



CITY HALL • 109 NORTH MAIN STREET • HARTFORD, WI 53027

City of Hartford Police & Fire Commission Agenda
Council Chambers, 109 North Main Street
Wednesday, June 10, 2020 at 7:00 p.m.

This is a regular meeting of the Police and Fire Commission of the City of Hartford. Prior to this meeting, notice was given to the public by posting an agenda on the City Office Meeting Board, Library Bulletin Board, and Police Bulletin Board. In addition, the Daily News (the official City newspaper) was given notice of this meeting and an agenda was placed in their City Office mailboxes at least 24 hours ago.

- 1) Call to Order
- 2) Roll Call
- 3) Public Comment Period
- 4) Approval of the minutes from the May 13, 2020 meeting (minutes attached)
- 5) The Commission will perform the annual review of their Standard Operating Procedures (SOP attached). Any amendments may be made on a majority vote.
- 6) **Fire & Rescue** - Chief Stephans is seeking the Commission's approval of Devin J. Gresenz to the position of probationary Firefighter/EMT. Devin is a state certified Firefighter, Apparatus Operator, Fire Inspector and is a State of Wisconsin licensed EMT-Basic. He works as a full-time Firefighter/EMT which allows him to be available during some daytime hours. He resides in the City of Hartford. He has successfully completed the oral interview, background check and pre-employment physical exam portions of the hiring process.
- 7) **Police Department** – The Police & Fire Commission will go into closed session pursuant to Wis. Stats. 19.85(1)(f) for the purpose of *“considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.”* The Commission will be briefed on a disciplinary matter involving a suspension of a subordinate.
- 8) **Police Department** – Return to open session
- 9) Adjournment

Ronald Kuhar, President
Hartford Police and Fire Commission

“Persons with disabilities requiring special accommodations for attendance at the meeting should contact the City Clerk at least one (1) business day prior to the meeting. Members of the Common Council may attend the above meeting. Pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W.2d 408 (1993) such attendance may be considered a meeting of the Common Council. This notice is given so that members of the Common Council may attend the meeting without violating the open meeting law.”

POLICE & FIRE COMMISSION
CITY OF HARTFORD, 109 N. Main Street, Hartford, WI 53027

May 13, 2020 Minutes

1. The PFC meeting was called to order at 7:00 pm in the Council Chambers.
2. Present: Commissioners Albrecht, Fehr, Kirley, Kuhar, and Hetzel; Police Chief MacFarlan; Alderperson Mixon; City Administrator Steve Volkert.
3. Public Comment Period: None
4. Motion by Fehr & seconded by Hetzel approving the minutes of the March 11, 2020 meeting. Approved 5-0.
5. Motion by Kirley & seconded by Albrecht electing Kuhar as President, Albrecht as Vice President, and Fehr as Secretary. Approved 5-0.
6. Motion by Hetzel & seconded by Kirley moving into closed session to review Communications Officer candidate's selection process scores. Approved 5-0.
7. Motion by Hetzel & seconded by Kirley returning to open session. Approved 5-0.
8. Motion by Fehr & seconded by Kuhar establishing a current eligibility list for the Communications Officer position (Sandi Czerniejewski and Erika Virnig), expiring six months after creation on November 13, 2020. Approved 5-0.
9. Motion by Kirley & seconded by Kuhar confirming Chief MacFarlan's appointment of Erika L. Virnig to the position of Communications Officer, on or after May 14, 2020, subject to pre-employment testing. Approved 5-0.
10. Motion by Fehr & seconded by Hetzel to adjourn the meeting at 7:17 pm. Approved 5-0.

Respectively,
Dennis Albrecht, Secretary
Hartford Police & Fire Commission

City of Hartford
Police and Fire
Commission

Standard Operating Procedures
and General Orders

June 10, 2020

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SECTION I
INTERNAL PROCEDURES - ADMINISTRATION

- A. Meetings of the Police and Fire Commission shall be held in a public meeting room designated by the President. Notices of the meetings shall be given according to relevant State Statutes.
- B. Special meetings may be called by the President at any time at the request of any member of the Commission upon 24 hours notice in advance to each member of the Commission and to the public. Notices of any special meeting shall be given according to relevant State Statutes.
- C. The officers of the Commission shall be a President, Vice President, and Secretary.
- D. At the first regular meeting in April the Commission shall elect one of its members to act as President, one of its members to act as Vice President, and one to act as Secretary each for a term of two years, or until a successor is duly elected. There shall be no limitation on the number of non-consecutive terms any officer may serve, but each term shall be for two years commencing from the date of election.
- E. Three members of the Board shall constitute a quorum to do business.
- F. The Secretary, or the President's designee, shall attend all meetings and shall record all official actions.
- G. The Vice President shall act on behalf of the President in the President's absence.
- H. The records of the Commission shall be maintained in the City Clerk's office.
- I. The Commission may waive any specific provision relating to hiring or promotions upon the request of either Chief and upon majority vote of all Commission members present.
- J. These Standard Operating Procedures shall be reviewed annually by the Commission, or sooner at the request of the city attorney, and any amendment thereto may be made on a majority vote of the Commission.

SECTION II
HIRING PROCEDURES – ENTRANCE POSTION – POLICE OFFICER

- A. **Minimum Requirements/Qualifications** – The successful candidate will meet all requirements outlined in the Patrol Officer’s Job Description.
- B. **Application Procedure** – The standard application procedure for the position of Police Officer shall be:
1. The application process shall be administered by the Hartford Police Department, working in concert with the Commission.
 2. Advertising shall be done by the police department to ensure a diverse and sufficient number of applicants.
 3. Advertisements shall specify requirements, indicate where applications can be obtained, and give a time deadline.
 4. An administrative processing fee may be charged to the applicant if deemed appropriate by the Finance and Personnel Committee. If a fee is charged the monies collected will be administered by the police department.
 5. The application phase
 - a. Candidates must submit a properly completed application and all required ancillary forms for the position to the police department by the closing date and time stated in the advertisement.
 - b. Applicants must possess a minimum of an Associates Degree or 60 college credits from an accredited institution of higher learning.
 - i. Preference may be given to candidates with B.A./B.S. Degrees (**5 points**).
 - ii. Preference may be given to candidates with M.A./M.S. Degrees (**5 points**).
 - iii. Preference may be given to candidates with current law enforcement certification from Wisconsin, or another state (**5 points**).
 - iv. Preference may be given to candidates with 2 or more years of full-time municipal law enforcement experience (**5 points**). (This does not include experience in a corrections setting).
 - c. A maximum of **20 percentage points** may be earned at this phase of the process.
 - d. The field of applicants may be reduced by the Chief of Police to a manageable number by eliminating candidates with the lowest cumulative score at the end of this phase.
- C. **Examination Procedure** – The examination procedure utilized by the Hartford Police Department may consist of the following:

1. **Written Examination**

- a. The written examination used by the Hartford Police Department will be a generally accepted standardized entry level test determined by the Chief of Police.
- b. All candidates' scores will be weighted to represent the portion of the total points assigned to this phase.
- c. A maximum of **15 percentage points** may be earned at this phase of the process.
- d. This phase will be administered by the police department.
- e. The field of applicants may be reduced by the Chief of Police to a manageable number by eliminating candidates with the lowest cumulative score at the end of this phase.

2. **Physical Agility Test**

- a. The physical agility test may include tests of strength and agility required for the performance of the job.
- b. All candidates' scores will be weighted to represent the portion of the total points assigned to this phase.
- c. A maximum of **5 percentage points** may be earned at this phase of the process.
- d. This phase will be administered by the police department.
- e. The field of applicants may be reduced by the Chief of Police to a manageable number by eliminating candidates with the lowest cumulative score at the end of this phase.

3. **Professional Peer Review Panel** – The Chief of Police will appoint representatives to serve on this panel, which may include:

- a. Members of the Senior Command Staff
- b. Members of the Supervisory Staff
- c. Members of the Patrol Division
- d. Members of the Investigative Division
- e. Members of the Communications Division
- f. Members of Department Support Staff
- g. Civilian Representatives
- h. Questions to be asked by this panel will be developed by the Chief of Police or his/her designee.
- i. All candidates' scores will be weighted to represent the portion of the total points assigned to this phase.
- j. A maximum of **35 percentage points** may be earned at this phase of the process.
- k. This phase will be administered by the police department.
- l. The field of applicants may be reduced by the Chief of Police to a manageable number by eliminating candidates with the lowest cumulative score at the end of this phase.

4. **Background Investigation** – The Chief of Police will assign candidates to departmental employees for the completion of a thorough background investigation. This phase will be pass/fail, and will not have a point value in the overall scoring process.
5. **Police and Fire Commission Interview** – Remaining candidates will be invited to an oral interview with the Police and Fire Commission.
 - a. The oral interview will be conducted by members of the Police and Fire Commission and other persons approved by the Commission.
 - b. The Chief of Police will develop a series of questions to be asked by this panel which will be reviewed prior to the interviews. The Chief of Police will supply suggested scoring guides.
 - c. The Police and Fire Commission will determine if multiple meetings will be necessary to complete their interviews, and the number of candidates to be interviewed at each meeting.
 - d. All candidates' scores will be weighted to represent the portion of the total points assigned to this phase.
 - e. The tabulation and inclusion of the candidate's scores for this phase will be administered by the Chief of Police, or his/her designee.
 - f. A maximum of **25 percentage points** may be earned at this phase of the process.
6. The Chief of Police will provide the Police and Fire Commission with a list of the applicants who achieved the highest cumulative scores throughout the process.
 - a. An eligibility list will be established by the Police and Fire Commission.
 - b. The field of applicants may be reduced by the Police and Fire Commission to a manageable number by eliminating candidates with the lowest cumulative score at the end of this phase.
 - c. The eligibility list shall be in effect for a period of time, to be determined by the Commission.
 - d. The Police and Fire Commission will provide the City Clerk and the Chief of Police with a memo containing an alphabetized list containing the names of the applicants who have been placed on the eligibility list, and the expiration date of the eligibility list.

SECTION III

HIRING PROCEDURES – LATERAL HIRING – POLICE OFFICER

Lateral Hiring Process – When the Lateral Hiring Process is utilized officers with two or more years of full-time municipal law enforcement experience, or with less experience when it can be done with advantage for the department, as determined by the Chief of Police, may apply. As consideration in a standard recruitment process the Written Testing and the Physical Agility Testing phases will be waived. Lateral entry candidates may also be considered independently of a standard recruitment process if this can be done with advantage for the department. The candidate or candidates will be given conditional job offers contingent on their passing a Psychological Exam and a Physical Exam, including a drug screen.

A. Psychological Evaluation

1. The Chief of Police will contract with a psychologist or psychiatrist for the appropriate testing.
2. At the conclusion, the psychologist or psychiatrist will render a recommendation based upon his/her professional opinion whether or not the candidate is suitable to be a police officer.

B. Physical Examination

A candidate's condition is a major predictor of his/her ability to withstand the stress of the law enforcement profession, as well as perform his/her duties with minimum risk of injury or occupational disability. Extensive research has been conducted in order to develop an acceptable level of physical condition for Police Officer applicants. The medical facility to be utilized for these testing procedures will be determined by the City Administrator's Office.

The candidate must take and successfully pass a drug screening test conducted by a certified drug testing laboratory. Results must be submitted to the Chief of Police as part of the selection procedure. Failure to successfully pass the drug screening test will be automatic disqualification for employment with the Hartford Police Department.

C. Appointment

1. The Chief of Police will provide the Police and Fire Commission with a brief overview of the candidate's performance in the selection process and a brief biography of the candidate he/she will be appointing for their consideration at this time.
2. The Commission shall either confirm or not confirm the appointment.
3. Police Officers hired are to be on probation for a minimum period of twelve (12) months from start date.

SECTION IV
PROMOTIONAL PROCEDURES - POLICE DEPARTMENT

DETECTIVE and SERGEANT

- A. **Minimum Qualifications** - The successful candidate will meet all requirements outlined in the Detective's or Sergeant's Job Descriptions.
- B. **Examination Procedure** - The examination procedure shall include a Written Exam; Professional Peer Panel Interview; and Proficiency, Competency, and Initiative Assessment. This process will be administered by the Chief of Police.
1. **Written Exam** -The written examination used by the Hartford Police Department will be a generally accepted standardized investigators test selected by the Chief of Police.
 2. **Professional Peer Review Panel**— The Department may use a Professional Peer Panel to review and assess candidates for the detective or sergeant position. The Chief of Police, or his designee, may develop the questions for the Professional Peer Panel. The members of the Professional Peer Review Panel will be appointed by the Chief of Police and may include any of the following:
 - a. Members of the Senior Command Staff
 - b. Members of the Supervisory Staff
 - c. Members of the Investigations Bureau (for the Detective position)
 - d. Representatives from outside law enforcement agencies
 - e. Civilian Representatives
 3. **Proficiency, Competency and Initiative** - The candidates may be assessed for this portion of the process by observing twelve months of activity in the patrol officer position. A random sampling of the candidates' police reports may also be submitted for external evaluation by law enforcement and/or educational professionals. The candidate may instead be required to participate in a mock crime scene investigation, during which they will be scored on various criteria related to the scenario, and subsequent report.
- C. **Promotion**
1. If a vacancy exists or is anticipated, the Chief of Police may appoint subordinate candidates when he/she determines that it can be done with advantage pursuant to State Statute 62.13(4)(a).
 2. The Chief of Police will provide the Police and Fire Commission with a brief overview of the candidate's performance in the selection process and a brief biography of the candidate he/she will be appointing for their consideration at this

time.

3. The Commission shall either confirm or not confirm the appointment.

D. Probationary Period

Detectives and Sergeants shall serve a minimum 12-month probationary period from date of promotion.

SECTION V
HIRING PROCEDURES - ENTRANCE POSITION
FIREFIGHTER/EMT PAID ON CALL

A. **Minimum Requirements/Qualifications** - The following are the minimum Requirements necessary to be appointed a Firefighter or Emergency Medical Technician with the City of Hartford Fire Department:

1. Not less than 18 years of age.
2. High School graduate, or equivalent.
3. Must possess a valid Wisconsin Driver's License.
4. Must be physically able to perform the duties for the position for which they are applying.

B. **Hiring Process** - Hartford Fire and Rescue uses a Recruitment Committee to evaluate candidates for the position of probationary Firefighters and Emergency Medical Technicians. The recruitment committee consists of ~~five~~ members of the department with both Fire and EMS personnel represented on the committee.

The process is as follows:

1. Applications are reviewed by ~~the President of~~ the Recruitment Committee with any incorrectly filled out or incomplete applications not getting consideration.
2. The ~~committee~~President schedules the interviews with each applicant.
3. Background checks are completed on each applicant that the committee recommends to advance in the process. The Hartford Police Department completes the criminal background check and the driving record review. The Hartford Police Department then returns a brief written report on each individual. The Hartford Fire and Rescue Department completes the remainder of the background check that includes calling references and former employers.
4. The committee interviews the applicant utilizing base questions that are asked of each candidate. Questions to be asked during this process will be developed by the Chief or his/her designee. Questions will be designed to identify candidates that fully understand the scope of the level of commitment required to be a paid-on-call responder.
5. Members of the committee explain the commitment required to be either an EMT or firefighter. (Hours of formal schooling, meetings, training, special events, etc.)

The candidate then has an opportunity to express continued interest in the position and the mutual fit between the candidate and the position.

6. The committee reviews the results of the oral interview with the Fire Chief and makes recommendations on hiring to the Chief.
7. The Chief appoints the candidates to the position of probationary firefighter or EMT.
8. The Chief presents his appointments to the Police and Fire Commission and requests the commission's confirmation of the appointments.
9. The approved applicants are then required to take a physical exam and drug screening. The comprehensive physical exam includes a practical exam (lifting, dragging, etc.), pulmonary function test, hearing and eye exam, and respiratory clearance.

C. Appointments

1. Appointments shall be made by the Fire Chief, subject to the confirmation of the Police and Fire Commission.
2. Appointments are to be on a probationary period for -a minimum of 12 months commencing with the date that the candidate obtains state licensure (EMS) or state firefighter certification.

**SECTION VI
PROMOTIONAL PROCEDURES - FIRE DEPARTMENT**

FULLTIME FIREFIGHTER/EMT

- A. **Minimum Qualifications** - The successful candidate will meet all requirements outlined in the Fulltime FF/EMT Job Descriptions and a current member in good standing as a part-time or paid-on-call FF/EMT.
- B. **Examination Procedure** - The examination procedure shall include a Resume/Qualification Score, Written Exam; Professional Peer Panel Interview; and Proficiency, Competency, and Initiative Evaluation. This process will be administered by the Fire Chief.

1. **Resume/Qualification Score** – A comprehensive review of the candidate’s background will be completed and each respective category will receive points. **A maximum of 10 percentage points** can be earned at this phase of the process. The following areas will be awarded points;

Years in EMS	Years in Fire Service	Years with HF&R
Military Service	Female	Non-Caucasian
H.S. Diploma/Equivalent	Assoc. Degree	Bachelor’s Degree
Valid D.L.	CPR Cert w/Prof. Rsq	AEMT Certification
Paramedic Certification	FFI Certification	FFII Certification
Fire Officer Cert.	Driver/Operator Cert	Aerial Operator Cert.
Fire Inspector Cert.	Fire Insp. Experience	Supplv Experience in Fire Service

2. **Written Exam** -The written examination used by the Hartford Fire and Rescue Department will be a test with department specific questions and composed of short answer questions including scenario-based questions selected by the Fire Chief. A maximum of **25 percentage points** can be earned at this phase of the process.
3. **Professional Peer Review Panel** – The Department may use a Professional Peer Panel to review and assess candidates for the full-time FF/EMT position. The Fire Chief, or his/her designee, may develop the questions for the Professional Peer Panel. A maximum of **15 percentage points** can be earned at this phase of the process. The members of the Professional Peer Review Panel will be appointed by the Fire Chief and may include any of the following:
- a. Members of the Senior Command Staff and/or Supervisory Staff
 - b. Representatives from outside Fire and EMS service agencies
 - c. Civilian Representatives
4. **Proficiency, Competency and Initiative Evaluation** - The candidates will be

assessed for this portion of the process by observing twelve months of activity in the part-time and/or paid-on-call FF, EMT or FF/EMT position. The review will be completed by Senior Command or Supervisory Staff. A random sampling of the candidates' Fire or EMS reports may also be submitted for external evaluation by fire and/or EMS service professionals. A maximum of **50 percentage points** can be earned at this phase of the process.

5. Scoring

Resume/Qualifications Score	10%
Written Exam	25%
Professional Peer Review Interview	15%
Proficiency, Competency, Initiative Eval	50%

E. Promotion

1. If a vacancy exists or is anticipated, the Fire Chief may appoint subordinate candidates when he/she determines that it can be done with advantage pursuant to State Statute 62.13(4)(a).
2. The Fire Chief will provide the Police and Fire Commission with a brief overview of the candidate's performance in the selection process and a brief biography of the candidate he/she will be appointing for their consideration at this time.
3. The Commission shall either confirm or not confirm the appointment.

MOTOR PUMP OPERATOR, FIRE LIEUTENANT, and CAPTAIN

Minimum requirements - The following are the minimum requirements necessary for promotion to the following positions. In the event that there are not at least two eligible applicants for each vacancy anticipated during the existence of the list, the length of service requirements may be reduced in one-year steps until there are at least two applicants eligible to compete for the respective position.

1. Motor Pump Operator - Must have ~~been with the Department for~~ one full year of experience in the fire service and has met the minimum qualifications of State of Wisconsin Administrative Code Section SPS 330.08(2), and has achieved State Certification as a Fire Apparatus Driver/Operator.
2. Fire Lieutenant - Must have been with the Department for three full years and met the minimum qualifications of State of Wisconsin Administrative Code SPS 330.08(3).
3. Captain - Must have served at least three full years in the position of Lieutenant and met the minimum qualifications of State of Wisconsin Administrative Code SPS 330.08(3).

and Fire Commission.

SECTION VII
HIRING PROCEDURES - POLICE CHIEF / FIRE CHIEF

- A. Any person selected as the Chief of either the Police or Fire Departments shall have the-following minimum qualifications:
1. Bachelor's Degree in a related field or equivalent-experience.
 2. Minimum seven (7) years Police or Fire experience.
 3. Five year's experience in administration with specific experience in such areas as planning, budgeting, and leadership.
 4. Must be State certified or certifiable in the case of Police Chief or State certified or certifiable fire officer for a Fire Chief.
- B. **Application and Selection Procedure.** Upon notice of resignation of the Chief of either Department, or upon a vacancy in the office of Chief of either Department, the Commission shall decide whether to promote from within the Department (internal selection), or to recruit outside the Department (external selection). Depending on the scope of selection as determined by the Commission, the following procedures shall be followed, provided, however, that the Commission may proceed with external selection at any time prior to the final selection of a Chief of either Department, any member of the Department may apply for the position of Chief if external selection is chosen.
1. Internal Selection
 - a. Job posting as determined by the City Administrator.
 - b. Letters of interest and resumes submitted to the President of the Police and Fire Commission.
 - c. Initial screening of applications by the President of the Police and Fire Commission to determine that minimum qualifications are met.
 - d. Police and Fire Commission sets evaluation criteria and scoring process for final selection.
 - e. Candidates interviewed by Police and Fire Commission, and at the option of the President, the City Administrator and his/her designee, one or two representatives of the community as appointed by the President of the Commission, and one professional of the discipline being hired as determined by the President of the commission.
 - f. Selection of Chief made or determination by Commission to recruit through the external selection process.

- g. Psychological examination, physical examination or assessment of a candidate or candidates as determined by the Commission after a conditional job offer is made.
2. External Selection
- a. Advertising done by City Administrator on a scope determined by the Commission.
 - b. Applications submitted to Administration Department.
 - c. Initial screening of applications by the commission to determine that minimum qualifications are met.
 - d. The Commission shall establish a scoring criterion to be used in their selection.
 - e. The Commission shall review applications and select no more than ten (10) candidates to be subject to an oral interview.
 - f. The Commission, and at the option of the President, a professional of the discipline being hired as appointed by the President of the Commission, shall establish an evaluation criterion and scoring process for final selection, determine any other requirements to be required, including psychological or physical examinations and shall conduct a personal interview of the candidates selected for interviews. Any psychological or physical examination would be required only after a conditional job offer is made.
 - g. The Commission may request funding from the City Council for transportation, lodging and other costs related to the selection process for candidates selected for oral interviews.
 - h. Any candidate selected as Chief by the Commission shall be subject to a detailed background investigation.
 - i. Upon an acceptable background investigation, appointment of the candidate to the position of Chief shall be made by the Commission.
3. Appointment of Acting Chief— Upon notice of vacancy in the position of Police or Fire Chief, an acting Chief shall be appointed by the Commission until a permanent replacement is selected.

SECTION VIII HEARING PROCEDURES

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

- A. When a hearing is to be held, the President of the Commission shall set the date therefore, Notice of the date, time, and place of the hearing shall be given the subordinate and their counsel, and the complainant, by mailing a notice by certified mail to the address of the subordinate as obtained from the files of the Department, or by personal service. Notice shall not be given less than ten (10) days nor more than thirty (30) days following service of charges. 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. The hearing on the action shall be public. Both the subordinate and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoena which may be issued by the President of the Commission or the attorneys for the subordinate and the complainant.
- C. All testimony of witnesses at hearings shall be given under oath, administered by the Secretary, or other member of the Commission, in the form and manner provided by Section 887.03 Wis. Statutes. A record of the testimony shall be made by a court reporter.
- D. At the hearing the order shall be as follows:
 - 1. Statement of the charges by the President or their designee.
 - 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 subordinate 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 subordinate or his/her attorney.
 - 7. Presentation of a case for the subordinate, if any.
 - 8. Repeat of steps 4, 5 and 6 regarding witnesses produced on behalf of the subordinate.
 - 9. Opportunity for each side to present evidence in rebuttal of any evidence presented by the opposing side.

10. Closing arguments by both sides.
 11. Written briefs may be filed at the discretion of the Commission.
- E. At the conclusion of the hearing, the Commission shall prepare written findings of fact based upon the evidence presented and conclusions which are based upon the findings. For purposes of deliberation after the hearing, the Commission may choose to adjourn into closed session pursuant to Wisconsin Statutes 19.85.
 - F. If the Commission determines that the charges are sustained, the subordinate, by order of the Commission, may be suspended, reduced in rank, suspended and reduced in rank, suspended and reduced, removed or otherwise disciplined.
 - G. Subsequent to the filing of charges, but prior to a hearing, the President may set a pre-hearing conference and appoint a Commissioner or other person as conferee to preside at the pre-hearing conference. The purpose of the pre-hearing conference is to narrow the issues to be heard and also to shorten the length of time necessary to complete the presentation of evidence.
 - H. The pre-hearing conference shall be scheduled at least five (5) days before the hearing. The subordinate and the complainant shall be notified in writing of the pre-hearing conference. The subordinate and the complainant shall appear at the pre-hearing conference and may be represented by counsel.
 - I. The following matters shall be accomplished at the pre-hearing conference:
 1. Witness lists and any prior written or recorded statements or reports of witnesses will be exchanged between the parties (or their counsel).
 2. Exhibit lists will also be exchanged between the parties (or their counsel), and each party (or their counsel) shall be permitted to physically inspect all exhibits of the other party.
 3. Witnesses not on the list submitted at the pre-hearing conference will be permitted to testify at the hearing and exhibits not on the list submitted at the pre-hearing conference may be introduced at the hearing only if the Commission determines that the party (or counsel) can demonstrate a satisfactory reason for the exclusion of such witness or exhibit from the list(s) submitted at the pre-hearing conference.
 - J. If a party does not appear at the pre-hearing conference, either in person or by counsel, the conferee shall report this to the Commission. In the absence of the appearance of the complainant or counsel at the pre-hearing conference, the Commission shall dismiss the charges, unless the party or counsel can demonstrate a satisfactory reason for non-appearance.

**SECTION IX
DISCIPLINARY ACTION**

The rules set forth are adopted pursuant to the authority granted the Commission by Wisconsin Statutes 62.13(5)(g).

1. The Commission may suspend or remove a Chief for cause based upon written charges filed with the President of the commission. Written charges may be filed by the Mayor, a member of the Commission, by the Commission as a body, or by any other aggrieved person. The Commission may suspend a Chief, with pay, pending disposition of such charges.
2. Charges may be filed against a subordinate by the Chief, by any member of the Commission, by the Commission as a body, or by any aggrieved person. Pending disposition of such charges, the Commission or Chief may suspend such subordinate.
3. The Commission or a Chief may suspend a subordinate for cause as a penalty. If a Chief suspends a subordinate, the Chief shall immediately file a report with the Commission. No hearing on such suspension shall be held unless requested by the suspended subordinate within thirty (30) days from the date of suspension. 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 and may recommend termination.
4. Prior to the filing of a charge against a police officer or a firefighter by an aggrieved person (other than the Mayor, a Chief, a member of the Commission, or the commission as a body), the person shall file a complaint with the Police or Fire Department under the Citizen Complaint procedure. A charge may be filed with the Commission if the person is not satisfied with the disposition under the Citizen Complaint procedure. The charge shall be filed with the Commission no later than ten (10) days following receipt of the written disposition.
5. Requirements of charges. Charges shall:
 - a. Be in writing on a form provided by or approved by the Commission;
 - b. Be addressed to the Hartford Police and Fire Commission;
 - c. Identify the person against whom the charges are brought;
 - d. State sufficient facts to allow the accused to know and understand the factual allegations and to be able to prepare his or her defense. If any portion of the charges is made upon information or belief, the source of such information and belief shall be stated, including the names and addresses of witnesses having such knowledge. The charge shall specifically indicate the date and place of the alleged offense.
 - e. State the specific Code of Conduct, Rules and Regulations, City Work Rules, and/or any state or federal law which the accused is charged with violating;
 - f. Be sworn to under penalty of perjury;
 - g. Be filed with the President or Secretary of the Commission (In the event that the charges are filed with the Secretary, the Secretary shall thereupon file the charges with the President.)
6. The Police Department Code of Conduct, Fire Department Rules and Regulations, and City

Work Rules shall be available for review by the public, and copies shall be available upon request from the individual department or the Secretary of the Commission.

7. If there is more than one charge against an accused which emanates from a specific event, all such charges may be consolidated and be heard in one hearing. The President is authorized to take reasonable steps to effectuate a consolidation.
8. Following the filing of charges in any case, a copy of the charges shall be served within a reasonable amount of time by the Commission or its representative upon the person charged. The President shall set a date for the hearing not less than ten (10) nor more than thirty (30) days following service of charge.
9. The person filing the charge and the accused shall file with the Commission, and provide to the opposing party, at least seven (7) days before the hearing date, a list of all intended witnesses, including names and addresses. The Commission may refuse to allow a party to call a witness not named in the intended witness list, unless the failure to include the name occurred for good reason, in the determination of the Commission. Neither party will be required to call all of the witnesses included on his or her witness list.
10. The accused and the person filing the charge may be represented by attorneys at no expense to the Commission.
11. The accused and the person filing the charge may compel the attendance of witnesses by subpoenas which shall be issued by the President of the Commission on request. The service of the subpoena and the cost of service fees, witness fees and other related expenses shall be borne by the party requesting the subpoena.
12. The responsibility for prosecuting a case shall be with the person filing the charge. The burden of proof for proving the charges shall be by preponderance of the evidence.
13. At least one (1) day prior to the scheduled hearing, parties shall provide each other with copies of or access to documents and other exhibits they intend to use at any hearing. At the hearing, parties shall provide each member of the Commission with copies of any documents and/or exhibits they intend to use.
14. As the first order of business at any scheduled hearing, the Commission may hear and decide procedural motions, determine order of testimony, attempt to determine uncontested issues, attempt to simplify issues, attempt to obtain a stipulation of facts, determine what exhibits, if any, will be offered into evidence, and to conduct any such other procedural matters as may be deemed necessary.
15. The hearing on charges shall be public. The Commission may make reasonable rules for the orderly conduct of the hearing. The Commission reserves the right to go into executive session as allowed by law.
16. The Commission may divide the hearing into two phases. In the first phase, the Commission shall determine whether or not the charges have been sustained. If any of the

charges are sustained, the hearing shall continue to the second phase, in which the Commission shall determine the disposition as provided in **SECTION 20**.

17. At the hearing, the complainant shall present his or her testimony and evidence first. After the testimony of the complainant and each of the complainant's witnesses, the respondent or respondent's attorney may cross-examine the witness. After completion of the complainant's testimony and evidence, the accused may testify and call witnesses to testify. After each of the accused's witnesses testifies, the complainant or complainant's attorney may cross-examine the witness. Parties may thereafter present rebuttal and surrebuttal evidence, all subject to cross-examination. Members of the Commission may question any witness at any time and may call its own witnesses.
18. Civil Rules of Evidence will apply at any hearing with the Commission being at liberty to relax the Rules of Evidence if it deems the best interests of justice to be served thereby.
19. All public portions of the hearing shall be recorded electronically or by court reporter or both. The decision shall be at the discretion of the Commission.
20. If the Commission determines that the charges are not sustained, the accused, if he/she 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, reduced in rank, suspended and reduced in rank, or removed, as the good of the service may require.
21. Findings, determinations, and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within three (3) days with the Secretary of the Commission. The Commission may, if it deems it appropriate, provide an oral decision with regards to its determinations and findings following the hearing.
22. Any person suspended, reduced, suspended and reduced, or removed by the Commission may appeal the order of the Commission to the Circuit Court pursuant to the applicable provision of the Wisconsin Statutes.
23. The City Attorney or his representative shall represent the Commission (*possible violation of due process because the city attorney offers legal advice to the Chief*).
24. The term "President" shall include the President and/or his or her designee. In the event of the incapacity, unavailability or unwillingness of the President to act, his powers may be exercised by the Commissioner with the greatest seniority, in descending order, based on their availability.

**SECTION X
CITIZEN COMPLAINT PROCEDURE**

- A. Any person filing charges directly with the Commission against any member of either Department shall file the original with the President of the Commission.
- B. The complaint shall be in writing and shall state the following: Name, age, and address of the complainant; the name or other clear identification of the subordinate; the facts which give rise to the complaint including the time and place of the alleged offense; the names of any independent witnesses upon whose testimony the complainant relies and their current address. The complaint must be signed by the individual filing the complaint.
- C. The charges shall be delivered to the Chief for internal investigation unless the complaint relates to the chief, in which case it shall be delivered to the President of the Commission for investigation.
- D. Upon completion of an internal investigation, the Chief will deliver to the President of the Commission and the complainant a written report of the investigation and any action taken as a result of the investigation.
- E. If a hearing is required, it shall be conducted according to the procedures in Section VIII.

Ronald Kuhar, President

Dennis Albrecht, Vice-President

Richard Fehr, Secretary

Dean Kirley

Jeff Hetzel

Dated this _____ day of _____, 2020

C:/PFC/PFC SOP 031616 (Rev. 06-2020)