:
 1. Two-year associate degree from a Wisconsin vocational, technical and adult education district, or its accredited equivalent from another state.
 2. A minimum of 60 semester full-accredited college-level credits.
 3. Wisconsin law enforcement certification or proof that they are Wisconsin certifiable are preferred.
- b. Candidates should have at least five years of progressively responsible law enforcement; including five years in a leadership position.
- c. Candidate must possess well developed interpersonal and public presentation skills and utmost integrity and ability to perform the required skills and abilities as identified in the police chief job description.
- d. A bachelor's degree in a related field; a master's degree is preferred.
- e. Graduation from a senior command/leadership program such as the FBI National Academy, the Northwestern University School of Police Staff and Command or similar programs is preferred.

3.02

Executive Search Firm.

- a. The City Administrator/or designee meets with the Commission and Human Resources Director/or designee to determine the scope of the search (i.e. local, regional, state wide or national) and need for a recruitment and selection services company. If a recruitment and selection services company is not needed, the Human Resources Director/or designee will coordinate, with the Commission's approval, the search, starting with the stakeholders meeting (3.03).
- b. If a recruitment and selection services company is needed, the Human Resources Director/or designee creates and distributes a request for proposals (RFP) for the recruitment and selection services, as approved by the Commission, for the executive search firm that will be managing the Police Chief recruitment.
- c. The Commission President, City Administrator/or designee, and Human Resources Director review the RFP submittals and recommend the firms that should be interviewed to the Commission.
- d. The Commission interviews the selected executive search firms. The City Administrator/or designee and Human Resources Director will be present during these interviews for the Commission.
- e. The Commission President conducts reference checks on executive search firms. The Commission President presents background information of executive search firms to the Commission. The Commission makes a formal vote to approve the firm.
- f. The Human Resources Director manages the recruitment process with the selected executive search firm.

3.03

Stakeholder Meeting.

- a. The executive search firm/HR Director meets with the Commission, City Administrator/or designee, and key stakeholders from the community to learn what the community and City needs from a Police Chief.

- b. The Human Resources Director manages the recruitment process with the selected executive search firm.

3.04 Application Process.

- a. The executive search firm/HR Director will determine the application process and set the closing date for applicants in conjunction with the Commission.
- b. The executive search firm vets the candidates and provides the Commission, City Administrator/or designee, and Human Resources Director the qualified candidate profiles.

3.05 Selection Process.

- a. The Commission, the City Administrator/or designee, and the Human Resources Director meet with the executive search firm to review each applicant. The Commission selects the candidates for in-person interviews.
- b. The Human Resources Director/or designee will make travel arrangements, if necessary, for those applicants selected.
- c. The selected candidates will participate in three (3) separate interview panels.
 - 1. The recommended panel participants are:
 - i. Commission Members
 - ii. Mayor
 - iii. City Administrator
 - iv. Assistant City Administrator
 - v. Human Resources Director
 - vi. River Falls Fire Chief
 - vii. River Falls EMS Director
 - viii. River Falls Police Department Union President
 - ix. Three members of River Falls Police Department
 - x. River Falls School District Superintendent
 - xi. River Falls Chamber of Commerce Chief Executive Operator
 - xii. One representative from Pierce County Sheriff's Office
 - xiii. One representative from St. Croix County Sheriff's Office

- d. After the interview panels, the candidates are given a tour of the city by city staff.
- e. The Commission, City Administrator/or designee, Human Resources Director meet with the executive search firm to review the in-person interviews. The Commission selects the finalists and the HR Director sends out a press release naming the finalists to media outlets.
- f. The finalists are brought back to River Falls to conduct the assessment center which includes exercises that are selected by the Committee President, City Administrator/or designee, and Human Resources Director.
- g. After the assessment center concludes, the Human Resources Director will arrange and host a community night open-house for the public to meet with the candidates.
- h. The Human Resources Director/or designee will conduct an extensive background check on each finalist.
- i. Once the background checks are conducted, the Commission, City Administrator/or designee, and Human Resources Director meet to discuss the findings. The Commission will decide which one of the finalists to extend a conditional offer of employment, consistent with 4.13(b) through the City Administrator and Human Resources Department.
- j. Upon successful completion of the conditional offer, the Commission shall conduct a meeting to name the Police Chief.

ARTICLE 4: RECRUITMENT, TESTING, HIRING, AND PROMOTION OF SUBORDINATES

4.01 Subordinates. The Police Chief shall recommend the hiring and promotion of all subordinates by using the selection and promotion procedures specified in these Rules of Procedure.

4.02 Police Officer Qualifications.

- a. Must meet minimum qualifications as established by the Wisconsin Department of Justice, Training and Standards Bureau, and at least one of the following by the date of hire:

1. Two-year associate degree from a Wisconsin vocational, technical and adult education district, or its accredited equivalent from another state.
 2. A minimum of 60 semester full-accredited college-level credits.
- b. Candidates with Wisconsin law enforcement certification or that are Wisconsin certifiable are preferred.
 - c. Must be able to perform duties and functions as identified in the patrol officer job description.

4.03

Vacancy Posting.

- a. Responsibility of the Police Chief upon receiving authorization from the Police and Fire Commission.
- b. Position notices will be posted on the standard bulletin boards at city hall and advertised in the following:
 1. Local newspaper(s)
 2. Wilenet Internet Site
 3. Chippewa Valley Technical College
 4. University of Wisconsin – River Falls
 5. State of Minnesota online job sites
 6. League of Minnesota Cities website
 7. Wisconsin Municipalities website
 8. Additional Social Media Sites (i.e. Facebook)

4.04

Application. Human Resources will provide applications for the position of a Police Officer. The Department will announce its recruitment efforts via various media as described in 4.03.

4.05

Application Deadline.

- a. The Police and Fire Commission will establish the closing date and time for applications and include it in the position posting, typically 30 days.
- b. All applicants for the position must submit a completed application packet, including resume', cover letter, application forms and any other Human Resources required information.

- c. Incomplete applications or applications received after the application deadline will be rejected.

4.06 Screening Process.

- a. All applications meeting the application deadline shall be screened by Human Resources. Those applicants who don't meet, or for whom it cannot be determined if they meet, the entry-level qualifications will be rejected.

4.07 Misrepresentation. Misrepresentation of any material fact in the application shall be sufficient cause for excluding the applicant from the examination, or for removing the applicant's name from the eligibility list, or for the applicant's discharge, at any time, from the Department.

4.08 Insufficient Application. In order to avoid the expense of examining applicants who are barred from appointment, an application shall be rejected by the Commission or its designee, without further examination, whenever the application reveals the applicant cannot meet the eligibility requirements or the qualifications of the position applied for.

4.09 Re-entry Applications. A Police Officer who resigns from the River Falls Police Department in good standing may request to return to their previous position, either as a regular full-time or temporary position, as long as the position has not been filled or there is a similar vacancy. This request must be in writing and outline the reason(s) for leaving the department and the reason(s) for wanting to return. The Police Chief has sole authority and discretion in the decision to accept or deny the request. Any reappointment to a vacancy is subject to the approval of the Police and Fire Commission. A candidate meeting these criteria would be appointed to the eligibility list and then available for appointment to a position as outlined.

4.10 Eligibility for Examination. Examinations shall be open only to those persons who are eligible for appointment and who possess the requisite qualifications in conformity with the provisions of these Rules of Procedure. A candidate for employment previously rejected by a medical examiner shall not take the examinations provided for in these rules until a certificate from a medical examiner shows that the cause for rejection has been corrected or that some reasonable accommodation of the condition has become available.

4.11 Examination. No person shall be eligible for appointment as a Police Officer unless that person has been examined pursuant to the requirements of this section. The Commission shall hold or authorize the

Human Resources Director/or designee to hold examinations for appointment as a Police Officer.

4.12

Selection Process.

- a. Based upon the screened applications, those applicants meeting the entry-level qualifications will be invited to participate in the written testing process.
- b. River Falls police reserve officers who meet the qualifications and requirements under Section 4.02 will, as standard procedure, be granted advanced standing to the oral interview phase of the selection process.
- c. All applicants must pass the physical agility exercise before being invited to take the standard written test. The written test utilized by the River Falls Police Department will be as determined by the Police Chief.
- d. The top candidates achieving a minimum score of 70% may be invited to the oral interview. No further weight will be given to the written testing. The oral interview will be scored on a 100-point scale and will serve as the basis to establish an eligibility list. The Police Chief/or designee will create the questions for the interview panel to use. Each member of the interview panel will grade each interviewee after their interview. Candidates scoring a minimum of 70% on the oral interview will be placed on an eligibility list.
- e. After the final oral interview scoring, if applicable, veteran's points applied consistent with Wis. Stat. § 63.08.
- f. The eligibility list shall be non-expiring. The Police and Fire Commission reserves the right to terminate and request a new eligibility list by request of the Police Chief.
- g. The Police Chief/or designee may conduct a background investigation on the top candidates from the eligibility list. Candidates that are preferred due to Wisconsin Law Enforcement certification or eligibility for certification will be considered first. If a candidate is eliminated as a result of the background investigation, the next candidate on the eligibility list may be considered.

4.13

Police Officer Appointment.

- a. The Police Chief shall recommend appointment of a candidate from the top ten (10) candidates on the eligibility list that have not been eliminated through the background investigation process, for each available position, to the Police and Fire Commission as a probationary Police Officer within the River Falls Police Department. The Police and Fire Commission shall either approve or disapprove the recommendation. If the Police and Fire Commission does not approve of the Police Chief's candidate, another candidate shall be considered.
- b. The approved candidate will then be given a conditional offer of employment by Human Resources, as directed by the Commission. The conditional offer includes the requirements of successful completion of a medical examination, drug screen and psychological evaluation. These evaluations will be arranged by the Chief of Police/or designee. Any candidate not satisfactorily completing any of these processes will be rejected and excluded from further consideration.

ARTICLE 5: FIELD TRAINING PROGRAM AND PROBATIONARY PERIOD

5.01

All appointments to the Police Officer position shall require the satisfactory completion of the candidate's Field Training Officer program and probationary period. The Field Training Officer program and probationary period is considered part of the selection process for the position of Police Officer. The purpose of the Field Training Officer program and probationary period is to train and evaluate the candidate. The candidates will not be granted regular employment status until after satisfactorily completing the Field Training Officer program and probationary period. The probationary period includes the Field Training Officer program and extends for one year after completion of this program. At the completion of the probation period, the Police and Fire Commission will vote to approve or disapprove the candidate's appointment.

ARTICLE 6: PROMOTIONAL PROCESS

6.01

Position Posting.

- a. The promotion notice is the responsibility of the Police Chief upon receiving authorization from the Police and Fire Commission.

- b. The Commission reserves the right to seek additional candidates at any time, if in collaboration with the Police Chief, it is determined that insufficient candidates are available for the position.
- c. Any external posting notices will be posted/advertised by Human Resources consistent with 4.03 of this procedure.

6.02

Qualifications.

- a. Must meet minimum qualifications for the position as established by the Wisconsin Department of Justice, Training and Standards Bureau, and at least one of the following by the date of hire:
 - 1. Two-year associate degree from a Wisconsin vocational, technical and adult education district, or its accredited equivalent from another state.
 - 2. A minimum of 60 semester full-accredited college-level credits.
- b. Candidate must be able to perform the duties and functions as identified in the job description.
- c. Internal candidates must have attained the Grade A status of patrol officer in the department, and if fewer than four (4) applications are received from within the department, candidates from outside of the River Falls Police Department may be considered for this promotional process. Any outside candidate must have a minimum five (5) years of full-time patrol officer experience.
- d. Candidate must have broad exposure in general law enforcement duties and a commitment to a community policing philosophy.
- e. Candidate must have the ability to supervise subordinate personnel, act decisively in intense situations, and communicate effectively orally and in writing.
- f. Internal candidates shall be promoted on the basis of an individual's qualifications. If the qualifications are determined to be identical between two or more individuals, seniority shall be the deciding factor.

6.03

Application Deadline.

- a. The Police and Fire Commission will establish the closing date for letters of interest and include it in the position posting.
- b. All candidates for the promotion to Police Sergeant must submit to Human Resources an application, letter of interest, current resumé, and any other required information as directed by the Police and Fire Commission by the posting deadline.
- c. Incomplete applications/letters of interest or those received after the posting deadline will be rejected. Applications/letters of interest mailed and postmarked by the posting deadline will be accepted.

6.04

Screening Process.

- a. All applications meeting the application deadline shall be screened at the direction of the Police and Fire Commission, rejecting those applicants who don't meet, or for whom it cannot be determined if they meet, the qualifications.

6.05

Selection Process.

- a. Based upon the screened applications, those applicants meeting the qualifications will be invited to participate in the written testing process.
- b. The standard written test utilized by the River Falls Police Department will be as determined by the Police Chief/or designee. The candidates achieving a minimum score of 70% will be invited to the two (2) oral interview panels. No further weight will be given to the written testing. The two (2) oral interview panels (Civilian and Law Enforcement) will be scored on a 100-point scale and will serve as the basis to establish an eligibility list. Candidates score on each interview will be added together and then divided by 2. A minimum score of 75% on the oral interviews will be placed on an eligibility list. The duration of this list shall be for six months.
- c. The Police Chief shall have the discretion to recommend a candidate from the top three (3) candidates on the promotional eligibility list to the Police and Fire Commission as

a police sergeant within the River Falls Police Department. The Police and Fire Commission shall either approve or disapprove the recommendation.

- d. If the Police and Fire Commission does not approve the Police Chief's recommendation, a written document will be developed by the Police and Fire Commission outlining the reasons for disapproval before a secondary candidate shall be considered. The Police and Fire Commission must provide written justification to Police Chief within two weeks of this decision.
- e. The Police and Fire Commission reserves the right to terminate and request a new promotional eligibility list, as the Commission deems appropriate and in the best interest of the department. The Police and Fire Commission must provide written justification to Police Chief within two weeks of this decision.

6.06

Probationary Appointment.

- a. All positions above Patrol Officer are at-will management positions. A candidate promoted from within the department who fails to satisfactorily complete their duties due to performance reasons will be returned to their previous position.
 - 1. New employees from outside the River Falls Police Department will be terminated with no recourse except what is provided by law.
 - 2. A manager promoted from within the department that expresses a desire to return to their previous position may, at the sole discretion and direction of the Police Chief, be allowed to return to his/her previous position. The employee shall continue in their former rank without any loss of seniority.

ARTICLE 7: POLICE DEPUTY CHIEF PROMOTIONAL PROCESS

7.01

Police Deputy Chief Qualifications.

- a. Must meet minimum qualifications as established by the Wisconsin Department of Justice, Training and Standards Bureau, and at least one of the following by the date of hire:

1. Two-year associate degree from a Wisconsin vocational, technical and adult education district, or its accredited equivalent from another state.
 2. A minimum of 60 semester full-accredited college-level credits.
- b. Candidates with Wisconsin law enforcement certification or that are Wisconsin certifiable are preferred.
 - c. Candidate must have a minimum of five years, full-time law enforcement experience in a supervisory capacity at a rank of Police Sergeant or above.
 - d. Candidate must possess the essential knowledge and ability to perform the required skills and abilities as identified in the Police Deputy Chief job description.

7.02

Police Deputy Chief Position Posting.

- a. The promotion notice is the responsibility of the Police Chief upon receiving authorization from the Police and Fire Commission.
- b. The Commission reserves the right at any time, and in its discretion, to seek additional candidates for positions through a new posting, either internal or external.
- c. If the promotion process is open to inside the department candidates only, promotion notices will be posted through standard department procedures. If the promotion process is open to outside the department candidates, notices will be posted consistent with 4.03 of this procedure.

7.03

Application Deadline.

- a. The Police and Fire Commission will establish the closing date for applications and include it in the position posting.
- b. All candidates for the promotion to Police Deputy Chief must submit to Human Resources an application, letter of interest, current resumé, and any other required information as directed by the Police and Fire Commission by the posting deadline.

- c. Incomplete applications/letters of interest or those received after the posting deadline will be rejected. Applications/letters of interest mailed and postmarked by the posting deadline will be accepted.

7.04 Screening Process.

- a. All applications meeting the application deadline shall be screened at the direction of the Police and Fire Commission, rejecting those applicants who don't meet, or for whom it cannot be determined if they meet, the qualifications.

7.05 Selection Process.

- a. Based upon the screened applications, those applicants meeting the qualifications will be invited to participate in the promotional process.
- b. The promotion process for Police Deputy Chief will consist of an assessment center and two (2) oral interview panels. Candidates for the Police Deputy Chief position will not receive a quantitative numerical score from the assessment center, however, a narrative evaluation will be provided by the department's assessment consultant. The two (2) oral interview panels (Civilian and Law Enforcement) will be scored on a 100-point scale.
- c. The Police Chief shall have the authority to recommend appointment to the Police Deputy Chief position. The Police and Fire Commission shall either approve or disapprove the recommendation.
- d. If the Police and Fire Commission does not approve the Police Chief's recommendation, a written document will be developed by the Police and Fire Commission, within two weeks of their decision, outlining the reasons for disapproval before a secondary candidate shall be considered.

ARTICLE 8: ACTING CHIEF OR ACTING SUPERVISORY POSITIONS

8.01 Acting Police Chief.

- a. In the event the Police Chief retires, resigns, or is temporarily unable to fulfill the Chief's duties, the City Administrator will

recommend to the Commission a subordinate officer to appoint as Acting Police Chief.

8.02 Acting Supervisory Officer.

- a. The Chief may appoint a subordinate officer as an Acting Police Sergeant or Acting Deputy Police Chief, in the event that one of those supervisory officers retires, resigns, or is temporarily unable to fulfill their duties.

ARTICLE 9: DISCIPLINE, SUSPENSION, REDUCTION OR DEMOTION

9.01 Definition of Subordinate.

- a. A subordinate may be suspended for just cause, as described in Wisconsin Statute Section 62.13(5) and Section 9.12.c of these Rules, by the Chief or the Commission as a penalty. If the subordinate is suspended by the Chief, then the Chief shall file a report of such suspension with the President of the Commission within 48 hours of issuing the order for suspension, and such notice shall include the date the Chief issued the suspension to the subordinate. No hearing on such suspension shall be held unless requested in writing by the suspended subordinate by issuing written notice to the Chief and the President of the Commission within ten (10) calendar days of the issuance of the suspension by the Chief. If the subordinate suspended by the Chief requests a hearing before the Commission, then the Chief shall be required to file charges with the Commission upon which such suspension was based.

9.03 Who May File Charges Against a Subordinate.

- a. 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. When charges are filed by a member of the Commission, the Commission may, by majority vote, remove the Commissioner who files charges from participation in the hearing if the Commissioner does not voluntarily remove himself or herself, and if good cause exists to believe that unlawful bias may exist.

9.04 Filing of Charges.

- a. All charges shall be in writing in the form of a verified (notarized) complaint, shall be signed by the person filing charges, and shall be filed with the President of the Police and Fire Commission. An example of a Complaint Form is attached as Exhibit A. This Complaint Form may also be used for unverified, informal Complaints.
- b. The written charges shall name the individual complained about, set forth the nature of the alleged offense, to include the rule or law violated, the date and place of the alleged violation, the source of information and belief of the alleged violation, the names and addresses of witnesses, the specific rule, policy, procedure, or expectation of conduct allegedly violated by the charged party, and sufficient detail to place the charged party on notice of the alleged wrongdoing.
- c. Separate charges shall be made against each subordinate involved in the alleged misconduct resulting from the same event. The charges may be consolidated for hearing, but if either party requests a separate hearing on one or more of the charges, then the Commission may allow the charges to be heard separately.
- d. No person shall be deprived of compensation while suspended pending disposition of charges unless otherwise permitted by law.

9.05

Preliminary Investigation.

a. Unverified, Informal Complaint

An unverified or informal complaint is not a charge invoking the provisions of Wis. Stat. § 62.13(5). Within ten (10) days of the filing of an unverified or informal complaint, the Commission may hold a meeting for the purpose of conducting a preliminary investigation to determine if the unverified or informal complaint alleges conduct that falls within the jurisdictional powers of the Commission. If the conduct does not fall within the jurisdictional powers of the Commission, then the complaint shall be immediately dismissed. If the conduct does fall within the jurisdictional powers of the Commission, then the Complainant will be advised that a verified complaint will be necessary in order for the Commission to proceed or take any action. The Commission may refer the unverified or informal complaint to the Chief or City for further action.

b. Formal Charges:

Normally, within ten (10) days of the filing of charges, the Commission may hold a meeting for the purpose of conducting a preliminary investigation to determine if the charges filed with the Commission fall within the jurisdictional powers of the Commission. If such charges do not fall within the jurisdictional powers of the Commission, then the charges shall be immediately dismissed. The charges may be returned to the complainant with instruction for the complainant to provide further information or to correct any deficiency identified by the President or the Commission.

- c. If the Police and Fire Commission receives a complaint about the Chief, then the Commission President, alone, or the commission as a body may review the complaint for sufficiency before processing the complaint for any further investigation. The complaint may be returned to the complainant with instruction for the complainant to provide further information or to correct any deficiency identified by the President or the Commission. The Commission may summarily dismiss a complaint if the complaint alleges no rational basis for misconduct or violation of City rules, policies, or expectations of conduct, or if the complaint is not signed in accordance with Wis. Stat. 66.0511(3), if the complaint is insufficient as to factual assertions necessary to conduct an investigation, or for other legitimate reasons as determined by the Commission. The Commission may determine the appropriate course of action for further investigation of the Complaint.

9.06

Notification of Charges.

- a. Following the filing of formal charges, and provided the Commission determines that the charges fall within the jurisdictional powers of the Commission, a copy of the formal charges shall be served upon the person charged.

9.07

Setting Date of Hearing.

- a. The Commission shall “set date for hearing” not less than 10 days nor more than 30 days following service of charges. The hearing on the charges shall be public. This administrative hearing is not a formal court trial. The rules provided herein

are designed to aid the Commission and the parties to the hearing to have a fair, efficient, and orderly process.

9.08 Representation by Counsel.

- a. Both the accused and the complainant may be represented by an attorney. The Commission may engage a Hearing Examiner to conduct initial or evidentiary hearings.

9.09 Witnesses and Subpoenas.

- a. Both the accused and the complainant 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 Ch. 885, Wis. Stats.

9.10 Hearing Procedures.

a. Filing of Documents

Documents shall clearly show the title of the proceeding including the name of the charged party. All documents submitted to the Commission shall be printed, typed or legibly handwritten. If service is required by law in a certain manner for service on the subordinate or Chief or for appeal of the Commission's decision, then it must occur as specifically identified by statute. All other documents shall be served upon all counsel of record and upon all parties not represented by counsel, and upon the Commission President who shall receive an original and five copies of all documents. Service shall be in a manner satisfactory to the President and may include hand delivery, mail delivery, and in some cases by email.

b. Pre-Hearing Conference

A prehearing conference may be scheduled by the Commission President before a hearing. The prehearing conference shall be conducted by the President of the Commission or designated representative. No witnesses need to appear at the prehearing conference. 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;

- b. Whether the parties can reconcile differences and settle issues among themselves;
- c. The possibility of obtaining stipulations as to the facts in the case;
- d. Procedural and all other pre-hearing motions by the parties; and
- e. Any other matters which may aid the Commission in performing its duties.

c. Preparation for Hearing

The President or Hearing Examiner designs and controls the hearing process and may make evidentiary rulings and otherwise direct the progress of the hearing. For purposes of deliberation, the Commission may adjourn into closed session.

d. Subpoenas and Marking, Exchange and Objections to Witnesses and Exhibits

1. Each party shall provide the other party and legal counsel for the Commission with a list of witnesses he or she intends to call at the evidentiary hearing. Each party shall also provide the other party with copies of the evidence and the list of exhibits which he or she intends to utilize at the hearing. Each party must also provide President for the Commission with a list of witnesses and list of exhibits. This exchange must occur at least five (5) days prior to the evidentiary hearing or on a date set by the President of the Commission. The names of additional witnesses or other evidence that was not exchanged shall be provided to the opposing party immediately upon a party's discovery of such witnesses or evidence the party intends to utilize at the hearing, and may still be subject to exclusion, unless good cause satisfactory to the President or Hearing Examiner for the failure to meet the five-day deadline to comply is shown.
2. Parties shall exchange and file notice of any objections to such proposed exhibits not less than 24 hours prior to the scheduled commencement of evidentiary proceedings. This notice of objection shall state concisely the grounds for objection but need not present argument or authority.
3. Both the Charged Party and the Charging Party may compel the attendance of witnesses by subpoenas which shall be issued by the President of the Commission. The party requesting the

subpoena shall be responsible for service and all fees as required by law.

e. Discovery

The Commission recognizes that this hearing process is an informal administrative process not governed by the rules of evidence or rules of civil procedure. As such, there is no formal discovery and the rules of evidence are not followed. The Commission expects the parties to work expediently and cooperatively to arrange the timely exchange of information so that an efficient hearing may be conducted.

9.11

Evidentiary Hearing Procedure.

- a. The Commission shall have the discretion to engage a Hearing Examiner to conduct the Evidentiary Hearing. The President or Hearing Examiner controls the hearing process and may make evidentiary rulings and otherwise direct the progress of the hearing.
- b. Either party, or the Commission, may arrange for the proceedings to be recorded by use of a tape or video recorder or by use of a Court Reporter. The original recording or transcript will be filed with the Secretary of the Commission. The cost of the Court Reporter will be borne by the party requesting same. If a recording is made and a party appeals the decision of the Commission, the appealing party will bear the cost of transcribing the tape of the proceedings.
- c. The parties and their counsel will identify themselves for the record, beginning with the Complainant.
- d. Each party, beginning with the Complainant, will have the opportunity to make a brief opening statement to the Commission or Examiner, stating what the evidence they will introduce is intended to prove. The parties may reserve their right to give an opening statement at a later time in the proceedings.
- e. Complainant will introduce evidence and call witnesses first. All witnesses shall be sworn. Witnesses called by Complainant will be directly examined by Complainant or his/her counsel, followed by cross examination by the respondent or his/her counsel. The Examiner or Commissioners may question the

witness at any time. The parties will be entitled to redirect and re-cross examination.

- f. Following the close of Complainant's evidence, the Respondent will have the right to introduce evidence/call witnesses according to the same procedure as set forth in Subparagraph e, above.
- g. Generally, any witness may testify regarding matters about which that witness has personal knowledge and may be examined as to their credibility. The rules of evidence regarding the examination of witnesses and evidence obtained as customarily used in Circuit Court do not apply. The Commission is not bound by and will not require that the statutory or common law rules of evidence be strictly followed in the hearing, but no factual conclusions may be based solely on hearsay evidence. Testimony will be limited to matters that are relevant, material and of probative value of the charges at issue and as to application of the standards under Wis. Stat. § 62.13(5)(em). The Commission shall give respect to evidentiary privileges. The President may exclude repetitive, redundant, or immaterial evidence.
- h. After all witnesses have testified, Complainant may make a closing statement to the Commission, which will be followed by Respondent's closing statement. Complainant will have the opportunity to make a rebuttal argument following Respondent's closing statement.
- i. The Commission may, in its discretion, modify the order of testimony or make such additional rules at each hearing as is deemed necessary for the conduct of the hearing.

9.12

Decision.

- a. After hearing all the evidence and the statements of the parties, the Commission may move into closed session(s) to consider testimony, weigh the evidence, and deliberate. After deliberations and after declining to take any further evidence, the Commission shall close the hearing. Within three (3) days of the close of the adjourned hearing, they shall produce and file with the Secretary a written decision including Findings of Fact, Conclusions of Law and an order for penalties, if any, that shall be taken against the Respondent. If one or more

Commissioners disagree with the majority opinion, the Commissioner(s) may write and file a dissenting opinion.

- b. If the Commission determines that the charges are not sustained, the accused, if the person has been 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.
- c. No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the Commission unless the Commission determines whether there is just cause, as described in this paragraph, to sustain the charges and that the good of the police or fire service requires the appropriate penalty. 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 subd. 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 Chief's department.

- 9.13 Applicability to the Chief.
- a. The provisions of Sections 9.01 through 9.12 shall apply to disciplinary actions against the Chiefs where applicable. In addition thereto, the Commission may suspend a Chief pending disposition of charges filed by the Commission or by the Mayor.
- 9.14 Appeal of Decision.
- a. Any person suspended, reduced, suspended and reduced, or removed by the Commission may appeal from the order of the Commission to the circuit court only as permitted by Wis. Stat. § 62.13(5) and applicable law.
- 9.15 Modification of Chapter.
- a. The Commission on its own motion or the motion of a party may modify, extend, waive, or excuse performance of the rules regarding the hearing procedure, and may promulgate additional rules or procedures as appropriate to a case before it. The Commission also reminds the parties that this process is a flexible process and the Commission and President of the Commission or Hearing Examiner reserve and may exercise flexibility and discretion to further the interests in providing a fair and efficient hearing process.

ARTICLE 10: CONSTRUCTION OF RULES OF PROCEDURE

- 10.01 Federal or State Law. Should any Federal or State law or regulation, or the final decision of any court of competent jurisdiction affect any provision of these Rules of Procedure, the provision or provisions affected shall be deemed to be amended to conform to the law, regulation or decision subject to the right of appeal or review. These Rules of Procedure shall be construed to be consistent with the requirements of Federal and State law and shall be so applied.
- 10.02 Repeal of Rules. These Rules of Procedure shall not be repealed, amended or modified except by majority action of the Commission at a Commission meeting.
- 10.03 Severability. In the event any portion of these Rules of Procedure are found to be invalid, the remaining portion shall stand.

Adopted: Police & Fire Commission

Date: September 3, 2019