

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 181-A

REFERENCE STANDARDS: 26.2.1 26.2.2 26.2.3 26.2.4 26.2.5 26.3.1
 26.3.3 26.3.4 26.3.5 26.3.6 26.3.7 26.3.8

SUBJECT: Internal Investigations

POLICY: It is the policy of the Hanover Park Police Department to investigate complaints against members of the department regardless of the source of such complaints.

PURPOSE: To provide guidelines and procedures for the prompt and just investigation and disposition of complaints and allegations of misconduct involving personnel of the Police Department. In the interest of preserving discipline and enhancing self-discipline within the department, all employees will receive any updated copies or amended versions of this directive whenever changes are published.

DEFINITIONS

- A. Complaint- A verbal or written accusation or charge brought against an officer or department employee. A complaint may be filed in person, by mail, by telephone, or any other means by any person including anonymous sources. (26.2.1)
- B. Misconduct- Any violation of statute, law, ordinance, department policy, rule, regulation or order. Any conduct which, by its very nature, will reflect negatively upon the department.
- C. Formal Investigation- The process of investigation ordered by any commanding officer during which the questioning of personnel of the Department is intended to gather evidence of misconduct, the content of which may subsequently lead to discipline in the form of suspension in excess of three days, discharge or demotion.
- D. Informal Investigation- The process of investigation during which the questioning of personnel of the Department is intended to gather evidence of misconduct, the content of which may subsequently lead to discipline in the form of verbal warning, written warning, or suspension less than three days.
- E. Inquiry- A meeting between supervisory personnel and a departmental employee, the purpose of which is to mediate a citizen complaint or to discuss facts in order to determine whether an investigation should be initiated. In lieu of such meeting, a written report explaining employee actions may be requested by supervisory personnel.

- F. Interrogation- The questioning of an employee pursuant to the formal investigative procedures in connection with an alleged violation of the department's rules which may be the basis for filing charges seeking the employee's suspension, removal, or discharge. The term does not include questioning (1) as part of an informal inquiry or (2) relating to minor infractions of agency rules which may be noted on the employee's record which may not in themselves result in removal, discharge or suspension in excess of three (3) days.

I. ADMINISTRATION

A. General Aspects

1. Internal investigations are initiated upon receipt of an allegation of employee misconduct.
2. The Deputy Chief of Support Services shall coordinate the department's internal investigation process. (26.2.3)
3. Internal investigations of police officers shall follow the procedures set forth in the "Uniform Peace Officers' Disciplinary Act", 50 ILCS 725/ et seq. (Appendix E)

B. Responsibility (26.2.2)

1. Pursuant to 720 ILCS 5/33-9, a law enforcement officer or a person acting on behalf of a law enforcement officer commits law enforcement misconduct when, in the performance of his or her official duties, he or she knowingly and intentionally:
 - a. misrepresents or fails to provide facts describing an incident in any report or during any investigations regarding the law enforcement employee's conduct;
 - b. withholds any knowledge of the misrepresentations of another law enforcement officer from the law enforcement employee's supervisor, investigator, or other person or entity tasked with holding the law enforcement officer accountable; or
 - c. fails to comply with State law or their department policy requiring the use of officer-worn body cameras.
2. All department personnel are required to cooperate with the investigation of personnel misconduct.
3. The Deputy Chief of Support Services reports directly to the Chief of Police in all matters involving internal affairs investigations. (26.2.3)
4. Responsibilities of the Deputy Chief of Support Services for the internal investigations function include, but are not necessarily limited to: (26.2.1)
 - a. The administration, operation and investigation of all complaints.
 - b. The independent investigation of the complaint or the preliminary investigation and assignment of the case.
 - c. The expeditious completion of all investigations.

- d. The creation of a file to be known as the Internal Investigation Control file which contains the following information:
 1. Case number
 2. Name and rank of the accused department member
 3. Date and time of receipt of the first written report
 4. A brief description of the nature of the allegation
 5. A short synopsis of investigative findings
 6. The date and nature of the final disposition
- e. The maintenance and safeguarding of the internal investigation file.
- f. The limiting of access to internal investigation files except by authorization of the Deputy Chief of Support Services or Chief of Police.
- g. The Deputy Chief of Support Services may conduct an investigation at the request of any member of the department who makes an allegation of misconduct on the part of another employee or the employee's immediate supervisor(s).

II. INITIATING AN INVESTIGATION

A. Administrative Guidelines

1. The Personnel Complaint Report form should be used to record allegations of employee misconduct. (Appendix A)
2. The information recorded on this form should be sufficient to begin an investigation into the events surrounding the allegation.
3. Based upon the information received, allegations of employee misconduct are pursued by the department either as formal investigations or informal inquiry.

B. Responsibility (26.1.5)

1. The supervisor receiving the complaint:
 - a. Takes and investigates all complaints, including those received in person, voicemail, email, written letters, and social media messages.
 - b. If the complaint is about a minor issue that does not involve a violation of any policy or law, it may be handled by the on-duty supervisor. These may include:
 1. Clarification of police procedure
 2. Alleged rudeness or "attitude" of the employee
 3. Clarification of department policies and procedures

4. The supervisor will document the matter in the employee's evaluation notes and ensure the complainant was or is notified of the outcome.
- c. If the complaint involves a violation of any policy or law, the on-duty supervisor completes the Personnel Complaint Report regardless of whether the allegation is received in person at the department, by phone, or at some other location or by some other means.
 1. The complainant may complete and sign the complaint affidavit form (Appendix F) and then may attest to its accuracy by voluntarily signing the sworn affidavit. Per 50 ILCS 725/3.8, it shall not be a requirement of a person filing a complaint against a sworn police officer to have a complaint supported by a sworn affidavit or any other legal documentation.
 - d. Forwards the completed Personnel Complaint Record to the Deputy Chief of Support Services no later than the end of the supervisor's working shift.
2. If the supervisor receives an allegation of misconduct, indicating the need for immediate action, the Deputy Chief of Support Services should be notified as soon as possible.
3. The Deputy Chief of Support Services:
 - a. Assigns the Personnel Complaint Report an internal investigation case number.
 - b. Enters the case in the internal investigation file.

III. FORMAL AND INFORMAL INVESTIGATIONS

A. Administration

1. An internal investigation is determined to be formal or informal by the Deputy Chief of Support Services based upon the nature and complexity of the allegation.
2. Formal Investigations
 - a. A formal investigation is conducted on serious allegations of misconduct where one or more investigators are assigned to gather evidence and obtain formal interview statements from witnesses and other involved parties.
 - b. Examples of personnel investigation that may be determined to be formal include but are not limited to allegations of: (26.3.1b)
 1. Violations of the law
 2. Serious moral misconduct
 3. Use of excessive force

- c. When an investigation is classified as formal, the Chief of Police shall be notified immediately by the Deputy Chief of Support Services. (52.2.2)
 - d. If the employee is a sworn police officer, within 10 days, he/she will be issued a written notification of investigation, (Appendix B), Sworn Officer Administrative Interrogation Rights, (Appendix C), and a copy of the Uniform Peace Officers' Disciplinary Act, (Appendix E). If the employee is a civilian, within 10 days, he/she will be issued a written notification of investigation, (Appendix B), and the Civilian Employee Administrative Interrogation Rights, (Appendix D). (26.3.5 52.2.5)
 - e. The Chief of Police or his designee can require that an employee submit to investigative methods including but not limited to:
 - 1. being photographed (26.3.6b)
 - 2. being audio or video recorded (26.3.6c)
 - 3. participating in a line up (26.3.6d)
 - 4. submitting financial disclosure statements (26.3.6e)
 - 5. submitting to medical, psychological, or laboratory examinations (26.3.6a)
 - 6. when such actions are specifically related to the matter that is under investigation. (26.3.4a, b, c, d)
 - f. The Chief of Police, Deputy Chief of Support Services, or an appropriate designee will maintain contact with any complainant. This includes:
 - 1. Verification to the complainant that the complaint has been received for processing.
 - 2. The periodic notification of the complainant as to the case status. (26.3.4b)
 - 3. Notice to the complainant of the results of the investigation upon conclusion. (26.3.4c)
 - g. Contact with the complainant does not require disclosure of any disciplinary action taken which may result from the investigation.
3. Informal Investigations
- a. An informal investigation is conducted on less serious allegations of misconduct.
 - 1. Generally formal interviews or statements are not used.
 - 2. Information is usually obtained via memorandums and existing records.

- b. Examples of personnel investigations that may be classified as informal include, but are not limited to, allegations of:
 - 1. Slow response
 - 2. Certain failures to take proper police action, not resulting in serious property damage or bodily harm.
 - 3. Lack of dignity and respect displayed by the department employee.
- c. The Chief of Police, Deputy Chief of Support Services, or an appropriate designee will maintain contact with any complainant. This includes:
 - 1. Verification to the complainant that the complaint has been received for processing. (26.3.4a)
 - 2. The periodic notification of the complainant as to the case status. (26.3.4b)
 - 3. Notice to the complainant of the results of the investigation upon conclusion. (26.3.4c)
- d. Contact with the complainant does not require disclosure of any disciplinary action taken which may result from the investigation.

B. Responsibility

- 1. Cases subject to internal investigation are expected to be completed within thirty (30) days unless additional investigation or extenuating circumstances necessitate extension. (26.3.3)
- 2. Formal investigations shall be coordinated by the Deputy Chief of Support Services. (26.3.1b)
 - a. Investigators from inside or outside the department may be authorized by the Deputy Chief of Support Services or the Chief of Police.
 - b. Investigators assigned to internal investigations are expected to file status reports at least weekly with the Deputy Chief of Support Services.
 - c. The use of outside investigators does not relieve the Deputy Chief of Support Services of responsibility for the investigation.
 - d. In cases involving alleged criminal conduct, liaison with the State's Attorney's office shall be maintained.
- 3. Investigations classified as informal should be conducted by the employee's immediate supervisor or, if impractical, by another line supervisor designated by the Deputy Chief of Support Services. (52.2.1 26.3.1a)
 - a. The assigned supervisor will take and investigate all complaints, including those received in person, voicemail, email, written letters, and social media messages.

- b. If the complaint is about a minor issue that does not involve a violation of any policy or law, it may be handled by the assigned supervisor. These may include:
 - 1. Clarification of police procedure
 - 2. Alleged rudeness or “attitude” of the employee
 - 3. Clarification of department policies and procedures
- c. The supervisor will document the matter in the employee’s evaluation notes and ensure the complaint was or is notified of the outcome.
- d. If the complaint is about major issue or involves a violation of any policy or law, the supervisor assigned to this investigation is responsible for completing appropriate written documentation of the results on the Personnel Complaint Report.
- e. The completed investigative documentation will then be reviewed by the Deputy Chief of Support Services.

IV. ADJUDICATION OF INTERNAL INVESTIGATIONS

A. Administration

- 1. The Chief of Police, at his discretion, may temporarily change duties or remove from duty any employee pending disposition of an internal investigation. (26.3.7 52.2.7)
 - a. Such changes or removal is not disciplinary in nature and should not reflect upon the member's innocence or fault.
- 2. The final disposition of each allegation in a complaint is classified in one of the following ways: (26.3.8, 52.2.8)
 - a. Sustained - the allegation is substantiated.
 - b. No Conclusion - the allegation is not substantiated and there is insufficient evidence to prove or disprove the allegation.
 - c. Unfounded - the allegation is false or not factual, no misconduct, the incident did not occur or did not involve the employee named.
 - d. Exonerated – the incident occurred but the employee involved acted lawfully and.
 - e. Misconduct Not Based on Complaint - substantiated employee misconduct not alleged in the complaint but disclosed by the investigation.
 - f. Violation of Policy, Procedure or Proper Action - minor violations generally unintentional or due to lack of training.
 - g. Policy or Procedure Failure - the member acted within policy or procedural guidelines or the issue involved is not covered by existing

directives. The situation indicates a need for the review and change of pertinent procedures or the drafting of new guidelines.

B. Responsibility (26.3.8)

1. After an investigation of an alleged misconduct is complete, the investigator shall forward the complete file, along with appropriate recommendations, to the Deputy Chief of Support Services.
2. Deputy Chief of Support Services:
 - a. Reviews the file
 - b. Prepares any personnel action, memos, letters etc. as needed
 - c. Composes a citizen response letter
 - d. Forwards the entire file to the Chief of Police
 - e. Upon being advised of the final adjudication by the Chief of Police, the Deputy Chief of Support Services notifies the member as to incident disposition.
3. Chief of Police
 - a. Makes final determination on allegations of employee misconduct:
 1. Consistent with the investigative findings, the Chief of Police establishes appropriate disciplinary measures.
 2. Forwards same to the Deputy Chief of Support Services for implementation.
 - b. Approves, signs, and sends a letter to the reporting party, if known, indicating the results of the department's investigation.
 - c. Notifies the Village Manager of the disposition resulting from the investigation.

V. DOCUMENTATION

- A. No record of an allegation may appear in a member's official personnel file unless it has been sustained.
- B. Record Maintenance
 1. Documentation of disciplinary action taken is included in the internal investigation file prior to its being closed.
 2. The documentation of disciplinary action taken is included in the employee's official personnel file.

3. All records of internal investigations are permanently filed in the office of the Deputy Chief of Support Services. (26.2.2)
 - a. Pursuant to 50 ILCS 205/25 and notwithstanding any other provision of law to the contrary, all public records and nonpublic records related to complaints, investigations, and adjudications of police misconduct shall be permanently retained and may not be destroyed.
- C. Records relating to internal affairs investigations are administrative in nature and may not be released without express approval of the Chief of Police or upon written consent of the individual member.

VI. STATISTICAL ANALYSIS

- A. The Deputy Chief of Support Services will complete and publish an on the Annual Statistical Summary of complaints and the internal investigations initiated during the past year. (26.2.5 52.1.5)
- B. Summaries will be disseminated to all department employees and members of the public upon request.

VII. PROCEDURAL INFORMATION

- A. In the interest of preserving discipline and enhancing self-discipline within the department, all employees will receive any updated copies or amended versions of this directive whenever changes are published.
- B. Upon request, all members of this department will disseminate information, to the public, on procedures to be followed in registering complaints against, or commendations of, the department or any of its employees. (26.2.4 52.1.4)

VIII. OFFICER PROFESSIONAL CONDUCT DATA BASE

- A. In accordance with 50 ILCS 705/9.2, the Department is required to notify the Illinois Law Enforcement Training Standards Board (ILETSB) of any final determination of a willful violation of Department policy, official misconduct, or violation of law within ten (10) days when:
 1. The determination leads to a suspension of at least ten (10) days;
 2. Any infraction occurs that would trigger an official or formal investigation under Department or Village of Hanover Park policy;

3. There is an allegation of misconduct or regarding truthfulness as to a material fact, bias, or integrity; or
 4. The officer resigns or retires during the course of an investigation and the officer has been served notice that the officer is under investigation.
- B. The Department may report to ILET SB any conduct it deems appropriate to disseminate to another governmental agency regarding a law enforcement officer. (50 ILCS 705/9.2(a))
- C. The Department shall report to ILET SB within ten (10) days of a final determination and final exhaustion of any administrative appeal, or the law enforcement officer's resignation or retirement, and shall provide information regarding the nature of the violation. This notification shall not necessarily trigger certification review. The Department shall be immune from liability for a disclosure made as described in this section unless the disclosure would constitute intentional misrepresentation or gross negligence. (50 ILCS 705/9.2(a))
- D. Upon receiving notification from the Department, ILET SB must notify the law enforcement officer of the report and the officer's right to provide a statement regarding the reported violation. (50 ILCS 705/9.2(b))
- E. ILET SB shall maintain a database readily available to any chief administrative officer, or his/her designee, of a governmental agency which shall show for each law enforcement officer:
1. Dates of certification, decertification, and inactive status;
 2. Each sustained instance of departmental misconduct that lead to a suspension at least 10 days or any infraction that would trigger an official or formal investigation under the governmental agency policy, any allegation of misconduct regarding truthfulness as to a material fact, bias, or integrity, or any other reported violation, the nature of the violation, the reason for the final decision of discharge or dismissal, and any statement provided by the officer;
 3. Date of separation from employment from any local or state governmental agency;
 4. The reason for separation from employment, including, but not limited to: whether the separation was based on misconduct or occurred while the local or State governmental agency was conducting an investigation of the certified individual for a violation of an employing agency's rules, policy or procedure or other misconduct or improper action. (50 ILCS 705/9.2(c))
- F. This database shall also be accessible to the State's Attorney of any county in this State and the Attorney General for the purpose of complying with obligations under Brady v. Maryland (373 U.S. 83) or Giglio v. United States (405 U.S. 150). This database shall also be accessible to the chief administrative officer of any governmental agency for the purposes of hiring law enforcement officers. This database shall not be accessible to anyone not listed in this subsection. (50 ILCS 705/9.2(c)(1))

- G. Before a governmental agency may appoint a law enforcement officer or a person seeking a certification as a law enforcement officer in this State, the chief administrative officer or designee must check the Officer Professional Conduct Database, contact each person's previous law enforcement employers, and document the contact. This documentation must be available for review by ILETSB for a minimum of five years after the law enforcement officer's termination, retirement, resignation, or separation with that agency. (50 ILCS 705/9.2(c)(2))
- H. The database, documents, materials, or other information in the possession or control of ILETSB that are obtained by or disclosed to ILETSB under this subsection shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, ILETSB is authorized to use such documents, materials, or other information in furtherance of any regulatory or legal action brought as part of ILETSB's official duties. Unless otherwise required by law, ILETSB shall not disclose the database or make such documents, materials, or other information public without the prior written consent of the governmental agency and the law enforcement officer. Neither ILETSB nor any person who received documents, materials or other information shared under this subsection shall be required to testify in any private civil action concerning the database or any confidential documents, materials, or information subject to this subsection. (50 ILCS 705/9.2(c)(3))
- I. Nothing in this section shall exempt the Department from disclosing public records in accordance with the Freedom of Information Act. (50 ILCS 705/9.2(c))
- J. ILETSB shall maintain a searchable database of law enforcement officers accessible to the public that shall include:
1. The law enforcement officer's local or state governmental agency;
 2. The date of the officer's initial certification and the officer's current certification status;
 3. Any sustained complaint of misconduct that resulted in decertification and the date thereof; provided, however, that information shall not be included in the database that would allow the public to ascertain the home address of an officer or another person; provided further, that information regarding an officer's or another person's family member shall not be included in the database. ILETSB shall make the database publicly available on its website. (50 ILCS 705/9.2(d))
- K. ILETSB shall maintain a searchable database of all completed investigations against law enforcement officers related to decertification. ILETSB shall make the database publicly available on its website. The database shall identify each law enforcement officer by a confidential and anonymous number and include:
1. The law enforcement officer's local or state governmental agency;
 2. The date of the incident referenced in the complaint;
 3. The location of the incident;

4. The race and ethnicity of each officer involved in the incident;
 5. The age, gender, race, and ethnicity of each person involved in the incident, if known;
 6. Whether a person in the complaint, including a law enforcement officer, was injured, received emergency medical care, was hospitalized, or died as a result of the incident;
 7. The governmental agency or other entity assigned to conduct an investigation of the incident;
 8. When the investigation was completed;
 9. Whether the complaint was sustained; and
 10. The type of misconduct investigated; provided, however, that ILETSB shall redact or withhold such information as necessary to prevent the disclosure of the identity of an officer. (50 ILCS 705/9.2(e))
- L. An investigation is complete when the investigation has either been terminated or the decertification action, including the administrative review process, has been completed, whichever is later. (50 ILCS 705/9.2(e-1))
- M. The Hanover Park Police Department reserves the right to pursue an investigation regardless of the decision made by ILETSB.

IX. LAW ENFORCEMENT OFFICER DECERTIFICATION

- A. The Illinois Police Training Act (50 ILCS 705/) contains provisions for the decertification of law enforcement officers through two processes:
1. Automatic Decertification: (50 ILCS 705/6.1)
 - a. The officer has been convicted of, found guilty of, entered a plea of guilty to, or entered a plea of nolo contendere to, a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony, or for certain misdemeanor offenses.
 2. Discretionary Decertification: (50 ILCS 705/6.3)
 - a. The officer committed an act that would constitute a felony or misdemeanor which could serve as basis for automatic decertification, whether or not the law enforcement officer was criminally prosecuted, and whether or not the law enforcement officer's employment was terminated;
 - b. The officer exercised excessive use of force;
 - c. The officer failed to comply with the officer's duty to intervene, including through acts or omissions;
 - d. The officer tampered with a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera or directed another to tamper with or turn off a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera for the purpose of concealing, destroying or altering potential evidence;
 - e. The officer engaged in the following conduct relating to the reporting, investigation, or prosecution of a crime: committed perjury, made a false statement, or knowingly tampered with or fabricated evidence;

- f. The officer engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term “unprofessional conduct” shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer.

B. Reporting

- 1. Hanover Park Police Department will comply with the decertification procedures for law enforcement officers, in accordance with the Illinois Police Training Act (50 ILCS 705/). Hanover Park police officers shall comply with all reporting responsibilities specified in the act.
 - a. All sworn officers shall immediately report any conduct under Section IX-2 of this directive to their immediate supervisor (50ILCS 705/6.3 (f)-6-a),
 - b. Within 7 days of becoming aware of any violation of Section IX-2 of the directive, The Chief of Police or his designee will notify ILETSB. For purposes of this requirement, “becoming aware” will be defined as any sustained finding of a violation. (50 ILCS 705/6.3(c)-1.

- C. All provisions of this written directive shall be available for inspection and copying under the Freedom of Information Act, and not subject to any exemption of that act. (50 ILCS 705/6.3 (f)-6-b).

- Appendix A - PERSONNEL COMPLAINT FORM
- Appendix B - NOTIFICATION OF INVESTIGATION
- Appendix C - SWORN OFFICER ADMINISTRATIVE RIGHTS
- Appendix D - CIVILIAN EMPLOYEE ADMINISTRATIVE RIGHTS
- Appendix E - UNIFORM PEACE OFFICERS' DISCIPLINARY ACT 50 ILCS 725/
- Appendix F - COMPLAINT AFFIDAVIT
- Appendix G - WAIVER OF COUNSEL AND REQUEST TO SECURE COUNSEL

APPENDIX "A"
VILLAGE OF HANOVER PARK
POLICE DEPARTMENT
2011 Lake Street
Hanover Park, Illinois 60103
(630) 823-5500
PERSONNEL COMPLAINT FORM

Case No.: _____ Formal Investigation

I.R. #: _____ Informal Investigation

1. Complaint Received By: _____ Time: _____ Date: _____

2. Complaint Received: In Person Letter Phone

3. Complainant: Name: _____

a. Address: _____ b. Phone: _____

c. Arrested: Yes No d. Drinking: Yes No

e. Injured: Yes No f. Verbally abused: Yes No

4. Complainant (second party): Name: _____

a. Address: _____ b. Phone: _____

c. Relationship with Complainant: _____

d. Citizen Against Police Officer (Secondary)

5. Type of Complaint:

a. Departmental Employee Against Departmental Employee

b. Citizen Against Department

c. Citizen Against Police Officer (Primary)

d. Citizen Against Police Officer (Secondary)

6. Charge(s): Alleged act was in violation of:

a. Law: Chapter _____ Section _____

b. Village Ordinance: Article Number _____ Section _____

c. Rules & Regulations: Directive Number _____

() d. Memorandum Number: Specify _____

() e. Other: Specify _____

7. Specification: (Statement of facts which constitute the offense charged)

a. _____

b. _____

c. _____

8. Who committed act(s) complained of:

a. Name _____ ID# _____

b. Name _____ ID# _____

c. Name _____ ID# _____

d. Date of alleged act(s): _____ e. Time: _____

f. Where were act(s) committed: _____

9. Witnesses:

a. Name _____ Address _____ Phone _____

b. Name _____ Address _____ Phone _____

c. Name _____ Address _____ Phone _____

d. Name _____ Address _____ Phone _____

10. Evidence: (including photographs)

Type	Entered By	Time	Date
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a. _____

b. _____

() f. Violation of Policy, Procedures,
or Proper Action: Minor violations generally unintentional or due to
lack of training.

() g. Policy or Procedure
Failure: The member acted within policy or procedure guidelines or
not covered by current directive.

14. Recommendation of investigator shall be forwarded with the complete file to the
Deputy Chief of Support Services, signed and dated.

15. The Deputy Chief of Support Services shall forward the file to the Chief of Police for
final determination on the allegations, signed and dated.

NOTE: THE REMAINDER OF THE FORM IS TO BE COMPLETED BY THE CHIEF OF POLICE.

16. Disposition of Investigation:

() a. Unfounded: Allegation is false or not factual.

() b. Exonerated: Incident occurred but was lawful and proper.

() c. No Conclusion: Insufficient evidence to either prove or disprove the
allegation.

() d. Sustained: The allegation is supported by sufficient evidence to
justify a reasonable conclusion of guilt.

() e. Misconduct Not Based
On Complaint: Substantiated employee misconduct not alleged in the
complaint but disclosed by the investigation.

() f. Violation of Policy, Procedures,
or Proper Action: Minor violations generally unintentional or due to
lack of training.

() g. Policy or Procedure
Failure: The member acted within policy or procedure guidelines or
not covered by current directive.

17. Action Taken:

() a. Oral Reprimand: By _____ Date _____

() b. Written Reprimand: (copy attached)

() c. Suspension: Dates & Terms _____

() d. Referred to Personnel Board or Village Manager: _____

() e. Criminal Charges Filed & Disposition: _____

() f. Other Action Taken: _____

18. Accused Officer(s) Notified of Disposition:

Date: _____ Time: _____ By: _____

Complaining Party Notified of Disposition:

Date: _____ Time: _____ By: _____

Signed: _____
Chief of Police

Date: _____

APPENDIX "B"

HANOVER PARK POLICE DEPARTMENT
NOTIFICATION OF INVESTIGATION

TO: _____ DATE: _____

FROM: _____

You are the subject of a formal investigation initiated by this department. This notice provides that you be advised in writing as to the specific improper or illegal acts which are the subject of this investigation, when such acts may be the basis for filing charges seeking your removal, discharge, or suspension in excess of three (3) days.

Nature of Investigation: _____

The undersigned hereby acknowledges receipt of this Notification of Formal Investigation.

Signature

Date

Witnesses: _____

Copy: 1 - Deputy Chief of Operations 1 - Accused Member

APPENDIX "C"

HANOVER PARK POLICE DEPARTMENT
SWORN OFFICER ADMINISTRATIVE INTERROGATION RIGHTS

TO: _____ DATE AND TIME GIVEN: _____

FROM: _____

The law provides that you be advised of the following:

1. Any admission made in the course of this hearing, interrogation, or examination may be used as the basis for charges seeking your removal or discharge or suspension in excess of three (3) days.
2. You have the right to counsel or your choosing to be present with you to advise you at this hearing, interrogation, or examination; and you may consult with him/her as you desire.
3. You have a right to be given a reasonable time to obtain counsel of your own choosing.
4. You have no right to remain silent. You have an obligation to truthfully answer questions put to you. You are advised that your statements or responses constitute an official police report.
5. If you refuse to answer any question put to you, you will be ordered by a superior officer to answer the question.
6. If you persist in your refusal after the order has been given to you, you are advised that such refusal constitutes a violation of the Policies and Procedures of the Hanover Park Police Department and will serve as a basis for which disciplinary action will be sought.
7. You are further advised that any admission made by you during the course of this hearing, interrogation, or examination cannot be used against you in a subsequent criminal proceeding.
8. A complete transcript or copy shall be made available to you of the interrogation without charge and without undue delay. Such record may be electronically recorded.

I have read, and hereby acknowledge receipt of this notice of administrative proceedings rights.

Signature

Date/Time

Witnesses: _____

Copy: 1 - Deputy Chief of Operations 1 - Accused Member

Dir.#181A;App.C

APPENDIX "D"

HANOVER PARK POLICE DEPARTMENT
CIVILIAN EMPLOYEE ADMINISTRATIVE INTERROGATION RIGHTS

TO: _____ DATE AND TIME GIVEN: _____

FROM: _____

The law provides that you be advised of the following:

1. Any admission made in the course of this hearing, interrogation, or examination may be used as the basis for charges seeking your removal or discharge or suspension in excess of three (3) days.
2. You have no right to remain silent. You have an obligation to truthfully answer questions put to you. You are advised that your statements or responses constitute an official police report.
3. If you refuse to answer any question put to you, you will be ordered by a superior officer to answer the question.
4. If you persist in your refusal after the order has been given to you, you are advised that such refusal constitutes a violation of the Policies and Procedures of the Hanover Park Police Department and will serve as a basis for which disciplinary action will be sought.
5. You are further advised that any admission made by you during the course of this hearing, interrogation, or examination cannot be used against you in a subsequent criminal proceeding.
6. A complete transcript or copy shall be made available to you of the interrogation without charge and without undue delay. Such record may be electronically recorded.

I have read, and hereby acknowledge receipt of this notice of administrative proceedings rights.

Signature

Date/Time

Witnesses: _____

Copy: 1 - Deputy Chief of Operations 1 - Accused Member

APPENDIX "E"
Illinois Compiled Statutes
LOCAL GOVERNMENT
(50 ILCS 725/) Uniform Peace Officers' Disciplinary Act.

(50 ILCS 725/1) (from Ch. 85, par. 2551)

Sec. 1. This Act shall be known and may be cited as the "Uniform Peace Officers' Disciplinary Act".

(Source: P.A. 83-981.)

(50 ILCS 725/2) (from Ch. 85, par. 2552)

Sec. 2. For the purposes of this Act, unless clearly required otherwise, the terms defined in this Section have the meaning ascribed herein:

(a) "Officer" means any peace officer, as defined by Section 2-13 of the Criminal Code of 2012, who is employed by any unit of local government or a State college or university, including supervisory and command personnel, and any pay-grade investigator for the Secretary of State as defined in Section 14-110 of the Illinois Pension Code, including Secretary of State sergeants, lieutenants, commanders, and investigator trainees. The term does not include crossing guards, parking enforcement personnel, traffic wardens or employees of any State's Attorney's office.

(b) "Informal inquiry" means a meeting by supervisory or command personnel with an officer upon whom an allegation of misconduct has come to the attention of such supervisory or command personnel, the purpose of which meeting is to mediate a citizen complaint or discuss the facts to determine whether a formal investigation should be commenced.

(c) "Formal investigation" means the process of investigation ordered by a commanding officer during which the questioning of an officer is intended to gather evidence of misconduct which may be the basis for filing charges seeking his or her removal, discharge or suspension in excess of 3 days.

(d) "Interrogation" means the questioning of an officer pursuant to the formal investigation procedures of the respective State agency or local governmental unit in connection with an alleged violation of such agency's or unit's rules which may be the basis for filing charges seeking his or her suspension, removal, or discharge. The term does not include questioning (1) as part of an informal inquiry or (2) relating to minor infractions of agency rules which may be noted on the officer's record but which may not in themselves result in removal, discharge or suspension in excess of 3 days.

(e) "Administrative proceeding" means any non-judicial hearing which is authorized to recommend, approve or order the suspension, removal, or discharge of an officer.

(Source: P.A. 97-1150, eff. 1-25-13.)

(50 ILCS 725/3) (from Ch. 85, par. 2553)

Sec. 3. Whenever an officer is subjected to an interrogation within the meaning of this Act, the interrogation shall be conducted pursuant to Sections 3.1 through 3.11 of this Act.

(Source: P.A. 83-981.)

(50 ILCS 725/3.1) (from Ch. 85, par. 2554)

Sec. 3.1. The interrogation shall take place at the

facility to which the investigating officer is assigned, or at the precinct or police facility which has jurisdiction over the place where the incident under investigation allegedly occurred, as designated by the investigating officer.
(Source: P.A. 83-981.)

(50 ILCS 725/3.2) (from Ch. 85, par. 2555)

Sec. 3.2. No officer shall be subjected to interrogation without first being informed in writing of the nature of the investigation. The information shall be sufficient as to reasonably apprise the officer of the nature of the investigation.

(Source: P.A. 101-652, eff. 7-1-21.)

(50 ILCS 725/3.3) (from Ch. 85, par. 2556)

Sec. 3.3. All interrogations shall be conducted at a reasonable time of day. Whenever the nature of the alleged incident and operational requirements permit, interrogations shall be conducted during the time when the officer is on duty. (Source: P.A. 83-981.)

(50 ILCS 725/3.4) (from Ch. 85, par. 2557)

Sec. 3.4. The officer under investigation shall be informed in writing of the interrogators and all persons who will be present on the behalf of the employer during any interrogation except at a public administrative proceeding. The officer under investigation shall inform the employer of any person who will be present on his or her behalf during any interrogation except at a public administrative hearing.

(Source: P.A. 101-652, eff. 7-1-21.)

(50 ILCS 725/3.5) (from Ch. 85, par. 2558)

Sec. 3.5. Interrogation sessions shall be of reasonable duration and shall permit the officer interrogated reasonable periods for rest and personal necessities.

(Source: P.A. 83-981.)

(50 ILCS 725/3.6) (from Ch. 85, par. 2559)

Sec. 3.6. The officer being interrogated shall not be subjected to professional or personal abuse, including offensive language.

(Source: P.A. 83-981.)

(50 ILCS 725/3.7) (from Ch. 85, par. 2560)

Sec. 3.7. A complete record of any interrogation shall be made, and a complete transcript or copy shall be made available to the officer under investigation without charge and without undue delay. Such record may be electronically recorded. (Source: P.A. 83-981.)

(50 ILCS 725/3.8) (from Ch. 85, par. 2561)

Sec. 3.8. Admissions; counsel; verified complaint.

(a) No officer shall be interrogated without first being advised in writing that admissions made in the course of the interrogation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal, or discharge; and without first being advised in writing that he or she has the right to counsel of his or her choosing who may be present to advise him or her at any stage of any interrogation.

(b) It shall not be a requirement for a person filing a complaint against a sworn peace officer to have the complaint supported by a sworn affidavit or any other legal documentation. This ban on an affidavit requirement shall

apply to any collective bargaining agreements entered after the effective date of this provision. (Source: P.A. 101-652, eff. 7-1-21.)

(50 ILCS 725/3.9) (from Ch. 85, par. 2562)

Sec. 3.9. The officer under investigation shall have the right to be represented by counsel of his or her choosing and may request counsel at any time before or during interrogation. When such request for counsel is made, no interrogation shall proceed until reasonable time and opportunity are provided the officer to obtain counsel.

If a collective bargaining agreement requires the presence of a representative of the collective bargaining unit during investigations, such representative shall be present during the interrogation, unless this requirement is waived by the officer being interrogated.

(Source: P.A. 83-981.)

(50 ILCS 725/3.10) (from Ch. 85, par. 2563)

Sec. 3.10. Admissions or confessions obtained during the course of any interrogation not conducted in accordance with this Act may not be utilized in any subsequent disciplinary proceeding against the officer.

(Source: P.A. 83-981.)

(50 ILCS 725/3.11) (from Ch. 85, par. 2564)

Sec. 3.11. In the course of any interrogation no officer shall be required to submit to a polygraph test, or any other test questioning by means of any chemical substance, except with the officer's express written consent. Refusal to submit to such tests shall not result in any disciplinary action nor shall such refusal be made part of his or her record.

(Source: P.A. 83-981.)

(50 ILCS 725/4) (from Ch. 85, par. 2565)

Sec. 4. The rights of officers in disciplinary procedures set forth under this Act shall not diminish the rights and privileges of officers that are guaranteed to all citizens by the Constitution and laws of the United States and of the State of Illinois.

(Source: P.A. 83-981.)

(50 ILCS 725/5) (from Ch. 85, par. 2566)

Sec. 5. This Act does not apply to any officer charged with violating any provisions of the Criminal Code of 1961, the Criminal Code of 2012, or any other federal, State, or local criminal law.

(Source: P.A. 97-1150, eff. 1-25-13.)

(50 ILCS 725/6) (from Ch. 85, par. 2567)

Sec. 6. (Repealed).

(Source: P.A. 100-911, eff. 8-17-18. Repealed by P.A. 101-652, eff. 7-1-21.)

(50 ILCS 725/7) (from Ch. 85, par. 2568)

Sec. 7. No officer shall be discharged, disciplined, demoted, denied promotion or seniority, transferred, reassigned or otherwise discriminated against in regard to his or her employment, or be threatened with any such treatment as retaliation for or by reason of his or her exercise of the rights granted by this Act.

(Source: P.A. 83-981.)

(50 ILCS 725/7.2)

Sec. 7.2. Possession of a Firearm Owner's Identification Card. An employer of an officer shall not make possession of a Firearm Owner's Identification Card a condition of continued employment if the officer's Firearm Owner's Identification Card is revoked or seized because the officer has been a patient of a mental health facility and the officer has not been determined to pose a clear and present danger to himself, herself, or others as determined by a physician, clinical psychologist, or qualified examiner. Nothing in this Section shall otherwise impair an employer's ability to determine an officer's fitness for duty. On and after the effective date of this amendatory Act of the 100th General Assembly, Section 6 of this Act shall not apply to the prohibition requiring a Firearm Owner's Identification Card as a condition of continued employment, but a collective bargaining agreement already in effect on that issue on the effective date of this amendatory Act of the 100th General Assembly cannot be modified. The employer shall document if and why an officer has been determined to pose a clear and present danger.

(Source: P.A. 100-911, eff. 8-17-18; 101-375, eff. 8-16-19.)

(50 ILCS 725/7.5)

Sec. 7.5. (Repealed).

(Source: P.A. 100-1155, eff. 12-19-18. Repealed internally, eff. 7-1-19.)

(50 ILCS 725/8)

Sec. 8. (Repealed).

(Source: P.A. 99-494, eff. 12-17-15. Repealed internally, eff. 4-1-16.)

APPENDIX "F"
Hanover Park Police Department

COMPLAINT AFFIDAVIT

Citizen's Information: (person making complaint)

Citizen's Name: _____

Address: _____

Home phone number: _____ Daytime phone number: _____

Complaint Information:

Incident date and time: _____ Incident location: _____

Employee's name: _____

2nd employee's name (If applicable): _____

Witness's name, address and phone number: _____

Witness's name, address and phone number: _____

Describe the basis for your complaint: (attach additional pages if necessary)

State of Illinois
County of _____

I _____, the undersigned, certifies

Print name of complainant

that the statements set forth in this complaint are true, correct and complete except as to matters specifically stated that I believe to be true.

Signature of complainant

Date

Subscribed and sworn to before me on _____

Cook County Deputy Clerk/Notary Public: _____

My commission expires: _____

APPENDIX "G"

HANOVER PARK POLICE DEPARTMENT

WAIVER OF COUNSEL AND REQUEST TO SECURE COUNSEL

TO: _____ DATE & TIME GIVEN: _____

FROM: _____

_____ WAIVER OF COUNSEL

I, the Undersigned, hereby acknowledge that I have received and read the charges/allegations against me and I knowingly and voluntarily wish to proceed with the hearing, examination or interrogation without having counsel of my own choosing present to advise me during this hearing, examination or interrogation.

Date/Time: _____

Signature: _____

=====

_____ REQUEST TO SECURE LEGAL COUNSEL

I, the Undersigned, having been advised of my right to counsel of my own choosing at all hearings, examinations and interrogations in connection with the charges/allegations against me which have been given to me in writing and receipt of which is hereby acknowledged, elect to secure the services of counsel and agree to proceed with said hearing, examination or interrogation at (time) _____, on (date) _____, 19____, in Room _____, at (address) _____, Hanover Park, Illinois, at which time said hearing, examination or interrogation shall be commenced. By placing my signature upon this statement I affirm my wish to secure said counsel and agree to comply with department hearing, examination or interrogation scheduled on the date aforesaid.

Date/Time: _____

Signature: _____

Witnesses: _____

Copy: 1 - Deputy Chief of Operations 1 - Accused Member