

VILLAGE OF DRESSER CITIZENS POLICE REVIEW COMMITTEE MEETING

Purpose of the meeting is as follows: To consider adopting operating procedures for the committee to follow in conducting its business, to direct the service of a citizen complaint on the subject thereof, and to set a time and date for a public hearing on the complaint as required by law.

The Thursday, June 14, 2018 the Citizen Police Review Committee Meeting was called to order at 4:30 PM by Michael Nelson. Roll Call Vote was done. Present: Michael Nelson, Tom St John, Rodney Brust, Attorney Tim Laux, Clerk Jodi A Gilbert. Other public present: Ryan Haass, Grace Bjorklund, Karen Andrie, Richard Durand, and Suzanne Lindgren from the Osceola Sun. No other public or press was present. Announcement of a Quorum by Michael Nelson.

Motion St John/Brust to approve the minutes of the Citizen Police Review Committee, May 24, 2018. All in Favor. Motion Carried.

Next item on the agenda is to Consider/Adopt Administrative Rule(s) and Procedure(s). The meeting was turned over to Attorney Tim Laux. This committee is authorized under law to exercise quasi-judicial powers, which means that you have elements in common with like a board of adjustment/Board of Review. There are certain things that the law hands over to the citizens in a fashion that mimics the judicial system, but isn't really a part of the court system. The committee acts in a fashion to evaluate claims. What I did was I went to several resources – State Statutes, League of WI Municipalities, Sample Bi-laws for committees, etc... Generally para-phrasing the law and it lays out what you do and how you do it and so the fine detail is what you find in the base document and by the same token it doesn't go on like a law text book. This is a workable document you can use and apply to a situation if needed. There are three main parts to this. The purpose is important. The 3 keys items are 1. Just Cause 2. Procedural Due Process 3. Hearing. I am not going to read the whole documents. We can hit the high points on this. Just Cause comes from employment law – historically this has been part of the Statutes and was previously in place for job security for fire and police officers. The standard or municipal employer or fire/police chief could discipline but had to have Just Cause. Needed to have reasons that made sense. Over the years and rising out of Federal Law there is the standard for Just Cause. That is what the outline of last month's document (7 elements) and whether they apply and whether there is enough evidence and can you find that those issues apply then cumulatively that consists of Just Cause. Is there reason to remove someone or take disciplinary action. Procedural Due Process – there are certain steps to go through to be fair to both sides. Fair to the person who the complaint is regarding and fair to the person who has filed the complaint. Have a hearing to be heard and filing a complaint and the ability to put it before a fact finding board and make their case. The parts that apply here under Section 3 – This section does mirror Statute. (a) Charges are filed... (b) Charges are in writing and have sufficient detail of the behavior that has been violated... For the sake of clarity you might want to create a form for people to fill out in the future - something that you could consider for future use. (c) the

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person complained of shall be served a copy of the charges... (d) committee shall set a hearing date not less than ten (10) nor more than thirty (30) days... it is on your agenda today to talk about and set a date for hearing. There are posting requirements in there also. As the secretary you need to make sure all people are noticed. Since you are a volunteer group and you selected Tom as secretary I put in here that you can ask the Village Clerk to help with this process. The hearing is conducted in public unless there is an exemption and there is an opportunity for the board after the hearing either on the spot or to go into closed session to evaluate the decision and craft your order. You have to put your decision in writing. If your decision directly affects someone you want that record that goes to the court to make sense. Sometimes it doesn't make sense. Basically at the end you have your determination that needs to be clearly put into an order. Those are the steps. For your consideration Section 4 goes over the hearing. These are typical to anyone who has observed a hearing. They parallel the Statutes. You can read Section 4(a),(b),(c), and (d) discusses calling a witness by subpoena – do not do this lightly. Ask counsel before taking this step. (e) the committee president presides and the purpose is not investigative and the hearing is not judicial. This is a formal inquiry into the facts of the matter at hand. What are the facts? (f) this gives the Order of the Hearing. Step 1 to 8. (g) the hearing needs to be recorded and minutes need to be kept. In an appeal process the question will be asked was this the judgment of the board based on evidence or are you exercising your will. Circuit Court can look at the recording and your order. The Circuit Court may say that we are starting all over if the recording is not good or if it can't be transcribed. One or both parties can have a court reporter, but they will pay for that expense. There are two different possibilities/routes for an appeal. A Judge just reviews it versus a new hearing is conducted. I think that it just makes sense to allow people if they want a recorder and if they want to pay for it – it can be done. (h) people need to act in a courteous manner. (i) the burden of proof shall be on the complaining party... (j) The committee shall give substantial deference to the rules of evidence, but it shall not be bound to strict adherence to such rules with respect... it may exclude irrelevant, immaterial, incompetent, unduly argumentative or repetitious testimony or documentation from evidence. Section 5 Post Hearing. (a) You can do your deliberation in public prior to adjournment or going into closed session. Have you reviewed all of the testimony and documentation. The Order can be that the allegation is dismissed. You could dismiss some of the charges and/or modify others. Sustain the charges and issuing some type of discipline penalty and if the charges are sustained and that discipline imposed it shall be in writing and filed within 3 days. You are dealing with employment issues and you have a situation and the person complained of on paid suspension and you need to be aware of that and act accordingly. Section 6 Appeal – the main issue for this committee is that if a person decides to appeal your decision they have to do it within 10 days in writing from the Order that you did in 3 days. Things are always changing so I put in Section 7 Amendment. These rules and procedures can change based on what you need to do. So that is the document for you to review and consider adopting.

Motion St John/Brust to adopt the Administrative Rules and Procedures dated June 14, 2018 as presented. All in Favor. Motion Carried.

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Next item on the agenda is to receive the referral complaint and direct service upon the subject. This is the complaint and you seen it last month and the intent is to formerly receive it and have it served upon Chief Ryan Haass. Once that service is accomplished you can set a date for the hearing. Laux stated I would suggest that the best way to serve it – the Sheriff's Department or just to have it signed by Chief Haass and make sure the date is on it. This way you know the 10 day and 30 day deadlines. Laux asked Officer Haass are you willing you sign a voluntary submission. Haass stated yes. Laux stated I will get the document emailed to Clerk Gilbert and she can have Officer Haass sign and date it. Gilbert when you know what that date is then the hearing can be set. When are people available? Do we set the hearing date tonight? It can't be before June 25th and the latest it can be is July 15th. So somewhere between June 26th – July 15th. How about Wednesday, June 27, 2018 at 4:30 PM. This could be set now as the probable date and once confirmed with voluntary service and then it can be confirmed and notices put out. Laux stated I will do the submission of service and get it to Officer Haass and we are headed for hearing on June 27th at 4:30 PM.

Motion St John/Brust to adjourn the meeting at 5:00 PM. All in Favor. Motion Carried.