CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE POLICY NUMBER: 52.1

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PURPOSE:

The purpose of this policy is to establish the administrative framework, authority, responsibilities, complaint-receipt procedures, records requirements, and statutory reporting requirements associated with the Department's professional standards function. Procedures governing the classification, investigation, review, findings, and disposition of misconduct allegations are established in Policy 52.2, Professional Standards – Complaint Procedures.

DEFINITIONS:

Criminal Misconduct: Any violation of criminal or quasi-criminal provisions of federal, state, or municipal statute, Official Misconduct as defined in 720 ILCS 5/33-3 of the Illinois Compiled Statutes, or the use of official authority that is a violation of criminal law.

External Allegation Investigation: An investigation into allegations from a community member of minor misconduct by an employee. A sustained finding may be the basis for discipline.

Formal Complaint Investigation: For the purposes of this policy, this is a Department internal affairs investigation conducted to gather facts and determine whether there is evidence of serious misconduct by an employee based on an allegation(s) presented by a community member. A sustained finding may be the basis for disciplinary action, up to and including termination, or for the filing of criminal charges.

Formal Investigation: As defined by the Uniform Peace Officers' Disciplinary Act, the process of an 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 their removal, discharge, or suspension in excess of three days.

Internal Allegation Investigation: An investigation into allegations from an employee of minor misconduct by another employee. A sustained finding may be the basis for discipline.

Internal Investigation: An investigation conducted to gather facts and determine whether sufficient evidence exists to substantiate allegations of serious misconduct that do not meet the requirements of a formal complaint. Such investigations may be initiated through supervisory observation, internal reporting, audits, or other official sources (e.g., Illinois Law Enforcement Training and Standards Board), or when allegations are received outside the timeframe for a formal complaint investigation, or when the complainant is uncooperative. A sustained finding from an internal investigation may serve as the basis for discipline, up to and including termination, or for the initiation of criminal charges.

Minor Misconduct: Any misconduct, considering the totality of the circumstances, that does not involve criminal activity, discrimination, use of force, or multiple repeated violations, and would not reasonably be expected to undermine public trust in the Department. Examples include, but are not limited to, complaints of slow response, alleged failure to take proper police action, minor rule violations, or alleged rudeness or discourtesy by an employee.

Misconduct: Any conduct that is contrary to the proper performance of official duties or the use of official authority; a violation of departmental rules, policies, procedures, or directives; any conduct that adversely reflects upon the officer or the Department.

Serious Misconduct: Any misconduct that is serious in nature, including but not limited to criminal activity, excessive force, improper or unlawful arrest, entry, and/or search, complaints of discrimination, serious rule violations, sexual harassment, or repeated minor rule violations.

POLICY:

52.1.1 INVESTIGATIVE AUTHORITY

A. The investigation of alleged employee misconduct shall be conducted under the authority of the Police Chief. The Office of Professional Standards shall manage and review all misconduct investigations.

B. All allegations of employee misconduct shall be investigated. Complaints and allegations of misconduct may be received from any source and through any means, including anonymously. The manner in which an allegation is received shall not, by itself, determine whether the allegation will be investigated or how the investigation will be classified. Investigations shall be classified and conducted in accordance with Policy 52.2, Professional Standards – Complaint Procedures.

C. All concerns about employee misconduct must be reported through the chain of command and

investigated only by employees specifically authorized to do so.

D. All Department employees are required to cooperate in the process with individuals assigned by the Police Chief, their designee, or the Deputy Chief of Professional Standards to conduct such investigations.

E. When there is a reasonable basis to suspect that an employee committed a criminal offense, separate criminal and administrative investigations shall be conducted in accordance with Policy 52.2. The timing and sequencing of the investigations shall be coordinated to protect the integrity of the criminal investigation and the employee's applicable constitutional, statutory, and contractual rights.

F. Employees assigned to conduct misconduct investigations shall report directly to the Office of Professional Standards.

G. Only supervisors assigned by the Police Chief or the Office of Professional Standards may investigate another Departmental employee.

H. Employees are strictly prohibited from initiating or conducting any investigation into alleged misconduct by another employee without explicit direction from the Police Chief or the Office of Professional Standards.

I. Unauthorized internal surveillance or data gathering by an employee, including but not limited to recording, photographing, or accessing departmental databases or records without authorization, even if intended to document perceived misconduct, will be treated as a policy violation.

52.1.2 RECEIVING COMPLAINTS

A. In the interest of expeditiously handling complaints of misconduct, all Department employees are directed to accept reports of employee misconduct from all people who wish to file a complaint, regardless of the hour of the day or the day of the week.

B. The Department shall post and maintain clear instructions on its public website explaining how to submit a complaint against the Department or any employee.

C. Community members are encouraged to report complaints as soon after the incident as possible.

D. Formal complaints alleging police employee misconduct by a community member shall be filed within 60 days of the incident unless unusual circumstances prevent such filing. In such cases, the complainant shall notify the Department of their intent to file a complaint within 60 days of the incident and request an extension up to a total of 90 days. An allegation received outside the applicable timeframe shall not be declined solely because of the passage of time. The allegation shall be documented, investigated as appropriate based on the available information, and classified in accordance with Policy 52.2..

E. Complaints alleging employee misconduct shall be accepted from any source and through any means, including anonymously or through a third party. Complaints may also be filed at the City of Champaign Equity and Engagement Department. No sworn affidavit, notarized statement, or other legal documentation shall be required as a condition of accepting or investigating a complaint.

F. Employees may attempt to resolve a complaint but shall never attempt to dissuade any community member from making any complaint against any employee of the Department.

G. People and telephone calls will promptly be directed to the attention of an on-duty supervisor for the purpose of receiving the complaint.

1. Appropriate steps will be taken to reasonably expedite the direction of the complaint to an on-duty supervisor. However, it may occasionally be necessary to obtain the complainant’s name, address, and telephone number for a return phone call and to avoid unreasonable delay when an on-duty supervisor is unavailable.

2. Police Service Representatives are not expected to routinely take complaints, but complaint packets are available at the front desk and should be used if/when an on-duty supervisor is unavailable.

3. Arrangements shall be made for foreign language interpreters and sign language interpreters as needed to communicate with complainants and witnesses.

H. Community members are encouraged to submit complaints in person to ensure the most complete and accurate documentation of their concerns. When an in-person submission at the Department is not possible, a supervisor should, whenever feasible, conduct the interview at an alternative suitable location. Complaints may also be submitted by telephone, but if appropriate, and with the caller’s agreement, a supervisor may arrange a follow-up in-person or virtual interview to ensure accuracy and efficiency. Written complaints are preferred, including those submitted electronically through the Department’s webpage.

I. A complainant is to be received with courtesy and respect. When interviewing a complainant, it should be held in a non-intimidating, non-confrontational setting that is conducive to privacy and minimizes interruptions.

J. Thorough efforts shall be made to identify complainants, witnesses, and other pertinent people associated with or relevant to the complaint investigation.

K. Identified complainants, witnesses (including Department employees), and other pertinent people shall be interviewed separately unless extenuating circumstances dictate otherwise.

L. Complainants who are under the influence of alcohol and/or drugs and cannot provide coherent information should be advised to make the complaint when they can provide coherent information.

M. A complaint made in person by a community member will initially be received and thoroughly documented in a complaint memorandum. It is the intake supervisor's responsibility to interpret and summarize the allegations in the memorandum. Supervisors shall record the intake of complaints using both video and audio.

   a. Prior to recording, supervisors shall clearly advise the complainant that the interview intake will be audio and video recorded.

   b. The complainant's consent shall be obtained verbally on the recording before proceeding.

   c. If the complainant declines consent for audio recording, the supervisor shall document the refusal in writing and proceed with a written intake.

N. Complainants should be advised that knowingly filing a false complaint may subject them to criminal prosecution and/or civil liability pursuant to 720 ILCS 5/26-1.

O. A complainant who has been criminally charged in relation to the incident resulting in the complaint shall be warned that information provided by them or gathered during the investigation is potentially discoverable and may be used in court.

P. Complainants should be encouraged to cooperate with the investigative process and, when reasonably requested:

   1. Make themselves available to be interviewed in person by the investigating supervisor.

   2. Promptly supply the investigating supervisor with evidence, supporting documentation, or the identity of any witness pertaining to the complaint.

   3. Respond to reasonable requests for additional information or clarification.

      a. If reasonable efforts to contact a complainant are unsuccessful, the Office of Professional Standards may provide written notice requesting that the complainant contact the Department. The Department's inability to contact a complainant or a complainant's failure or refusal to participate shall be documented in the investigative file.

Q. A complainant's failure to cooperate or participate in the investigative process shall not, by itself, result in the termination, closure, or reclassification of a complaint. The Department shall continue the investigation to the extent reasonably possible based on the information and evidence available. Any determination to reclassify the investigation shall be made in accordance with Policy 52.2.

R. Complainants will be provided with a copy of the Complaint Fact Sheet, which explains the process for the handling of police complaints.

S. Third Party Representation:

   1. If a third party wishes to act as a representative of the complainant, the supervisor should first inquire as to whether the party witnessed the incident. If it is determined that the person is a witness, then the parties should be interviewed separately. The supervisor may make exceptions for children or individuals with a reported intellectual disability or cognitive impairment.

   2. If the representative is not a witness or complainant, the supervisor may allow the person to witness the interview and provide moral support. It is suggested that the complainant(s) be briefly separated from the representative to confirm that they actually want the representative with them.

   3. The representative may not act as a legal representative unless they are an Attorney-at-Law and can provide adequate proof of this fact.

   4. The representative shall be advised that they may not speak for the complainant and may not disrupt, interfere with, or question the supervisor regarding the process, policies, or questions asked while the interview is being conducted. If the representative refuses to comply, then they will be asked to leave the room. Reasonable questions posed by the representative either prior to or after the interview should be answered by the supervisor.

   5. The supervisor may discontinue an interview that they determine is counterproductive to the complaint process and request that the complainant(s) put their information in writing, submit it online, or call the Office of Professional Standards. When such an incident occurs, the supervisor involved shall document it, and the Office of Professional Standards shall be notified. Documentation of the incident shall include the reason for the initial complaint, if known, and the reason why the interview was discontinued.

   6. Supervisors shall not refuse or fail to accept a complaint solely because the complainant has requested to have a representative present.

T. Community members who allege excessive use of force may be asked to sign a written authorization for the release of relevant medical records to the police department. Photographs of affected areas of the body should also be taken when investigating complaints of excessive force.

U. Any employee taking a complaint shall promptly notify the Office of Professional Standards of the receipt of the complaint and the circumstances surrounding the allegation.

V. If an employee is confronted with a significant allegation of misconduct requiring immediate investigation, the appropriate Deputy Chief and the Police Chief will be notified immediately. This could include allegations of criminal activity, sexual harassment or misconduct, or incidents involving injury or death, officer-involved shootings, and incidents requiring significant follow-up investigation.

W. The Office of Professional Standards is responsible for notifying the Equity and Engagement Department when a formal complaint investigation is generated. The information provided to the Equity and Engagement Department will include the complainant's name and personal identifiers, the date and location of the incident that led to the complaint, and the preliminary allegations. The Community Relations Manager of the Equity and Engagement Department will review each formal complaint investigation and will also receive a copy of the disposition letter upon conclusion of the investigation.

52.1.3 COMPLAINT PROCESS INFORMATION

A. The Department shall ensure that information regarding the procedures for filing complaints is readily accessible and available to the public.

1. Paper complaint packets shall be maintained and made available in the Department's lobby and other designated locations.

2. Information about filing a complaint shall be provided upon request in person. Employees who accept complaints are responsible for explaining the complaint process to the complainant.

3. Information on how to submit a complaint against the Department or any employee shall be posted and maintained on the Department's webpage.

52.1.4 RECORDS

A. All records of allegations of employee misconduct and investigative reports shall be filed with and maintained by the Office of Professional Standards.

B. The release of any records maintained by the Office of Professional Standards shall be conducted in accordance with applicable laws and regulations governing the disclosure of such information.

C. Pursuant to 50 ILCS 205/25, all public and nonpublic records, including officer-worn body camera footage, related to complaints, investigations, and adjudications of police misconduct shall be permanently retained and may not be destroyed.

D. Permanent retention of records by the Office of Professional Standards is separate from any requirement or restriction concerning the placement, removal, or subsequent use of disciplinary records or materials in an employee's personnel or disciplinary file. Placement and use of such records shall comply with applicable law, collective bargaining agreements, City policy, and Policy 52.2, Professional Standards – Complaint Procedures.

E. Removal of disciplinary material from an employee's personnel or disciplinary file, or a restriction on the subsequent use of such material, shall not result in the destruction of an internal affairs record required to be permanently retained by law.

52.1.5 STATUTORY REPORTING REQUIREMENTS

A. The Office of Professional Standards shall submit required information to the Illinois Law Enforcement Training and Standards Board (ILETSB) when a Department internal affairs investigation involves conduct subject to automatic decertification (50 ILCS 705/6.1) or discretionary decertification (50 ILCS 705/6.3), when a qualifying matter reaches a final determination as defined in 50 ILCS 705/9.2, or otherwise meets reporting criteria under the Illinois Police Training Act.

B. The Office of Professional Standards, in coordination with the Training Sergeant, shall serve as the Department's centralized point of contact for all reporting and compliance requirements associated with ILETSB. This includes ensuring the timely, accurate, and complete submission of all required forms, notifications, and documentation in accordance with applicable law, administrative rules, and Board directives.

C. Required submissions to ILETSB shall include, but are not limited to:

1. Form E (or successor forms): Officer appointment and separation reporting, including submission of the appropriate notice of appointment, separation, or status change for all sworn personnel.

2. Form R (or successor forms): Misconduct and professional conduct reporting, including submission of reports for qualifying disciplinary actions, terminations, resignations in lieu of discipline, or other conduct requiring Board notification, in accordance with the Illinois Police Training Act.

3. Form O (or successor forms): Officer arrest notifications, including required reporting to ILETSB when a sworn employee is arrested or charged with a criminal offense as required by law.

4. Form Q (or successor forms): Complaints submitted to or reviewed by ILETSB, including any documentation required for Board review of allegations of misconduct, when applicable.

5. Form S (or successor forms): Requests to modify or correct an officer's official record maintained by ILETSB, including updates resulting from arbitration decisions, court orders, settlements, name changes, or other official actions. Such requests shall be submitted with appropriate supporting documentation.

6. Certification and decertification reporting: Submission of any information required by ILETSB regarding officer certification status, compliance verification, or conduct that may result in automatic or discretionary decertification.

7. Supplemental reporting and Board inquiries: Any additional documentation, updates, or responses required by ILETSB through statute, administrative rule, or Board directive.

D. Department personnel shall comply with all applicable ILETSB certification, training, and reporting requirements. Supervisors shall monitor compliance within their respective divisions. Detailed responsibilities related to training compliance and certification requirements are outlined in Department training policies.

E. Any Department member who becomes aware of information that may trigger ILETSB reporting requirements shall promptly notify the Office of Professional Standards.

52.1.6 ANNUAL STATISTICS

A. The Police Chief or his designee will maintain annual statistical summaries on Formal Complaint Investigations against employees and their disposition.

B. The statistical summaries shall be included in the Department's published annual employee conduct report submitted to the Equity and Engagement Department's Human Relations Commission. The annual report will be made available on the Department's webpage.

ISSUING AUTHORITY



Timothy T. Tyler
Police Chief
Champaign Police Department