



BOARD OF POLICE AND FIRE COMMISSIONERS AGENDA

June 25, 2024 at 10:30 AM

**City Hall - Conference Room 106, 828 Center Avenue,
Sheboygan, WI**

Persons with disabilities who need accommodations to attend the meeting should contact the Fire Department Office, 1326 N 25 St, Sheboygan, at 920-459-3327

OPENING OF MEETING

1. Roll Call
2. Call to Order
3. Pledge of Allegiance

MINUTES

- [4.](#) Approval for meeting held on May 28, 2024

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Fire Department update
- [6.](#) Review and approve updated policies & procedures for disciplinary actions
- [7.](#) Overview timeline for disciplinary actions (pending legal review)

CORRESPONDENCE FROM CITIZENS, OTHER AGENCIES, AND MEDIA

CLOSED SESSION

8. Motion to convene in closed session under the exemption provided in Wisconsin State Statute §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility:
9. Police Department candidate interview(s) for the position of police officer

RECONVENE IN OPEN SESSION

10. Motion to reconvene in open session
11. Action regarding Police Department candidate interview(s) for police officer

NEXT MEETING

12. Next scheduled meeting: July 23, 2024

ADJOURN

13. Motion to Adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

*City Hall • Mead Public Library
Sheboygan County Administration Building • City's website*

CITY OF SHEBOYGAN
BOARD OF POLICE AND FIRE COMMISSIONERS MINUTES
Tuesday, May 28, 2024

MEMBERS PRESENT: Kristin Blanchard Stearns, Corrado Cirillo, Jerry Jones, Larry Samet, Ann Steenwyk.

STAFF/OFFICIALS PRESENT: City Clerk Meredith DeBruin, Chief Christopher Domagalski, Assistant Chief Kurt Zempel, Chief Eric Montellano, Assistant Chief Lubbert, Administrative Coordinator Karley Campbell.

OPENING OF MEETING

1. Roll Call

2. Call to Order

President Samet called the meeting to order at 8:10 A.M.

3. Pledge of Allegiance

MINUTES

4. Approval for meeting held on March 26, 2024

MOTION TO APPROVE MINUTES

Motion made by Blanchard Stearns, Seconded by Jones.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Samet, Steenwyk.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

5. Election of commission officers

NEW COMMISSIONER ANN STEENWYK SWORN IN BY CITY CLERK DEBRUIN

PRESIDENT NOMINATION LARRY SAMET

MOTION TO CLOSE AND CAST BALLOTS

Motion made by Jones, Seconded by Blanchard Stearns.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Samet, Steenwyk.

SECRETARY NOMINATION JERRY JONES

MOTION TO CLOSE AND CAST BALLOTS

Motion made by Cirillo, Seconded by Blanchard Stearns.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Samet, Steenwyk.

CORRESPONDENCE FROM CITIZENS, OTHER AGENCIES, AND MEDIA

No items discussed.

CLOSED SESSION

6. Motion to convene in closed session under the exemption provided in Wisconsin State Statute §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility:

MOTION TO CONVENE IN CLOSED SESSION

Motion made by Blanchard Stearns, Seconded by Jones.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Samet, Steenwyk.

7. Fire Department personnel discussion
8. Fire Department candidate interview(s) for the position of firefighter/paramedic
9. Police Department personnel discussion
10. Police Department candidate interview(s) for the position of police officer

RECONVENE IN OPEN SESSION

11. Motion to reconvene in open session

MOTION TO RECONVENE IN OPEN SESSION

Motion made by Blanchard Stearns, Seconded by Jones.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Samet, Steenwyk.

12. Action related to Fire Department candidate interview(s) for the position of firefighter/paramedic

MOTION TO ADD TO SHEBOYGAN FIRE DEPARTMENT HIRING POOL EXPIRING MAY 28, 2025:

Justin Vorpapel

Julie Roller

James Annelin

Jamison Cullen

James Truckey

Motion made by Blanchard Stearns, Seconded by Cirillo.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Samet, Steenwyk.

13. Action regarding Police Department candidate interview(s) for police officer

MOTION TO ADD TO SHEBOYGAN POLICE DEPARTMENT HIRING POOL:

Jonathan Dobias

Motion made by Blanchard Stearns, Seconded by Cirillo.

Voting Yea: Blanchard Stearns, Cirillo, Jones, Samet, Steenwyk.

14. Review and potential approval of updated policies & procedures for disciplinary actions

Discussion on changes. Commissioner Cirillo will review and final changes will be proposed for approval at next meeting.

NEXT MEETING

15. Next scheduled meeting: June 25, 2024

ADJOURN

16. Motion to Adjourn

No further business.

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Sheboygan County Administration Building • City's website*

CITY OF SHEBOYGAN BOARD OF POLICE AND FIRE COMMISSIONERS

POLICIES AND PROCEDURES

Disciplinary Actions

The rules set forth are adopted pursuant to the authority granted the Board by Section 62.13 (5)(g), Wis. Stats.

SECTION 1. The Board may suspend or remove a Chief for cause based upon written charges filed with the President of the Board. Written charges may be filed by the Mayor, a member of the Board, by the Board as a body, or by any other aggrieved person as defined below. The Board may suspend a Chief, with pay, pending disposition of such charges.

Aggrieved Person. An aggrieved Person is a person who has been injured by, or witnesses Misconduct of an Employee.

SECTION 2. Charges may be filed against a subordinate by the Chief, by any member of the Board, by the Board as a body, or by any aggrieved person. Pending disposition of such charges, the Board or Chief may suspend such subordinate, with pay.

SECTION 3. The Board 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 Board. 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 Board, the Chief shall be required to file charges with the Board upon which such suspension was based and may recommend termination.

SECTION 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 Board, or the Board 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 Board if the person is not satisfied with the disposition under the Citizen Complaint procedure. The charge shall be filed with the Board no later than ten (10) days following receipt of the written disposition.

SECTION 5. Requirements of charges. Charges shall:

- a. be in writing on a form provided by or approved by the Board;
- b. be addressed to the City of Sheboygan Board of Police and Fire Commissioners;
- 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 charge 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. State the specific Department Policies, Rules and Regulations, City Policies, and/or any state or federal law which the accused is charged with violating;
- e. be sworn to under penalty of perjury;
- f. be filed with the President and Secretary of the Board.

SECTION 6. The Police Department Code of Conduct, Fire Department Rules and Regulations, and City Policies shall be available for review by the public, and copies shall be available upon request from the individual department or the Secretary of the Board.

SECTION 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.

SECTION 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 Board or its representative upon the person charged. The President shall set a scheduling order not less than ten (10) nor more than thirty (30) days following service of charges. The parties may agree to waive the statutory time frame and schedule at mutually agreeable time. The commission must be informed of this agreement.

SECTION 9. The person filing the charge and the accused shall file with the Board, and provide to the opposing party, at least seven (7) days before the evidentiary hearing date, a list of all intended witnesses, including names and addresses. The Board may refuse to allow a party to call a witness not named on the intended witness list, unless the failure to include the name occurred for good reason, in the determination of the Board. Neither party will be required to call all of the witnesses included on his or her witness list.

SECTION 10. The accused and the person filing the charge may be represented by attorneys at no expense to the Board.

SECTION 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 Board 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.

SECTION 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 pursuant to WI-JI 200 Burden of Proof: Ordinary.

SECTION 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 Board with copies of any documents and/or exhibits they intend to use.

SECTION 14. As the first order of business at any scheduled hearing, the Board 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.

SECTION 15. The hearing on charges shall be public. The Board may make reasonable rules for the orderly conduct of the hearing. The Board reserves the right to go into closed session as allowed by law.

SECTION 16. The Board may divide the hearing into two phases. In the first phase the Board 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 Board shall determine the disposition as provided in **SECTION 20**.

SECTION 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 sur-rebuttal evidence, all subject to cross-examination. Members of the Board may question any witness at any time, and may call its own witnesses.

SECTION 18. ~~The Civil~~ Rules of Evidence, contained in Wisconsin Statutes Chapters 901-911, will apply at any hearing. ~~with the Board being at liberty to may~~ relax the Rules of Evidence if it deems the best interests of justice to be served thereby.

SECTION 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 Board.

SECTION 20. If the Board 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 Board determines that the charges are sustained, the accused, by order of the Board, may be suspended, reduced in rank, suspended and reduced in rank, or removed, as the good of the service may require.

SECTION 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 Board. The Board may, if it deems it appropriate, provide an oral decision with regards to its determinations and findings following the hearing.

SECTION 22. Any person suspended, reduced, suspended and reduced, or removed by the Board may appeal the order of the Board to the Circuit Court pursuant to the applicable provision of the Wisconsin Statutes.

SECTION 23. The City Attorney or his or her representative shall represent the Board.

SECTION 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.

Adopted _____, 2024

INFORMATION REGARDING FILING A COMPLAINT

Board of Police and Fire Commissioners
City of Sheboygan, Wisconsin

If you believe a police officer or firefighter, employed by the City of Sheboygan, Wisconsin, has violated a department rule, city ordinance, state or federal law, or standards of acceptable conduct, you may file a complaint with the President of the Board of Police and Fire Commissioners. Enclosed is a complaint form that can be used for this purpose.

A complaint you file can be based on your personal knowledge of a matter or on information obtained from other sources; ~~please-you must~~ provide the name and address of each source, or otherwise identify the source of your information, such as a document that has information supporting the complaint.

If your charges are made under oath ~~and~~ in the presence of a notary public, the complaint will be treated as a formal complaint; if the complaint form is not notarized, it will be treated as an informal complaint. In either case, the Board will carefully review your complaint. You should be aware that under the provisions of Wisconsin Statutes Section § 946.32, ~~Wisconsin Statutes~~, making a false statement under oath or affirmation may be treated as a felony.

Please note that a formal complaint filed with the Board commences an adversarial proceeding, i.e., an administrative lawsuit, in which you are responsible for presenting your case to the Board. The Board does not actively investigate or review your complaint, but sits in judgment much like a court.

If you choose not to use the enclosed form, but wish to make the Board aware of a complaint you have about the actions of a police officer or a firefighter, you may write a letter to the Board detailing your concerns; ~~please-you must~~ cite the rule, ordinance, law or standard of conduct you believe the individual violated. However, the Board cannot initiate a disciplinary action in the absence of a formal complaint.

If you file a complaint with this Board, you may ask that your identity, information you provide, or both be kept confidential. To the extent permitted by state law, the Board will respect your request. However, the Board cannot promise unlimited confidentiality; the news media or any person may ask to see a copy of your complaint and related documents; the Board may be legally required to honor such a request.

Before filing a formal complaint with the Board, you must first file a complaint with the Chief of the Police Department or the Chief of the Fire Department. Both departments have forms that can be used for this purpose. You also may wish to consult an attorney before filing a complaint with the Board or the department having jurisdiction over the police officer or firefighter involved.

Board of Police and Fire Commissioners
City of Sheboygan
c/o City Clerk
828 Center Ave.
Sheboygan, WI 53081

COMPLAINT

This complaint is filed pursuant to Wisconsin Statutes Section § 62.13(5)(b), ~~Wisconsin Statutes~~, permitting charges to be filed against a police officer or firefighter. Charges against a subordinate may be filed by the chief of a department, by the Board of Police and Fire Commissioners or any of its members, or by an aggrieved person.

INFORMATION ABOUT PERSON FILING COMPLAINT

Name: _____

Address: _____

Telephone No.: _____

Best time(s) to call: _____

INFORMATION ABOUT PERSON NAMED IN THE COMPLAINT

Name: _____

Rank (if known): _____

Employing Department: ☐ Police ☐ Fire

STATEMENT OF CHARGES

Describe the action on the part of the person named in this complaint you believe violated a department rule, city ordinance, state or federal law, or standards of acceptable conduct. Use additional sheets if you need more space, initial each and attach them to this form.

SOURCES OF INFORMATION

If the actions described in the Statement of Charges are based, in whole or in part, on information obtained from other sources, please provide the name and address of each source, or otherwise identify the source of your information, such as a document that has information supporting the complaint.

SPECIFICATION OF VIOLATION

Cite the department rule, city ordinance, state or federal law, or standards of acceptable conduct you believe the person named in this complaint violated.

-
- ☐ I request that my name be kept confidential.
 - ☐ I request that my address and telephone number be kept confidential.
 - ☐ I request that sources of information provided as part of this complaint be kept confidential.
 - ☐ I do not request confidentiality in this matter.

Complainant's Signature

Date Signed

Complainant's Initials _____

VERIFICATION UNDER OATH

STATE OF WISCONSIN)
) SS.
_____ COUNTY)

I, _____, the above-named complainant, being duly sworn, on oath depose and state that I have read the foregoing complaint, and that I know it is true and complete to my own knowledge, except as to those matters based upon information and belief, and as to those matters I believe the same to be true.

Complainant's Signature

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public _____ County, WI
My commission (is) _____
(expires) _____

Complainant's Initials _____

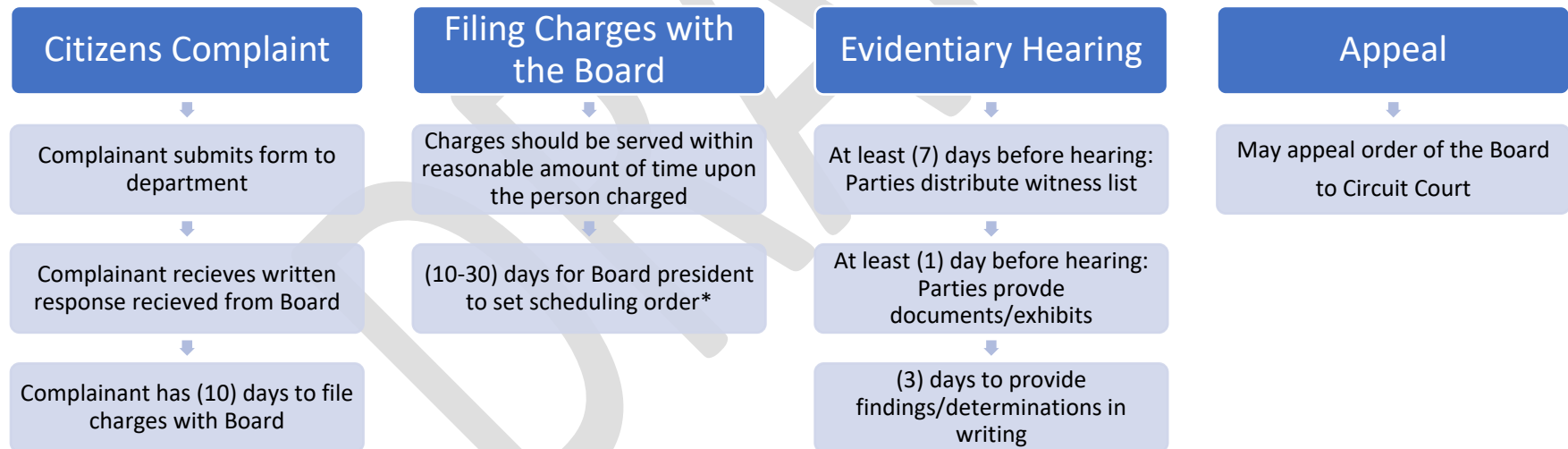
Overview of Discipline Procedure

Situation: Chief suspends a subordinate *Per Section 3*

- IMMEDIATELY Chief must file a report with the Board
- HEARING ONLY IF requested by suspended subordinate within (30) days from date of suspension

Situation: Aggrieved person wishes to file charge (other than Mayor, Chief, PFC member, or whole board) *Per Section 4*

1. Must file a complaint with the Police or Fire Department under the Citizen Complaint procedure
2. If aggrieved person is not satisfied, a charge may be file with the Board.
 - a. Charge must be filed with the Board no later than (10) days following receipt of written results of Citizen Complaint procedure.



*Parties may waive statutory time frame and schedule at mutually agreeable time. Commission must be informed of this agreement.