

APPENDIX A:**VILLAGE OF BANGOR POLICE DISCIPLINE COMMITTEE
RULES AND PROCEDURES
("PDC" PROCEDURES)**

- (a) **Duties and Responsibilities.** The Police Discipline Committee ("PDC") shall have the following duties and responsibilities:
- (1) **Disciplinary Action.** The PDC shall have the exclusive right to suspend, reduce, suspend and reduce, or remove the Police Chief and/or any other police officer who is not probationary. Disciplinary actions regarding a probationary Police Chief and/or probationary police officers shall be made by the Village Board. For the purposes of these PDC procedures, the terms "discipline" or "disciplinary action" shall be limited to suspension, reduction, suspension and reduction, or removal.
 - (2) **Ultimate Review of Complaints or Charges Filed.** The PDC shall have the ultimate right to review complaints or charges filed against the non-probationary Police Chief and/or any police officer, and to take disciplinary action. Review by the PDC shall be initiated as follows:
 - a. A subordinate may be suspended as herein after provided as a penalty. The subordinate may also be suspended by the Police Discipline Committee pending the disposition of charges filed against the subordinate.
 - b. Charges may be filed against a subordinate by the Chief of Police, by a member of the PDC, by the PDC as a body, the Village Board, or by any aggrieved person. Such charges shall be in writing and shall be filed with the Chairperson of the PDC. Pending disposition of such charges, the PDC or Chief of Police may suspend the subordinate.
 - c. A subordinate may be suspended for just cause by the Chief of Police or by the PDC as a penalty. The Chief of Police shall file a report of such suspension with the Police Discipline Committee immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended subordinate. If the subordinate suspended by the Chief of Police requests a hearing before the PDC, the Chief shall be required to file charges with the PDC upon which such suspension was based.
 - d. Following the filing of charges in any case, a copy thereof shall be served upon or mailed by registered mail to the person charged. The PDC shall set dates for hearing not less than ten (10) days nor more than thirty (30) days following service of charges. The hearing on the charges shall be public, and both the accused and the complainant may be presented by any attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the

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chairperson of the PDC on request and be served as are subpoenas under Ch. 885, Wis. Stats.

- e. If the PDC determines that the charges are not sustained, the accused, if suspended, shall be immediately reinstated and all lost compensation restored. If the PDC determines that the charges are sustained, the accused, by order of the PDC, may be suspended or reduced in rank, or suspended and reduced in rank, or removed, as the good of the service may require.
- f. No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the PDC under Subsection (a)(2)e, based on charges filed by the PDC, members of the PDC, an aggrieved person or the Chief of Police under Subsection (a)(2)b, unless the PDC determines whether there is cause, as described in this paragraph, to sustain the charges. In making its determination, the PDC 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 of Police, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.
 - 4. Whether the effort described under Subsection (a)(2)f.3 above was fair and objective.
 - 5. Whether the Chief of Police discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
 - 6. Whether the Chief of Police 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 Village Police Department.
- g. Findings and determinations hereunder and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within five (5) business days thereof with the secretary of the PDC.
- h. Further rules for the administration of this Subsection may be made by the PDC.
- i. No person shall be deprived of compensation while suspended pending disposition of charges.
- j. Any person suspended, reduced, suspended and reduced, or removed by the PDC may appeal from the order of the PDC to the Circuit Court by serving written notice of the appeal on the secretary of the PDC within ten (10) days after the order is filed. Within five (5) days after receiving written notice of the appeal,

the PDC shall certify to the Clerk of the Circuit Court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall, upon application of the accused or of the PDC, fix a date of trial. The trial shall be by the court and upon the return of the PDC, except that the court may require further return or the taking and return of further evidence by the PDC. The question to be determined by the court shall be: "Upon the evidence, is there cause, as described under Subsection (a)(2)f, to sustain the charges against the accused?" No costs shall be allowed either party and the Circuit Court Clerk's fees shall be paid by the Village. If the order of the PDC is reversed, the accused shall be forthwith reinstated and entitled to compensation as though in continuous service. If the order of the PDC is reversed, the accused shall be forthwith reinstated and entitled to compensation as though in continuous service. If the order of the PDC is sustained, it shall be final and conclusive.

- k. The provisions of Subsections (a)(2)a-j shall apply to disciplinary actions against a Chief of Police where applicable. In addition thereto, the PDC may suspend a chief pending disposition of charges filed by the PDC or by the Village Board.

(3) **Dismissals and Re-employment.**

- a. When it becomes necessary, because of need for economy, lack of work or funds, or for other just causes, to reduce the number of subordinates, the emergency, special, temporary, part-time, or provisional subordinates, if any, shall be discussed first, and thereafter subordinates shall be dismissed in the order of the shortest length of service in the Department.
 - b. When it becomes necessary for such reasons to reduce the number of subordinates in the higher positions or offices, or to abolish any higher positions or offices in the Department, the subordinate or subordinates affected thereby, shall be placed in a position or office in the Department less responsible according to the subordinate's efficiency and length of service in the Department.
 - c. The name of a subordinate dismissed for any just cause set forth in this Section shall be left on an eligible re-employment list for a period of two (2) years after the date of dismissal, except that if the dismissal was for disciplinary reasons, the subordinate may not be left on an eligible re-employment list. If any vacancy occurs, or if the number of subordinates is increased, in the Department, the vacancy or new positions shall be filled by persons on the eligible re-employment list in the inverse order of the dismissal of the persons on the list.
- (b) **Appeals.** Any person disciplined by the PDC may appeal from the written order of the PDC to the Circuit Court by submitting written notice of appeal within ten (10) days after the order is filed with the Village and served on the charged party.
- (c) **Notices.**
- (1) **Types of Notice.** The notice of the initial determination shall be made by registered mail or certified mail with return receipt requested or, in the alternative, in the manner prescribed for service of a summons (Secs. 801.10, 801.11, and 801.13, Wis. Stats.).

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Thereafter, notices shall be given in accordance with the standards for service and filing of pleadings and other papers, as provided in Sec. 801.14, Wis. Stats. Time shall be calculated as provided in Sec. 801.15, Wis. Stats.

- (2) **Place of Filing.** All required notices to the Village Board, the PDC and/or Village shall be made to the Village Administrator, presently at the following address:

Village Administrator
Village of Bangor
100 17th Avenue N.
Bangor, WI 54614

- (3) **Notice to Officers.** All required notices to the Police Chief and/or police officers shall be made to the last known address of the employee's personnel records, or to counsel of record.
- (4) **Address.** All required notices to the complainant shall be made to the complainant's last known address, or to counsel of record.
- (d) **Costs Associated with PDC.** The costs associated with the PDC shall be allocated to and paid for from the Police Department budget. These costs shall include the costs of convening the PDC (per diems to members, if any, expenses of PDC secretary, and publication/service of notices) and legal costs (costs associated with preparing and revising the PDC procedures, advising and representing the Village on a matter that has been transferred to the PDC and retaining special counsel for the PDC where the PDC deems such counsel desirable or necessary).

(Note: Special counsel may be necessary where the Village Attorney would have a conflict of interest representing the Village and the PDC. The existence of a conflict of interest must be made on a case-by-case basis. For example, special counsel may be necessary where the claimant is the Village Board, or the Police Chief, but may not be necessary where there is a third party complainant.)