

Notice is hereby given according to State Statutes that the HOBART/LAWRENCE POLICE COMMISSION of the Village of Hobart and the Town of Lawrence will meet on Wednesday April 12th 2023 at 6:00 P.M. at the Hobart Village Office.
NOTICE OF POSTING: Posted this 5th day of April, 2023 at the Hobart Village Office, 2990 S. Pine Tree Rd, the Lawrence Town Office at 2400 Shady Court, and the village's and town's websites.

MEETING NOTICE – HOBART/LAWRENCE POLICE COMMISSION

Date/Time: Wednesday April 12th 2023 (6:00 P.M.)

Location: Hobart Village Office at 2990 South Pine Tree Road, Hobart, WI

ROUTINE ITEMS TO BE ACTED UPON:

1. Call to order/Roll Call
2. Certification of the open meeting law agenda requirements and approval of the agenda
3. Approval of minutes of January 30th 2023

ACTION ITEMS

4. **DISCUSSION AND ACTION – Rules and Regulations for the Joint Police Commission of the Village of Hobart and Town of Lawrence**

5. **DISCUSSION AND ACTION – Police Department Policy for Code of Conduct**

The purpose of this policy is to establish a code of conduct governing the actions of Police Department employees.

6. **ADJOURN to CLOSED SESSION:** Under 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 RE: Probationary Status of Employee

7. **CONVENE into open session**

8. **ACTION from closed session if any**

9. ADJOURN

Aaron Kramer, Hobart Village Administrator

NOTE: THERE MAY BE A QUORUM OF BOTH THE VILLAGE OF HOBART AND TOWN OF LAWRENCE BOARD AT THIS MEETING.

Any person wishing to attend, who, because of disability requires special accommodations, should contact the Hobart Village Clerk-Treasurer at 920-869-1011 or the Lawrence Town Clerk at 920-347-3719 with as much advanced notice as possible. Notice is hereby given that action by the Committee may be considered and taken on any of the items described or listed in this agenda. There may be Committee members attending this meeting by telephone if necessary.

Village of Hobart-Town of Lawrence Police Commission
Meeting Minutes – Monday, January 30th, 2023 @ 2:45 PM
Village of Hobart Office
2990 S. Pine Tree Rd.
Hobart, WI 54155

Call to Order

Meeting was called to order by John Shimek @ 2:47 PM.

Roll Call

Commissioners Melissa Tanke, John Shimek, Ron Jaeger, Don Hedrick, and Gary Pieschek were present. Chief Renkas and Randy Bani were in attendance.

Approval of the Agenda and Certification of the Open Meeting Law Agenda Requirements

Certification of the open meeting law agenda requirements and approval of the agenda with the following change: approval of the meeting minutes will take place following the Police Captain interviews, after we return to open session. Motion made by John Shimek, second by Ron Jaeger. All in favor; motion carried.

Adjourn to Closed Session

Under 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. RE: Police Captain Candidate Interviews

Meeting was adjourned to closed session at 3:31PM to interview Police Captain candidates. Motion by Melissa Tanke, seconded by John Shimek. All in favor; motion carried.

Convene to Open Session

Meeting convened to open session at 8:52 PM. Motion by Melissa Tanke; seconded by John Shimek. All in favor; motion carried.

Action from Closed Session

The unanimous decision to present Trevor Bethke with a conditional offer of employment was made by the Commission. The Commissioners unanimously certified the eligibility of Brent Olson to serve in the capacity of Captain. The remaining two candidates were not certified. All Commissioners voted in favor of the forementioned actions.

Approval of Meeting Minutes

A motion was made to approve the minutes of the November 15th meeting, with corrections. Motion made by Ron Jaeger; seconded by Don Hedrick. All in favor, motion carried. A motion was made to approve the minutes of the November 16th meeting was made by John Shimek; seconded by Gary Pieschek. All in favor; motion carried. A motion was made to approve the minutes of the November 27th meeting. Motion was made by John Shimek; seconded by Gary Pieschek. All in favor; motion carried.

Adjournment

Motion to adjourn the meeting at 9:07 PM was made by John Shimek, seconded by Don Hedrick. All in favor; motion carried.

JOINT POLICE COMMISSION

OF THE

VILLAGE OF HOBART & TOWN OF LAWRENCE

RULES AND REGULATIONS

Adopted January 30th, 2023

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1. *Scope of Authority*

1.01 Definition. The word "Commission" when used herein shall refer to the Police Commission.

1.02 Application of Rules. Except as specifically provided, otherwise, the rules herein shall be applicable to all sworn employees in the Police Department.

1.03 Police Department Representative. The Chief of Police will be the representative to the Commission for the Police Department.

2. *Administrative Procedures*

2.01 Regular Meetings. Regular meetings of the Police Commission shall be held at either the Village Hall, Hobart, Wisconsin or the Town Hall, Lawrence, Wisconsin as necessary, as set by the President, who shall notify the Commission members of any changes. All discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon, and acted upon only in open session except as provided in Section 19.85, Wis. Stats. Notices of the meetings shall be given in accordance with Section 19.84, Wis. Stats.

2.02 Special Meetings. Special meetings may be called by the President at the time of the request of any member of the Commission upon 24 hours' notice in advance to each member of the Commission and to the public. All discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon, and acted upon only in open session except as provided in Section 19.85, Wis. Stats. Notices of any special meeting shall be given in accordance with Section 19.84, Wis. Stats.

2.03 Officers. The officers of the Commission shall be a President and a Secretary/Recorder.

The Commission shall elect one of its members to act as President and one to act as Secretary/Recorder. There shall be no time limit on serving as an officer for either position. Nevertheless, elections shall be held annually.

2.04 Quorum. Three members of the Commission shall constitute a quorum to do business.

2.05 Records. The Secretary shall record all official actions and shall act on behalf of the President in the President's absence. In absence of the Secretary the President shall appoint an acting Secretary.

The records of the Commission shall be maintained in the Village Clerk's Office.

2.06 Order of Business. The regular order of business for Commission meetings shall be as follows:

- 1 . Approval of Minutes
- 2 . Police Department Business
- 3 . General Business
- 4 . Other New Business

2.07 Waiver of Rules. The Commission may waive any specific provision relating to hiring or promotions upon the request of the Chief of Police, and upon unanimous vote of all Commission members present.

2.08 Amendment of Rules and Regulations. These Rules and Regulations may be amended at any time by a 3/5TH vote of the full Commission.

2.09 Duties of President.

The duties of the President shall be to preside over all meetings of the Commission, to preside over hearings conducted by the Commission, to receive written charges filed against the Chief of Police or subordinates, and to issue subpoenas to compel the attendance of witnesses. In event of his/her absence or disability, the Secretary shall assume the duties of the President.

2.10 Duties of the Secretary.

- (a) The Secretary shall, or the President may, conduct correspondence of the commission, receive appeals from action of the Chief of Police, send out notices required by law, ordinance, these rules, or as requested by the Commission, to make such official publications as may be necessary, to attend all meetings and hearings of the Commission's proceedings, to provide for the taking and recording of testimony and other evidence received at hearings, to preserve such evidence in a permanent record, and to certify such record to the Circuit Court when required by law.
- (b) The Secretary shall keep minutes showing all important facts pertaining to each meeting and hearing. The minutes of each meeting and hearing shall be signed by the Secretary and approved by the Commission. A copy of the unapproved minutes shall be

provided to each member and the Chief of Police as soon after each meeting as is possible.

- (c) After the minutes are approved by the Commission one copy shall be filed with the Village clerk.

3. *Qualifications of Applicants*

The Chief of Police shall determine the qualifications, examinations, and examination procedures for applicants subject to approval by the Commission.

4. *Application Procedures*

4.01 Application Forms. The Commission shall authorize the issuance of forms for making application for appointments. Notice of the time and place for issuance of such forms shall be given by such means of publicity as the Village and Town may elect.

4.02 Misrepresentation. Any misrepresentation regarding any material fact contained in the application shall be sufficient cause for excluding the applicant from the examination, or for removing the name of the applicant from the eligible list, or for the discharge of the applicant from the service.

4.03 Unqualified Applicants. Whenever the application itself reveals that the applicant cannot meet the qualifications of the position, he/she is applying for, such application shall be rejected by the Commission, or its designated representative and the applicant shall be notified of the reason.

4.04 Incomplete Applications. Incomplete applications may be cause for rejection or may be returned to applicants for correction.

4.05 Medical Certification. An applicant previously rejected by a medical examiner shall not be privileged to take the examinations until a certificate from a medical examiner shows that the cause for which the applicant was rejected has been corrected.

4.06 Former Employees. Any former employee of the police department who desires to re-enter the service shall undergo such examination as directed by the Commission.

5. *Examination Procedures*

5.01 Supervision of Examinations. All examinations shall be carried on under the supervision of the Commission, which may designate any suitable municipality or state agency, person or persons to conduct or assist in conducting the examinations and may fix the compensation to be paid to such persons by the Village, in conformity with the budgetary procedures.

5.02 Instructions. Each applicant taking an examination shall follow the instructions given by the person conducting the examination.

5.03 Confidentiality. Information relative to the applicant's scores, shall be considered strictly confidential, and shall not be divulged, except insofar as it may be necessary to determine those applicants eligible for additional testing, or if deemed to be necessary by the Commission.

5.04 Assistance. No assistance shall be permitted to be given to any applicant in any manner during the examination unless specifically authorized by the person conducting the examination as an accommodation to a special need of an applicant. A violation of this rule shall subject each applicant involved to exclusion from the examination.

5.05 Additional Examinations. No applicant shall be given a second or special competitive test in connection with any examination held, unless it is shown to the satisfaction of the Commission that their failure to take or complete such was due to a manifest error or mistake for which the Commission or its designated assistants are responsible, the nature of which shall be set forth in the minutes, or that such failure was the result of other good and valid reasons.

5.06 Examination Scores. A passing grade for the entire examination shall be established by the Commission prior to the examination. The Commission shall apply appropriate veteran's preference as provided by Section 62.13(4)(d), Wis. Stats.

5.07 Destruction of Examination Materials. Examination papers may be destroyed by the Commission or its designated representative at any time after seven years from the date of the examination, except as may be otherwise required by applicable local, state or federal law or regulation.

5.08 Special Accommodations. It is the policy of the Commission to provide a reasonable

accommodation(s) during the selection process to any applicant(s) who needs such accommodations. Any applicant requiring an accommodation during any phase of the selection process should make his/her need for accommodation known to the testing agent. Applicants will be advised of this policy in the original application materials.

6. *Appointment Procedures*

6.01 Appointment of the Chief of Police. The Commission shall appoint the Chief of Police who shall hold office during good behavior, subject to suspension or removal by the Commission for cause, as defined in Section 62.13, Wis. Stats.

6.02 Appointment of All Other Positions. The Commission shall interview candidates and prepare an eligibility list, which shall contain the names of applicants who meet the qualifications of the position subject to such further examination(s) as those rules provide for. The Chief of Police will make the necessary appointments from the list of eligible persons, at his/her discretion, and the appointments shall be approved by an affirmative vote of the Commission prior to the start of employment. The eligibility list will expire twelve (12) months from the date of preparation unless extended or discontinued by the Commission. The eligibility list will be kept on file with the Secretary of the Commission and with the Chief of Police.

6.03 Part-Time Positions. The Chief of Police will make the necessary appointments to part-time positions of employees who have current State of Wisconsin law enforcement certification, or who are currently eligible for such certification. The Chief of Police shall notify an officer of the Commission prior to the start of employment.

7. *Promotional Procedures for Internal Hirings*

7.01 Candidate Pool. Prior to the start of each hiring process, the Commission shall determine whether or not the available position will be advertised to qualified internal candidates only or whether it will be advertised to qualified internal and external candidates. The following procedures shall be utilized in evaluating internal candidates who apply for promotional positions.

7.02 Posting of Promotional Opportunities. Specific promotional requirements shall be established by the Commission prior to the beginning of the selection process. Notice of the holding of all examinations shall be authorized by the Commission and appropriate notice

shall be posted on the bulletin board of the Police Department. All qualified employees desiring to compete for the promotional position(s) shall notify the Commission in writing, submitting that notification through designated lines of organization.

The selection process information shall be described in writing at the time the requirements are posted. The posting will be made at least ten (10) days prior to the beginning of the process. All efforts will be made to adjust any departmental work schedule to allow all qualified employees who desire to do so the opportunity to compete. If the departmental work schedule interferes, the Commission will arrange for a special process so that no one is prevented from competing due to the needs of the service.

7.03 Minimum Requirements. The minimum requirements that must be met for any internal candidate to be considered for promotion shall include:

1. Two (2) years in current rank, and
2. Satisfactory departmental evaluations at current rank

7.04 Examination Procedure. The examination procedure shall include:

1. Review of submitted application materials.
 - Cover Letter
 - Resume
2. An evaluation of promotional potential conducted by the Chief of Police or designee depending on the position applied for.
 - A review of the candidate's work record in their current job, including his/her efficiency, experience, training, attendance, commendations, and disciplinary actions.
 - An evaluation of the candidate's ability to perform the duties of the new job, including any limitations or special skills that would be applicable to the new job.
3. An oral evaluation conducted by the Chief of Police, that may include others panel members as deemed necessary by the Chief of Police.
4. Completion of a Leadership Profile.
 - Assessment identified by the Chief of Police.
5. An oral evaluation conducted by the Commission.

7.05 Promotional Eligibility List. Utilizing the results of the examination procedures set forth in Section 7.04, the Commission shall create a list of internal candidates who are eligible for promotion.

The Chief of Police may appoint from this internal eligibility list to fill the promotional vacancy. The internal eligibility list shall be valid for a period of one (1) year.

7.06 Lateral Transfer. The movement of an individual from one position to another within the same pay scale is considered a lateral transfer. This type of movement may be originated by the Chief of Police at his/her discretion. The Chief of Police shall keep the Commission informed of all transfers made through notification at the next regular meeting of the Commission. Transfers are not considered to be appointments as the employee is already working in the same pay classification.

8. *Probation*

8.01 Probationary Period. Newly hired employees shall be considered probationary for the first twelve (12) months of actual service. If during the first twelve (12) months of actual service the person appointed proves unsatisfactory for the position, the Chief of Police may, with the prior approval of the Commission, dismiss the person from the department or, in the case of promotional appointments, the Chief of Police may return the person to their former rank. The person so dismissed or reduced in rank shall not be entitled to any appeal to the Commission from such dismissal or reduction in rank.

8.02 Evaluation of Performance During Probation. At least one month prior to the end of each employee's probationary period, the Chief of Police shall review with the Commission the employee's performance and recommend to the Commission retention or termination of the employee or extension of the probationary period.

9. *Lay-offs and Re-employment*

9.01 Order of Lay-Offs. When it becomes necessary to reduce the number of paid employees because of lack of work, lack of funds, the need for economy or any other just cause, these reductions shall proceed in the following order:

- (a) Emergency, special or temporary employees in the specified classification

shall be laid off first.

- (b) Thereafter, employees in specified classifications shall be laid off in order of shortest length of service.

All lay-offs shall be in accordance with the provisions of the Wisconsin statutes.

9.02 Re-employment. The name of each employee laid off as described above shall be retained on a recall list for a period of two (2) years. If any vacancies occur in the classification, or if the number of such positions is increased, such openings shall be filled first by persons on the recall list in inverse order of lay-off. If an individual on the recall list refuses a particular opening when offered, he/she shall still be retained on the list and offered the next appropriate opening until that individual's eligibility expires.

10. Disciplinary Actions

10.01 Discipline of Employees. The Commission may suspend, demote, or terminate an employee for just cause. The Chief of Police may reprimand or suspend an employee for just cause without prior approval of the Commission. The Chief of Police must report this action to the President of the Commission immediately in writing and explain the cause(s) of the action. 62.13 (s)(c), Wis. Stats.

10.02 Discipline of the Chief of Police. The Commission may suspend or terminate the Chief of Police upon its own initiative. It may suspend the Chief of Police pending the investigation of written charges received. Discipline of the Chief of Police will be in accordance with Wisconsin Statute and the Chief of Police's contract.

10.03 Right to Request Hearing. If an employee against whom a disciplinary action of suspension, demotion, or termination has been taken requests a hearing on the matter, the Commission will proceed with such hearing. Charges must then be filed with the Commission by the party initially taking the disciplinary action.

11. Filing of Charges

11.01 Standing to File Charges. Charges may be filed with the Commission by the Chief of Police, a member of the Commission, by the Commission as a body or by any aggrieved party.

11.02 Content of Charges. The charges shall be in writing and shall be signed by the charging party. The sources of all information contained in the charges shall be stated in the charges or in accompanying documents. Information regarding the names and addresses of witnesses having relevant knowledge relating to the charges may be embodied in a separate statement accompanying the charges. The charges shall identify the person who is charged and specify, if possible, the date(s) and place(s) of the alleged offense(s).

11.03 Filing of Charges. The charges shall be filed with the President of the Commission and may be conveyed through the Village Administrator. Pending disposition of such charges, the Commission or Chief of Police may suspend the employee.

12. Procedure For Responding to Charges

12.01 Participation of the Commission. If the Commission as a body files charges, it shall retain special counsel to prosecute such charges on the Commission's behalf and the Commission shall refrain from any active involvement in the prosecution of such charges.

If any member of the Commission files and actively prosecutes such charges, such member shall not participate in deliberating the charges or determining whether they are sustained.

12.02 Docket List. All charges filed with the Commission shall be recorded on a docket list and assigned a number in sequence of filing with the date of filing added in parentheses.

12.03 Preliminary Investigation. Upon the filing of charges, the Commission may have a preliminary investigation conducted to determine if it has jurisdiction in the matter. If the Commission judges that it does not have jurisdiction over the charges, it may dismiss the charges. In the event of such dismissal, the Commission will notify the complainant in writing of its action.

12.04 Scheduling of Hearing. Following the filing of charges or a request for hearing, a copy of the charges shall be served upon the person charged. The Commission shall set a date for hearing not less than ten (10) days or more than thirty (30) days following receipt of the

charges.

13. *Pre-Hearing Conferences*

13.01 Scheduling of Pre-Hearing Conference. At the discretion of the Commission, a pre-hearing conference may be required. If required, the conference shall be held at least five (5) days before the hearing. The charged party and the charging party shall be notified in writing of the date, time, and place of the pre-hearing conference and provided a copy of the rules covering such matters. Parties may be represented by counsel.

13.02 Purpose of Pre-Hearing. The following matters shall be accomplished at the pre-hearing conference:

- (a) Witness lists and any prior written or recorded statements or reports of witnesses shall be exchanged by the parties and/or counsel.
- (b) Exhibit lists, if any, shall be exchanged.
- (c) Witnesses or exhibits not submitted at the pre-hearing conference may be introduced at the hearing only if the Commission determines that there has been satisfactory or sufficient reason for such exclusion from the pre-hearing conference.

13.03 Failure to Appear. If a party does not appear at the pre-hearing conference either in person or by counsel, the conference facilitator shall report this to the Commission. If the charging party or counsel does not appear, the Commission shall dismiss the charges unless a satisfactory reason for non-appearance is provided. Such dismissal shall be documented in writing to each of the parties and/or counsel within two (2) days of such dismissal.

14. *Adjudicatory Hearing*

14.01 Hearing Procedures. The adjudicatory hearing shall be conducted in open session. Following the adjudicatory hearing, the deliberations of the Commission may be conducted in closed session at the discretion of the Commission.

A record of the proceeding shall be created by the Commission.

Exhibits introduced shall be marked with a docket number and exhibit number in sequence of introduction. Either or both of the parties may be represented by counsel and may compel the attendance of the witnesses by subpoenas, which shall be issued by the President of the Commission.

All testimony of witnesses at hearings shall be given under oath, administered by a member of the Commission in the form and manner provided by Section 887.03 of the Wisconsin Statutes.

14.02 Order of Proceedings. At the hearing, the order of proceedings shall be as follows:

- (a) Statement of the charges read by a member of the Commission.
- (b) Opening statement, if any, by the charged party and charging party.
- (c) Presentation of testimony and introduction of evidence by the charging party to substantiate charges.
- (d) Cross examination of witnesses by the charged party or counsel.
- (e) One additional opportunity to question witnesses by the charging party or counsel.
- (f) One additional opportunity to cross examine witnesses by the charged party or counsel.
- (g) Presentation of testimony and the introduction of evidence by the charged party or counsel to refute the charges.
- (h) Cross examination of witnesses by the charging party or counsel.
- (I) One additional opportunity to question witnesses by the charged party or counsel.
- (j) One additional opportunity to cross examine witnesses by the charging party or counsel.

- (k) Final opportunity for each side to present evidence in rebuttal of any evidence presented by the opposing side.
- (l) Closing arguments by both sides.

15. Deliberations, Findings, Conclusions, Orders from Hearing

15.01 Finding of Fact. At the conclusion of the hearing, the Commission shall prepare written findings of fact based upon the testimony and evidence presented and shall prepare conclusions which are based on the findings and an order consistent with such findings and conclusions within ten (10) days.

For purposes of deliberation after the hearing, the Commission may choose to adjourn into closed session.

15.02 Just Cause Standard. In determining whether there is just cause for discipline, the Commission shall apply the standards set forth in Section 62.13 of the Wis. Stats., as the same may be amended from time to time.

15.03 Charges Rescinded. If the Commission determines that the charges are not sustained, the charged party shall immediately have all related disciplinary action taken to date rescinded and all lost pay or other benefits, if any, restored.

15.04 Charges Sustained. If the Commission determines that the charges are sustained, the charged party, by order of the Commission, may be suspended, demoted, reassigned, or removed as deemed necessary. If the Commission concludes that the charges are sustained but a lesser sanction is appropriate, the Commission may direct that a reprimand or counseling letter be placed in the personnel file of the charged party.

15.05 Announcement of Decision. The Commission shall announce its decision in open session.

15.06 Appeal of Decision. Any employee suspended, demoted, reassigned, or removed by the Commission may appeal from the order of the Commission to Circuit Court by serving written notice to the Secretary of the Commission with ten (10) days after the order is filed. Within five (5) days thereafter the Commission shall certify to the Clerk of Circuit Court the record of the proceeding including documents, testimony, exhibits and minutes.

HOBART - LAWRENCE POLICE DEPARTMENT

Connecting and Serving Our Communities



Subject:

Code of Conduct

Scope: All Department Personnel	Issued: 02/27/2023	Effective: 03/13/2023	Rescinds Amends	Number: 1.03
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Distribution: Policy & Procedures Manual

Reference: §62.13, §111.70, and Chapter §164 Wis. Statutes

WILEAG 6th Edition Standards: 1.2.2, 1.23, 1.3.3, 1.4.3, 1.7.8, 2.4.6, 4.2.1, 4.2.2, 4.2.3, 4.2.4

INDEX AS: Code of Conduct

I. PURPOSE

The purpose of this policy is to establish a code of conduct governing the actions of all employees.

II. POLICY

It is the policy of the Hobart-Lawrence Police Department that all members of the organization shall become thoroughly familiar with, and abide by, the Code of Conduct contained herein, as well as all department and applicable Village of Hobart and Town of Lawrence rules, policies, and directives. Employees are subject to disciplinary action for the commission of any act that is prohibited or the omission of any act that is required.

The following Code of Conduct and disciplinary guidelines were approved by the Joint Hobart – Lawrence Police Commission, on **March 1st, 2023**, and shall apply to all employees of the Hobart-Lawrence Police Department.

III. DEFINITIONS

IV. CODE OF CONDUCT

A. Law Enforcement Code of Ethics

All law enforcement personnel must be fully aware of the ethical responsibilities of their position and strive to fulfill the highest possible standards of professional policing. Consequently, in addition to the rules promulgated in this policy, all employees shall abide by the Code of Ethics, found in *1.02 Agency/Employee Roles* policy.

B. Code of Conduct

1. **Obedience to Laws, Regulations, Policies, and Orders**

Employees shall obey all constitutional, criminal, and civil laws; verbal or written orders, and policies of the Village, Town, and department.

2. **Accountability, Responsibility, and Discipline**

- a. Employees are directly accountable for their actions through the chain of command to the Chief of Police.
- b. Employees shall cooperate fully in any internal administrative investigation conducted by the department or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
- c. Employees shall be accurate, complete, and truthful in all matters.
- d. Employees shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability.
- e. Employees who have knowledge of an investigation of an alleged criminal or civil matter pertaining to them, or who are defendants in a pending criminal or civil action, shall immediately notify the Chief of Police.
- f. Employees who have been notified they are the subject of legal proceedings for actions performed in the line of duty shall immediately notify the Chief of Police.

3. **Abuse of Position, Process, or Power**

- a. Officers shall not make false accusations of criminal or traffic charges against another.
- b. Employees shall not use their authority or position for financial gain, or for obtaining, or granting privileges, or favors not otherwise available to them or others.

- c. Employees shall report any unsolicited gifts, gratuities, or other items of value that they receive to their supervisor and shall provide a full report of the circumstances of their receipt if directed. Employees are entrusted with significant powers and are expected to exercise sound judgement concerning the acceptance of gifts, gratuities, or other items of value.
- d. Employees shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence without it being made available to the general public to purchase or convert to their own use.
- e. Employees shall not solicit or accept contributions for the department or for any other agency, organization, event, or cause without the express consent of the Chief of Police.
- f. Employees are prohibited from using information gained through their position as a law enforcement agency employee to advance financial or other private interests of themselves or others.

4. Conduct Toward Fellow Employees

- a. Employees shall conduct themselves in a manner that will foster cooperation among members of this agency, other Town employees, and representatives of other partner agencies, showing respect, courtesy, and professionalism in their dealings with one another.
- b. Employees shall not use language or engage in acts that demean, harass, or intimidate another person.
- c. Officers shall not desert a fellow employee when physical danger is present, nor permit serious injury to befall another officer by acting with concern for one's own welfare.

5. Conduct Toward the Public

- a. Employees shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and will foster public respect and cooperation.
- b. Employees shall treat violators with respect and courtesy, and not employ an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the

individual.

- c. Employees shall courteously and promptly record in writing any complaint made by a citizen against any employee or the department. Employees may attempt to resolve the complaint but shall never attempt to dissuade any citizen from filing a complaint. Employees shall process complaints in accordance with department policy.

6. **Discrimination in the Performance of Duties**

Employees, whether civilian or sworn, shall exercise their duties and authority in a manner that does not unlawfully discriminate against individuals based on common traits they possess by belonging to a certain group. No member of the department shall endorse or act upon stereotypes, attitudes or beliefs that a person's race, color, national origin, ancestry, political affiliation, disability, marital status, ethnicity, gender, sexual orientation, religion, economic status, age, or cultural group, or any other identifiable characteristic increases the probability the person will act unlawfully.

7. **Treatment of Persons in Custody**

Employees shall treat persons in custody with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty. Officers shall strictly adhere to department policy governing the use of force and protect the wellbeing of those in their charge.

8. **Reporting for Duty**

Employees are expected to provide regular, reliable, and punctual attendance. They shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. Furthermore, they shall be properly equipped and possess the requisite knowledge needed to fulfill their duty obligations so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.

9. **Personal Appearance**

Employees and volunteers on duty shall wear uniforms or other clothing in accordance with department policy and shall strive to maintain high standards of personal appearance and hygiene. Exceptions to the following requirements will be made for certain

undercover assignments or other circumstances necessitating relaxed standards.

- a. Clothing shall be in good repair, clean and pressed, and not excessively worn or faded.
- b. Uniform accessories shall be maintained in good repair. As appropriate, leather and metal accessories should be kept polished.
- c. Hair, including facial hair, should be appropriately groomed.
- d. Body piercings (other than earrings) and tattoos that are exposed to the public and detract from a professional appearance shall either be removed or covered during work hours.

10. Operational Competency and Performance

- a. Employees shall maintain sufficient competency to properly and satisfactorily perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner, which maintains the highest standards of efficiency in carrying out the functions and objectives of the department.
- b. Unsatisfactory performance may be demonstrated by, but not limited to:
 - (1) A lack of knowledge of the application of laws required to be enforced;
 - (2) An unwillingness or inability to perform assigned tasks;
 - (3) Failure to conform to work standards established for the employee's rank, grade, or position;
 - (4) Failure to take appropriate action on the occasion of a crime, disorder, or any condition deserving of the employee's attention;
 - (5) Being absent from duties without authorized leave.

11. Use of Alcohol and Drugs

- a. Employees shall not consume any intoxicating beverage while on duty or in uniform, unless authorized by a

supervisor.

- b. Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent it results in behavior that constitutes a violation of law or this Code of Conduct.
- c. Employees shall not possess or use controlled substances, narcotics, hallucinogens, or prescription medication, except when prescribed for their use by the employee's physician, psychiatrist, or dentist.
- d. No employee shall report for duty with odor of an intoxicating beverage on his or her breath or evincing physical signs of consumption of an intoxicating beverage.
- e. No employee shall report to work or be on duty when alcohol, medication, or other substances have impaired his or her judgment or physical condition.
- f. Prior to reporting for duty, employees shall report to a supervisor any substance that may impair their ability to perform their duties.
- g. Supervisors shall order a drug or alcohol test when they have reasonable suspicion that an on-duty employee is using or under the influence of drugs or alcohol. Such screening shall conform to the Town's policy on employee alcohol and drug screening and testing.
- h. Employees shall not be in possession of alcoholic beverages, controlled substances, narcotics, or hallucinogens within the police department building or vehicles, or while in uniform, except as necessary to carry out their official duties.

12. Use of Tobacco

- a. Employees shall not use tobacco products:
 - (1) When they are in formation;
 - (2) If they must leave their duty post for the sole purpose of doing so;
 - (3) When they are engaged in traffic direction and control;
 - (4) When they are in contact with the public.

13. Conflicting or Illegal Orders

- a. Employees who are given an otherwise lawful order which conflicts with a previous order, rule, regulation, or directive shall respectfully inform the superior issuing the order of the conflict. If the superior issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
- b. Employees shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, employees shall request the issuing supervisor to clarify the order, or ask to confer with higher authority.

14. Care of Vehicles and Equipment

- a. Employees are responsible for the proper use and care of any equipment assigned to them, used by them, or under their direct control and care.
- b. Employees shall operate department vehicles in a careful and prudent manner and shall obey all laws and all department policies pertaining to such operation. Suspension or revocation of any employee's driving privileges shall be reported immediately to the Chief of Police.

15. Meals

Sworn employees shall be permitted to take fatigue breaks or have meals during their tour of duty, but only for such periods of time, and at such locations as department policy or operational necessity may dictate. Non-sworn employees shall be permitted to take fatigue or meal breaks as outlined in the Employee Manual for the Village of Hobart.

16. Residences and Telephones

- a. Employees shall maintain a functional telephone, either cellular or landline, as a means of primary contact at their residence and shall immediately report any change of telephone number or address to the Chief of Police.
- b. Employees shall not release another employee's phone

number or address to any person not a member of the department, unless doing so is necessary for the performance of official duties and the action has been approved by a supervisor.

17. Prohibited Associations and Establishments

- a. Employees shall not have regular or continuous associations with persons whom they know, or should know, are the subject of an ongoing criminal investigation or pending criminal charges, or have been previously convicted of a crime, except as necessary in the performance of official duties, or where unavoidable because of familial relationships.
- b. Employees shall not knowingly visit, enter, or frequent any establishment wherein the laws of the United States, the State of Wisconsin, Village of Hobart, or the Town of Lawrence are regularly violated, except in the performance of duty or while acting under proper and specific orders from a supervisor.

18. Gambling

Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.

19. Public Statements, Appearances, and Endorsements

- a. Employees shall not publicly criticize or ridicule the department, its policies, or other employees by speech, writing, or other expression, where such speech, writing, or other expression is unlawful, defamatory, or obscene; undermines the effectiveness of the department; interferes with the maintenance of discipline or morale; or is made with reckless disregard for the truth.
- b. Employees shall not address public gatherings, appear on radio or television, prepare articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information or any other matters of the department while purporting to represent the department in such matters without proper authority. Employees may lecture on law enforcement topics and issues or other related subjects only with the prior approval of the Chief of Police.

- c. Employees shall not endorse, recommend, or facilitate the sale of commercial products or services, including tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. This prohibition does not pertain to the government or social service agencies where there is a duty to make such a referral.
- d. Employees shall not authorize the use of their names, photographs, or official titles, which identify them as members of the Hobart-Lawrence Police Department, in connection with testimonials or advertisements of any commodity, service or commercial enterprise, without the approval of the Chief of Police.

20. Political Activity

- a. Employees shall be permitted to:
 - (1) Register and vote in any election;
 - (2) Express opinions as individuals privately and publicly on political issues and candidates;
 - (3) Attend political conventions, rallies, fund-raising functions and similar political gatherings;
 - (4) Actively engage in any nonpartisan political functions;
 - (5) Sign political petitions as individuals;
 - (6) Make financial contributions to political organizations;
 - (7) Serve as election judges or clerks or in a similar position to perform nonpartisan duties as prescribed by state or local laws;
 - (8) Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this section;
 - (9) Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties or create real or apparent conflicts of interest.
- b. Employees are prohibited from:

- (1) Using their official capacity to influence, interfere with or affect the results of an election;
- (2) Becoming candidates for or campaigning for a partisan elective public office, except with leave of absence;
- (3) Placing or affixing any campaign literature on Town- owned property;
- (4) Distributing campaign literature;
- (5) Soliciting political or campaign funds, donations or other political contributions;
- (6) Soliciting signatures or other forms of support for any candidate, political party, or ballot measure;
- (7) Participating in any type of political activity while in uniform or on duty.

21. Payment of Debts

- a. Employees shall not undertake any financial obligations which they know they will be unable to meet and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. Repeated instances of financial difficulty may be cause for disciplinary action.
- b. Filing voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that good faith effort to settle all accounts is being undertaken.

22. Financial Disclosure

Upon the order of the Chief of Police or his or her designee, employees will submit financial disclosure statements in accordance with state and federal laws only in connection with a complaint in which this information is material to the investigation.

23. Identification

- a. Officers shall carry their identification cards on their person at all times, except when impractical or dangerous to their safety or to an investigation.

- b. Employees, while on duty or acting in an official capacity, shall furnish their name to any person requesting that information, except when withholding such information is necessary for the performance of duties or is authorized by proper authority.
- c. Officers, while in uniform, shall wear a name tag affixed to the outer most uniform article. In lieu of a name tag, officers may choose to have their name sewn directly onto the uniform in accordance with the uniform policy and procedure.

24. Dissemination of Information

- a. Employees shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established department policy. Employees shall not divulge the identity of persons giving confidential information except as required in the performance of official duties.
- b. No employee shall maintain files or duplicate copies of official department files, in either manual or electronic format, at his or her place of residence or in other locations outside the confines of the department without express permission.

25. Off-duty Police Activity

Officers shall not use their police authority to resolve personal grievances (e.g. those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require police intervention.

26. Carrying Firearms

Officers shall carry firearms in accordance with established department procedures.

27. Use of Polygraph, Medical Examinations, Photographs, and Lineups

- a. Upon the order of the Chief of Police, employees shall submit to polygraph examinations when the examinations

are specifically directed and narrowly related to a particular internal investigation being conducted by the department.

(1) Whenever a complaint from a citizen is the basis for the investigation, the matter is non-criminal, and no corroborating information has been discovered, members shall not be required to submit to a polygraph examination unless the citizen first submits to a polygraph examination that is specifically directed and narrowly related to the complaint.

(2) No employee shall be required to submit to a polygraph examination when the matter being investigated could result in criminal charges being filed against the employee.

b. Upon the order of the Chief of Police or his or her designee, employees shall submit to any medical, ballistics, chemical or other tests, photographs, or lineups specifically directed and narrowly related to a particular internal investigation being conducted by the department.

28. **Expectations of Privacy**

a. Employees shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, department vehicles, file cabinets, computers, or similar areas that are under the control and management of the department. It is recognized that employees may need to occasionally store personal items in such areas, however, these places may be inspected or entered to meet operational needs, internal investigation requirements, or for other reasons as directed by the Chief of Police.

b. Employees shall not have a personal privacy right in any matter created, sent, received, or stored electronically in a department system, network, or device. All materials created, sent, received, or stored electronically may be subject to examination as part of an official review, and may be subject to discovery and disclosure.

C. **Prohibited Conduct**

1. **Violation of the Code of Conduct or Failure to Obey any Law, Order, or Policy of the Department or Village of Hobart or Town of Lawrence.**
2. **Accepting or Soliciting a Bribe or Gratuity**
 - a. Accepting or soliciting a bribe or gratuity for permitting an illegal act.
 - b. Accepting a monetary or valuable gratuity for performing an assigned duty that was not agreed upon by the organization.
3. **Misappropriation of Seized, Found, or Recovered Property.**
 - a. Failure to turn in seized, found, or recovered property as prescribed by department policy.
 - b. Intentionally converting seized, found, or recovered property to personal use.
4. **Knowingly Making a False Statement or Entry in any Department Report, Record, Application, Interview, or Hearing.**
5. **Failure to Maintain Proper Care, or Report Loss or Damage, of Department Property or Equipment.**
6. **Unauthorized Use or Possession of Department or Town-Owned or Issued Equipment, Property, Materials, or Supplies.**
7. **Carrying, Possessing or Using Unauthorized Equipment While on Duty or Acting in an Official Capacity.**
8. **Unlawful or Excessive Use of Force.**
9. **Neglect of Duty**
 - a. Failure to perform necessary police action or make a written report.
 - b. Asleep while on duty or fatigued to the extent that duty cannot be effectively performed.
 - c. Absent without authorization.
 - d. Abandoning a duty post or assignment except when authorized by proper authority or in cases of emergency

where such authorization is not practicable.

- e. Failure to properly patrol area and make necessary reports.
- f. Failure to properly complete an investigation and make necessary reports.
- g. Failure to appear for court or a hearing when duly notified or subpoenaed.
- h. Failure to respond to a radio call.
- i. Conducting personal affairs on duty without supervisor approval, to include engaging in entertainment or social activities of a personal nature.
- j. Allowing a prisoner to escape through carelessness or neglect.
- k. Failure to search for, collect and preserve, or identify evidence of persons, property and locations in any arrest or investigation.

10. Supervisory Neglect of Duty

- a. Failure to properly perform assigned or required supervisory responsibilities.
- b. Failure to ensure subordinates perform assigned or required duties.
- c. Failure to investigate or report actual or alleged incidents of misconduct or violations of department policy.
- d. Failure to ensure proper care of department property or equipment.
- e. Failure to advise an employee of a grievance and appeal process or to apprise superiors of pending or reported grievances.
- f. Misuse or abuse of supervisory authority or privilege.

11. Insubordination

- a. Refusal or failure to obey a lawful order or directive from a supervisor or commander or refusal or failure to obey an

order or directive relayed from a supervisor or commander by an employee of the same or lesser rank.

- b. Disrespectful conduct toward a supervisor or commander by acts or omissions to act, or by language, which detracts from the respect due the authority and person of the supervisor or commander.

12. Conduct Unbecoming an Officer/Employee

Engaging in conduct, either on or off duty, which reflects disfavor on the department, including that which brings the department into disrepute or reflects discredit upon the officer as a member of the department, or that which impairs the operation or efficiency of the department or officer.

13. Interference with an Official Investigation

Engaging in efforts to impede, influence, or interfere with an internal or criminal investigation conducted by the department or any other agency.

14. Acting Outside the Scope of Lawful Authority

Initiating an investigation or other police action not considered part of regular duties without obtaining supervisor approval, unless exigent circumstances require immediate action.

D. Brady Disclosure Requirements

1. U.S. Supreme Court decision *Brady v. Maryland* 373 U.S. 83 (1963), establishes a duty for every law enforcement agency to identify and provide to the prosecution any exculpatory material that would have a reasonable probability of altering the results in a trial, or any material that could reasonably mitigate the sentencing of a defendant. Furthermore, U.S. Supreme Court decision *Giglio v. U.S.* 405 U.S. 150 (1972), establishes a duty for law enforcement to identify and provide to the prosecution any material relevant to the credibility of government witnesses, including police officers.
2. Officer adherence to department rules and policies is a requirement of the Code of Conduct. Violations of department rules and policies, especially those related to honesty and integrity, may have a direct bearing on an officer's credibility and his or her ability to reliably offer testimony during a criminal proceeding. As such, they may be subject to Brady/Giglio disclosure requirements.
3. Officers who have engaged in conduct that may qualify for

Brady/Giglio disclosure, and whose testimony during a criminal proceeding may, therefore, be subject to impeachment, shall be subject to disciplinary action up to and including termination.

E. Disciplinary Process

1. Employees are subject to the following disciplinary process for the commission of any act that is prohibited, or the omission of any act that is required, by the Code of Conduct contained herein, as well as all department and applicable Village of Hobart and Town of Lawrence rules, policies, and directives.
2. Forms of Discipline
 - a. Counseling: Verbal admonishment of a subordinate by a command officer, supervisor, or any employee acting in such a capacity for violations of a minor nature that can be corrected without a more formal disciplinary response. Counseling shall be documented on an Employee Action Notice and included in the employee's personnel file.
 - b. Written Reprimand: Written admonishment for procedural or minor misconduct, as defined in the *Professional Standards* policy. Written reprimands may be imposed by any command or supervisory personnel, or by another employee acting in such a capacity.
 - (1) Each written reprimand shall include the section of the Code of Conduct violated, to include any related laws, rules, or policies, and a brief synopsis of the situation giving rise to the reprimand.
 - (2) Before a written reprimand is issued, a review will be made of the employee's personnel file for the presence of previous discipline. If this review reveals past infractions of a similar nature, a more severe form of discipline may be imposed.
 - (3) When a written reprimand has been issued, the reprimand will request the employee's signature on the form to attest to the employee's understanding that he or she has been officially reprimanded.
 - (4) All written reprimands shall be signed by the issuing supervisor and forwarded through the Captain to the Chief of Police for inclusion in the employee's personnel file. A copy will be given to the recipient

employee.

- c. Suspension Without Pay: Removal from duty without compensation for a specific period of time, generally for an act of serious misconduct, as defined in the *Professional Standards* policy.
 - (1) Command staff, supervisory personnel, or any member acting in such capacity may recommend suspension without pay, but the Chief of Police reserves the right to set the severity and impose the suspension.
 - (2) A suspension without pay shall be documented in the form of letter to the suspended employee outlining the section of the Code of Conduct violated, to include any related laws, rules, or policies, a brief synopsis of the situation giving rise to the suspension, and the effective date of the suspension. A copy will be given to the recipient employee and included in his or her personnel file. Suspension without pay is not to be confused with an employee being relieved of duty with pay pending an investigation or bringing of formal charges.
 - d. Demotion: Transfer of an employee from a position in a higher class to a position in a lower class for which the maximum rate of pay is lower, generally for an act of serious misconduct or inability to perform at the higher classification. The demotion of a sworn employee may be negotiated by the Chief of Police but may only be imposed by the Police Commission.
 - e. Dismissal: Involuntary separation of a member from the department, generally for an act of serious misconduct. The separation of a sworn employee may be negotiated by the Chief of Police, but the dismissal of a sworn employee may only be imposed by the Police Commission.
- 3. Application of any of the aforementioned forms of discipline may also be accompanied by elements appropriate to the specific employee or situational circumstances; e.g., remedial training, removal from certain specialized assignments or duties, restrictions on work shifts or outside employment, etc.
 - 4. The severity of the disciplinary action taken shall be based on the individual actions of the offending employee. Discipline need

not be based upon a progression of behavior, though the severity of discipline may be increased for like offenses if a pattern of such offenses has been identified.

5. Letters of Concern

- a. Behaviors or job performance that may give rise to concern but fall short of a violation of the Code of Conduct, public laws, and department and applicable Village and Town rules, policies, or directives can result in the issuance of a letter of concern.
- b. A letter of concern can be issued by any member of the command staff, supervisory personnel, or any employee acting in such a capacity.
- c. The letter shall include a description of the behaviors or performance giving rise to the concern, supervisory expectations regarding the deficiency, and, as appropriate, an action plan and timetable for improvement. The letter may include an explanation of possible consequences associated with a failure to correct the situation.
- d. A letter of concern shall not constitute disciplinary action.

6. Disciplinary Documentation

- a. A disciplinary document constitutes a permanent public record and will be retained in accordance with the *Records Management* policy.
- b. Disciplinary documents shall be maintained in the individual employee's personnel file. A record of the disciplinary action will also be made in the Early Warning System.

Michael Renkas
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial XX/XX/2023