CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 52.2

SUBJECT: PROFESSIONAL STANDARDS – COMPLAINT PROCEDURES

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PURPOSE:

The purpose of this policy is to establish guidelines for the internal affairs-related investigation of Department employees and the process for ensuring that professional standards are maintained.

DEFINITIONS:

Category A Complaint: An administrative complaint classification used to designate a Department internal affairs investigation that prompts reporting to the Illinois Law Enforcement Training and Standards Board (ILETSB) under the Illinois Police Training Act, including conduct subject to automatic decertification (50 ILCS 705/6.1) or discretionary decertification (50 ILCS 705/6.3). Initial notifications of alleged misconduct and completed reports following a final determination shall be made in accordance with the applicable statutory timelines and Policy 52.1.

Category B Complaint: An administrative complaint classification used to designate a Department internal affairs investigation involving alleged misconduct that does not meet the statutory reporting requirements outlined in 50 ILCS 705/9.2 and therefore is not required to be reported to ILETSB. The allegations may involve policy violations, performance concerns, or other forms of misconduct that, while subject to internal review and discipline, do not rise to the threshold of a Category A Complaint. An investigation shall be reclassified, and any required report made, if subsequently developed information creates a statutory reporting obligation.

Civilian Review Subcommittee: A subcommittee of the Human Relations Commission supported by the Equity and Engagement Department, which is responsible for promoting public confidence in the professionalism and accountability of the Police Department through an unbiased review of investigations into community member complaints. The subcommittee is further responsible for policy recommendations and public outreach to improve community-police relations.

Criminal Misconduct: Any violation of criminal provisions of federal or state statute, including Official Misconduct as defined in 720 ILCS 5/33-3 of the Illinois Compiled Statutes.

Dispute Resolution Service: An independent organization that promotes accessible, neutral, high-quality mediation services that can be contracted as a vendor.

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 referral to the State's Attorney's Office 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.

Illinois Law Enforcement Training and Standards Board (ILETSB): The state agency mandated to promote and maintain a high level of professional standards for law enforcement and correctional officers. ILETSB is responsible for developing and providing quality training and education, setting standards, aiding in the establishment of adequate training facilities, and providing financial assistance.

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., ILETSB), 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.

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.

Interrogation: As defined by the Uniform Peace Officers' Disciplinary Act, 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.

Law Enforcement Misconduct: Pursuant to 720 ILCS 5/33-9, a law enforcement officer or a person acting under the color of law commits law enforcement misconduct when in the performance of their official duties with intent to prevent the apprehension or obstruct the prosecution or defense of any person, they: (1) Knowingly and intentionally misrepresents or fails to provide material facts describing an incident in any report or during any investigations regarding the law enforcement employee's conduct. (2) Knowingly and intentionally withholds any knowledge of the material 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. (3) Knowingly and intentionally fails to comply with Section 10-20(a)(3), (5), (6), and (7) of the Law Enforcement Officer-Worn Body Camera Act, 50 ILCS 706/10-20. Law enforcement misconduct is a Class 3 felony.

Mediation: A process designed to encourage a positive resolution of minor allegations of misconduct that are not easily resolved through a formal complaint investigation. Mediation is a voluntary, non-disciplinary process agreed to by all involved parties, with an emphasis on strengthening police-community relationships and improving the overall complaint process.

Mediator: A trained, neutral third party that facilitates a resolution between the involved parties in a neutral setting, allowing community members and employees to discuss concerns and build a greater understanding of each other's perspectives.

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 employee or the Department.

Preponderance of the Evidence: The standard of proof used to determine investigative findings, requiring that the evidence, when considered as a whole, establishes that it is more likely than not that the alleged conduct occurred.

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.

Tampers with or Fabricates Evidence: Pursuant to 50 ILCS 705/6.3, means if a law enforcement officer (1) has reason to believe that an official proceeding is pending or may be instituted, and (2) alters, destroys, conceals, or removes any record, document, data, video, or thing to impair its validity or availability in the proceeding.

Totality of Circumstances: A comprehensive assessment of all relevant facts, conditions, and context surrounding an incident or allegation. This includes, but is not limited to, the nature and seriousness of the conduct, the timing and manner in which information was reported, the reliability of available evidence, the credibility of witnesses, and any mitigating or aggravating factors. Decisions made under this standard are based on a holistic evaluation rather than any single factor in isolation.

OBJECTIVES:

A. The objective of this policy is to ensure community members have a fair and effective means of addressing legitimate grievances against police employees, while also safeguarding employees from false allegations of misconduct and ensuring due process protections for those accused. The Champaign Police Department is committed to upholding the integrity of its employees. To that end, the Police Chief will take disciplinary action for just cause, separate from service those who demonstrate unfitness for police duties, dismiss unfounded allegations against innocent employees, and defend employees whose actions are determined to be appropriate.

B. This Department is committed to providing law enforcement services that are fair, effective, and impartial. In doing so, employees are held to the highest standards of official conduct and are expected to respect the constitutional and statutory rights of all persons. Voluntary adherence to these standards by employees, motivated by a moral obligation to perform their duty to the best of their ability, is eminently desirable and an objective of the Department.

POLICY:

A. The Department believes that prevention is the primary means of reducing and controlling misconduct. Therefore, it is the policy of the Department to identify and correct organizational conditions that permit misconduct. To that end, the Department will receive, investigate, and make equitable disposition of all complaints against procedures and/or personnel, from both internal and external sources.

B. Special emphasis is placed on recruitment, selection, and training of employees and supervisors, enhanced supervisory responsibility and accountability, community outreach, and the analysis of misconduct complaints.

C. Each employee shall have access to an official manual of departmental policies, procedures, and rules, which contain specific direction and guidance for pertinent aspects of police work. Employee performance standards and rules of conduct will be described and defined to enhance the protection of the constitutional and statutory rights of all persons.

D. The City of Champaign Administrative Policy entitled "Disciplinary Process 3.11" will be adhered to during internal affairs investigations conducted by department personnel of serious misconduct, which could result in excess of 3 days of suspension or termination.

52.2.1 COMPLAINT INTAKE PROCEDURES

A. All complaints against the Department or its employees will be investigated.

B. Complaints alleging misconduct by the Department or its employees may be received in person, by telephone, electronically, by mail, through a third party, anonymously, from another governmental source, from a Department employee, or from information independently developed by the Department.

C. A complainant shall not be required to submit a sworn affidavit, notarized statement, or other legal documentation as a condition of filing or investigating a complaint.

D. Anonymous complaints shall be investigated to the extent reasonably possible based on the information available. A complainant's decision to remain anonymous shall not, by itself, be a basis for declining to investigate an allegation.

E. The credibility of an anonymous complaint shall be evaluated based on the totality of the available information and evidence. Disciplinary action shall not be based solely upon an uncorroborated anonymous allegation.

52.2.2 INVESTIGATION CLASSIFICATIONS

A. Based on the nature and/or complexity of the allegations, the Police Chief or their designee will determine the type of investigation to be conducted. Allegations of minor misconduct may be referred for resolution through the Champaign County Community Mediation Program.

B. The complainant shall be informed of the investigation classification and may request that the City Manager review the Police Chief's classification decision. The request must be made within ten calendar days after the complainant is notified of the classification.

C. Formal Complaint Investigation (serious, external source)

1. 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.

2. A misconduct allegation received outside the applicable timeframe shall not be declined solely because of the passage of time. The allegation shall be documented and investigated as appropriate based on the available information and classified in accordance with this policy. The passage of the 60- or 90-day filing period may affect whether the matter is classified as a Formal Complaint Investigation but shall not, by itself, preclude the Department from investigating or adjudicating alleged employee misconduct.

3. All formal complaint investigations shall be assigned a complaint subclassification of Category A or B based on the seriousness of the misconduct allegation(s). Complaint classifications and subclassifications established by this policy are for internal administrative purposes and do not determine or limit the Department's statutory reporting obligations. Complaints and allegations of misconduct shall be reported to ILETSB when required by applicable law.

4. All formal complaint investigations will be forwarded to the Civilian Review Subcommittee for an independent review of the investigation.

5. The Police Chief may elect not to initiate a formal complaint investigation when the complaint does not rise to the status of an allegation of serious misconduct. Generally, minor violations such as those that, if observed by a supervisor, would generally result in verbal counseling or a letter of reprimand fall into this category.

D. Internal Investigation (serious, any source)

1. Investigations involving serious allegations of misconduct made by another employee or from a community member when it doesn't meet the criteria of a formal complaint investigation.

2. All internal investigations shall be assigned a complaint subclassification of Category A or B based on the severity of the misconduct allegation(s).

E. External Allegation Investigation (minor, external source)

1. Investigations that are conducted on allegations from a community member of minor misconduct by an employee. The results of an external allegation investigation will be communicated in writing to the complainant by the Office of Professional Standards.

F. Internal Allegation Investigation (minor, internal source)

1. Investigations that are conducted on allegations from another employee of minor misconduct by another employee.

52.2.3 SUPERVISORY LEVEL INVESTIGATIONS

A. Allegations of misconduct other than those considered serious misconduct may be reviewed and investigated at the supervisory level.

B. Employees may attempt to respond to and resolve a community member's concern(s), but they shall never attempt to dissuade any community member from making a complaint against any employee or the Department. Examples of concerns that may be resolved during the initial communication process with a complainant include, but are not limited to:

1. Why was an individual handcuffed?

2. Why was an individual stopped, detained, or subjected to a field interview?

3. Why did an officer use vehicle emergency equipment?

4. Why was a high-risk stop conducted?

5. Why was a citation issued?

C. Employees shall not, under any circumstances, agree to reduce or dismiss charges, nor solicit information regarding criminal activity, in exchange for consideration of any pending charges. Such actions shall not be used as a means to resolve concerns or to dissuade a community member from filing a complaint.

D. The Department strictly prohibits any form of retaliation, intimidation, or discouragement toward individuals who seek to file a complaint.

E. When a community member questions the actions of an employee, and the supervisor determines that the employee acted within the prescribed policy, procedure, or tactics, the matter will be handled as an external allegation investigation.

F. The supervisor, the Police Chief, or their designee shall make every attempt to explain to a community member why the Department sanctions a particular policy, procedure, or tactic.

G. If a community member insists on filing a complaint, it should be documented and forwarded to the Office of Professional Standards. The Police Chief or their designee will determine the type of investigation to be conducted.

H. A complainant's failure or refusal to participate shall not automatically terminate, downgrade, or close the complaint. The investigation shall proceed to the extent reasonably possible using available evidence. When contact information is available, the complainant shall receive appropriate status and final disposition notification unless disclosure is prohibited or restricted by law.

I. Allegations of misconduct, which are considered extremely serious in nature, shall immediately be reported to the Police Chief and Office of Professional Standards, and they will be investigated under their direct supervision.

1. The investigating supervisor shall enter the incident in Blue Team and forward it to the Office of Professional Standards.

52.2.4 ATTORNEY GENERAL INVESTIGATIONS

A. Pursuant to 15 ILCS 205/10, whenever the Attorney General's Office has reason to believe that a governmental authority, or agent of a governmental authority, or person acting on behalf of a governmental authority engaged in a pattern or practice of conduct by officers that deprives any person of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States or by the Constitution or laws of Illinois, the Attorney General is authorized to investigate allegations relating thereto and may commence a civil action in the name of the People of the State to obtain appropriate equitable and declaratory relief to eliminate the pattern or practice. Refer to the statute to obtain additional information regarding the civil action.

52.2.5 ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD INVESTIGATIONS

A. Pursuant to 50 ILCS 705/6.3, ILETSB may investigate alleged discretionary decertification violations that are specified in said statute. An investigation by ILETSB may also occur pursuant to automatic decertification violations, 50 ILCS 705/6.1, and during an emergency order suspending an officer's certification, pursuant to 50 ILCS 705/8.3.

B. Pursuant to 50 ILCS 727/1-35, any person may file notice of an anonymous complaint to ILETSB of any conduct the person believes a law enforcement officer has committed as described in 50 ILCS 705/6.3 of the Illinois Police Training Act, which pertains to the decertification conduct of a police officer. Notwithstanding any other provision in state law or any collective bargaining agreement, ILETSB shall accept notice and investigate any allegations from individuals who remain anonymous.

1. ILETSB will complete a preliminary review of the allegations to determine whether further investigation is warranted. During the preliminary review, the Board will take all reasonable steps to discover any and all objective verifiable evidence relevant to the alleged violation through the identification, retention, review, and analysis of all available evidence, including, but not limited to, all time-sensitive evidence, audio, and video evidence, physical evidence, arrest reports, photographic evidence, GPS records, computer data, lab reports, medical documents, and witness interviews. All reasonable steps will be taken to preserve relevant evidence identified during the preliminary investigation.

2. If ILETSB determines that for an anonymous notice, there is objective, verifiable evidence to support the allegation or allegations, the Board shall complete a sworn affidavit override to comply with subsection (b) of 50 ILCS 725/3.8 of the Uniform Peace Officers' Disciplinary Act. The sworn affidavit override shall be specified on a form to be determined by the Board, including what evidence has been reviewed, and, in reliance upon that evidence, it shall be affirmed that it is necessary and appropriate for the investigation to continue. It shall forward that form and the alleged violation in accordance with subsection (f) of 50 ILCS 705/6.3 of the Illinois Police Training Act.

3. Pursuant to 50 ILCS 705/6.3, ILETSB has the authority to decertify a full-time or part-time officer upon a determination by the Board that the officer has:

    a. Committed an act that would constitute a felony or misdemeanor, which could serve as the basis for automatic decertification, whether or not the officer was criminally prosecuted, and whether or not the law enforcement officer's employment was terminated.

    b. Exercised excessive use of force.

    c. Failed to comply with the officer's duty to intervene, including through acts of omission.

    d. Tampered with an in-car camera or Body-Worn Camera (BWC) or data recorded by an in-car camera or BWC or directed another to tamper with or turn off an in-car camera or BWC or data recorded by an in-car camera or BWC for the purpose of concealing, destroying, or altering potential evidence.

    e. 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. 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.

52.2.6 OFFICER-INVOLVED SEXUAL ASSAULT INVESTIGATIONS

A. An officer-involved criminal sexual assault is a violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of the Criminal Code of 2012 while the officer is on duty.

B. In accordance with the Law Enforcement Criminal Sexual Assault Act (5 ILCS 815), if an officer of the Champaign Police Department is the subject of an officer-involved criminal sexual assault investigation, which occurred while the officer was on-duty, the following procedures shall be followed:

    1. The Police Chief or their designee shall be notified through the chain of command.

    2. If the alleged offense occurred within the City of Champaign, a supervisor shall respond to the scene and take necessary steps to preserve any potential crime scene evidence.

    3. The Illinois State Police, or other agency meeting the criteria established under the Act, shall be contacted to conduct the criminal investigation.

        a. As required by the Act, the investigating agency shall:

            i. Assign at least two investigators to conduct the investigation, one of whom shall be the lead investigator.

            ii. Ensure the investigators have completed a specialized sexual assault and sexual abuse investigation training program approved by ILETSB or similar training approved by the Illinois State Police.

            iii. Ensure that no investigators from the Champaign Police Department are involved in the criminal investigation.

    4. The Office of Professional Standards shall be notified and shall initiate an internal investigation, provided that the internal investigation does not interfere with the ongoing criminal investigation.

52.2.7 NOTIFICATIONS

A. Department employees who observe or become aware of alleged misconduct by another Department employee shall promptly report the matter to an appropriate supervisor. In accordance with 50 ILCS 705/6.3(f)(6)(a), sworn officers shall immediately report conduct described in 50 ILCS

705/6.3(b) to the appropriate supervising officer.

B. When the Department becomes aware of alleged conduct described in 50 ILCS 705/6.3(b), the Office of Professional Standards shall ensure that ILETSB is notified in accordance with 50 ILCS 705/6.3(c) and within the applicable statutory timeframe.

C. When the Department conducts an investigation pursuant to 50 ILCS 705/6.3(f), the Office of Professional Standards shall:

1. Submit required progress reports to ILETSB in accordance with applicable statutory requirements.

2. Upon completion of the investigation, submit the required Investigative Summary Report and evidence to ILETSB within the applicable statutory timeframe.

3. Complete any additional investigative steps directed by ILETSB and, when required, amend and resubmit the Investigative Summary Report.

D. When a matter meets the reporting requirements of 50 ILCS 705/9.2, the Office of Professional Standards shall ensure that the required notification and information are submitted to ILETSB within the applicable statutory timeframe.

E. Supervisors shall promptly notify the Office of Professional Standards, in writing, of every allegation of misconduct. Notifications shall ordinarily be made by entering and forwarding a Blue Team entry to the Office of Professional Standards. If the complaint is filed via a paper packet, the supervisor shall forward the packet to the Office of Professional Standards and send a notification email to that office.

F. If, during the course of any complaint investigation, the supervisor reasonably comes to believe that an employee may have committed a crime, then the Police Chief shall be notified immediately.

G. If a supervisor is confronted with an allegation of serious misconduct requiring immediate investigation, the appropriate Deputy Chief and the Police Chief will be notified immediately.

52.2.8 INVESTIGATIVE PROCEDURES

A. A supervisor assigned to investigate misconduct shall be impartial and shall not be assigned when they were directly involved in the underlying incident, are a material witness, have a personal, professional, or supervisory conflict that could reasonably call their impartiality into question, or otherwise cannot conduct a fair and objective investigation. An investigator who becomes aware of an actual or potential conflict shall immediately report it to the Office of Professional Standards for reassignment or implementation of other appropriate safeguards.

B. A supervisor who investigates an allegation of misconduct shall take the investigation to its conclusion and fully document the investigation. Discipline will be administered and documented only after the Police Chief or their designee has approved it.

C. A supervisor who has been assigned to conduct an investigation shall keep the Office of Professional Standards informed as to the status and progress of the investigation.

D. A complaint investigation must, at a minimum, include the following:

1. Identify and interview the parties involved, including the complainant(s), employee(s), and witness(es).

2. Identify and confirm the alleged misconduct allegation(s) and any associated Department rule and/or policy violation(s).

3. Investigators shall take reasonable steps to promptly identify and preserve evidence relevant to the investigation, including time-sensitive or potentially transient evidence. Investigators shall pursue reasonable investigative leads and evidence that may prove or disprove the allegation.

4. Identify past disciplinary records(s) of the involved employee(s), including the alleged misconduct allegation(s) and any associated Department rule and/or policy violation(s).

   a. Prior complaint or disciplinary history shall not ordinarily be considered in determining whether the current allegation is sustained. Such information may be reviewed during the investigation phase only when independently relevant to an issue under investigation, such as notice, intent, motive, pattern, or credibility. After findings are determined, relevant disciplinary history may be considered in recommending corrective or disciplinary action.

5. The proposed action to be taken by the investigating supervisor, e.g., gathering dispatch records, dispatch recordings, incident reports, digital media, photographs, method of interviewing (informal vs. interrogation), and the means by which any other relevant evidence will be generated.

   a. The identification of any investigation procedures that may be interpreted as an invasion of privacy, as well as the determination of whether any less intrusive investigative approaches are likely to find, gather, and retain results that are substantially similar.

6. The Office of Professional Standards must confirm the misconduct allegations and evaluate the investigative plan. If the misconduct allegations are serious, City Department Heads, including the City Legal and Human Resources Department Head or their designee, shall be consulted.

7. The Office of Professional Standards should verify that the proposed investigation strategy takes into consideration mandatory written notifications to employees, confidentiality, Garrity advisements, and other rights granted by the policy, employment contracts, and/or the law.

52.2.9 INVESTIGATIVE TIME LIMITS

A. It is recognized that some investigations are complex and may extend for a substantial period of time. In most instances, unless a more extensive investigation or review is required, allegations of misconduct shall be investigated and completed within 180 days. Status reports on the progress of investigations shall be regularly provided by the Office of Professional Standards.

B. In those instances where additional time is required, extensions may be authorized by the Police Chief. An extension shall be documented and shall identify the reason additional time is necessary and the revised anticipated completion date.

C. When applicable, statutory reporting requirements under 50 ILCS 705/9.2 shall govern. In such cases, reporting to ILETSB will proceed in accordance with the statutory timeline, regardless of any Departmental extension of the internal service-level goal.

52.2.10 COMMUNITY MEDIATION PROGRAM

A. The Community Mediation Program is an alternative process for resolving complaints submitted by a community member, as the Department recognizes that traditional disciplinary processes are not always the most effective or responsive way to resolve community member complaints.

B. The goals of the Community Mediation Program are to:

1. Increase the satisfaction of the community and Department employees in the resolution of community member complaints;

2. Promote understanding and open communication between community members and Department employees; and

3. Promote effective community and police partnerships with the opportunity to improve and advance problem-solving opportunities.

C. Community Mediation Program Eligibility.

1. The Office of Professional Standards will evaluate complaints to determine if they are eligible for mediation. The Police Chief, or their designee, shall make the final determination of whether an allegation of misconduct shall be approved for the Community Mediation Program.

2. Allegations of a minor nature may be considered for mediation, including, but not limited to:

a. Minor violations of department rules, policies, procedures, or directives;

b. Discourtesy or unprofessionalism;

c. Alleged failure(s) to take action or tactics; and,

d. Any other misconduct as determined by the Police Chief or their designee.

3. Mediation shall not be used for alleged criminal conduct, unreasonable or excessive force, dishonesty or false reporting, evidence tampering, corruption, discrimination or bias-based misconduct, retaliation, sexual harassment or sexual misconduct, domestic violence, an officer-involved death, a repeated pattern of similar misconduct, or other conduct for which mediation would be inconsistent with public accountability or the interests of the Department.

D. Employee Eligibility

1. All Department employees are eligible to participate in the mediation program. The Police Chief or their designee may deny an employee's request to participate in the mediation program when such a denial is made in the best interests of the Department.

2. The mediation program shall not be available to Department employees under the following circumstances:

a. The Department employee has already participated in the mediation program three times in one calendar year.

b. The allegations are substantially similar in nature to prior complaints filed against the Department employee, or a pattern of misconduct has been identified.

c. Eligibility determinations will be final and are not subject to appeal.

E. Mediation Process

1. Once a community member's complaint is determined to be eligible for mediation, the Office of Professional Standards will contact the community member and the Department employee to determine if they are willing to voluntarily participate in the mediation program. If the community member and Department employee agree to participate in the program, the Office of Professional Standards will forward applicable information to the dispute resolution service.

2. The community member and Department employee must voluntarily agree to participate in the Community Mediation Program within 20 days of the mediation being offered to each participant. If either the community member or Department employee declines mediation or fails to respond to the offer, the community member's complaint may be handled as an internal investigation or a formal complaint investigation at the direction of the Police Chief.

3. The Office of Professional Standards will contact the Department employee to facilitate the mediation.

4. The dispute resolution service will contact the community member to facilitate the mediation.

5. The dispute resolution service will ensure that professionally trained and experienced mediators are utilized during the mediation session.

6. The scheduling of the mediation will take into consideration the schedules of the mediator, community member, and Department employee. Every reasonable effort will be made to schedule the mediation during a time convenient for community members and employees. Every effort will be made to schedule and complete the mediation within 60 days from the time an incident is deemed suitable for mediation.

7. Once a Department employee accepts a mediation appointment, they must appear as scheduled.

8. Department employees who are unable to attend a mediation session due to an illness or other emergency must notify the Office of Professional Standards as soon as it is evident that they will not be able to attend. The Office of Professional Standards shall ensure all parties are promptly notified about reported scheduling conflicts.

9. To promote neutrality, mediation sessions will occur at a location other than the Champaign Police Department.

10. Department employees attending a mediation session are considered on-duty and shall wear appropriate business attire; no uniforms shall be worn.

11. The Department employee is expected to fully participate in the mediation process while conducting themselves in a positive, courteous, and professional manner.

12. The community member and Department employee will be required to complete an Intake Form and sign a Community Mediation Program Orientation and Information form prior to the mediation session.

13. At the conclusion of the mediation session, the mediator will deliver a Resolution Statement form to the Office of Professional Standards, which will categorize the outcome as one of the following:

    a. Resolution;

    b. No Resolution.

14. A completed mediation shall be considered a successful mediation, regardless of the resolution.

15. There shall be no appeals following a completed mediation.

16. A community member's complaint will not be returned to the Office of Professional Standards for investigation based on a community member's or employee's dissatisfaction with the resolution of a mediation session.

17. If a mediation process is not completed due to actions on the part of a Department employee, the mediation process may cease, and the complaint may be investigated at the direction of the Police Chief.

F. Mediation Resolution

1. Mediated community member complaints will be considered resolved, and the original community member complaint will be assigned a mediation number for record-keeping. The Office of Professional Standards shall send a disposition letter to the community member and the Department employee to document that the complaint was resolved via the Community Mediation Program.

2. Mediation files will be maintained by the Office of Professional Standards and shall contain the following:

    a. The original complaint submission form;

    b. An Office of Professional Standards summary of the mediation intake screening process that shall detail the criteria considered for approving the referral of a complaint to the Community Mediation Program, and the decision of the community member and employee to either decline or agree to voluntarily participate in a mediation session;

    c. A Resolution Statement provided by the dispute resolution service, containing the date, time, location, attendees, and whether a resolution was reached during the mediation session; and

    d. A Mediation Disposition Letter, which shall be sent to the community member and the employee by the Office of Professional Standards, informing them that the complaint was resolved using the Community Mediation Program.

3. The confidentiality of mediations shall not preclude the Office of Professional Standards from capturing general statistical information necessary to evaluate and track the effectiveness of the mediation program, including:

    a. The date, time, location, and attendee names of mediation sessions, and

    b. Dispute Resolution Service provides information required for fiscal processing.

4. Mediated complaints shall not be used against the officer for disciplinary purposes.

52.2.11 COMPLAINANT STATUS REPORTS

A. Communication will be maintained with all complainants regarding the status of their complaints.

1. The Office of Professional Standards will acknowledge receipt of the complaint to the reporting party of every allegation of misconduct. This written acknowledgment will include a description of the allegation and the name of the supervisor responsible for the investigation.

2. The supervisor completing the community member complaint report shall assure the reporting party that the allegations will be thoroughly investigated and that the Police Chief, upon completion of the investigation, will notify the reporting party in writing of the findings of the investigation. Periodic status reports will be provided to the complainant.

3. A letter from the Police Chief shall be mailed to the community member informing them of the results of the investigation.

4. Completed internal investigations do not ordinarily require a letter to the community member from the Police Chief.

52.2.12 NOTICE OF INVESTIGATIVE RIGHTS

A. When the Office of Professional Standards determines that there is a reasonable basis to treat an employee as the subject of a misconduct investigation, the employee shall be notified in writing of the nature of the allegation(s). Notification may be delayed when reasonably necessary to preserve evidence, protect a person, or avoid otherwise compromising the investigation, consistent with applicable law and collective bargaining agreements.

1. Basic notification under this paragraph does not, by itself, require the issuance of formal investigation or interrogation advisements.

2. Written notification shall be issued or coordinated by the Office of Professional Standards.

3. For employees covered by the FOP Labor Agreement, when a departmental investigation is based upon a written complaint, the employee shall be provided notice of the alleged violation(s) in accordance with the timeframe established by the FOP Labor Agreement. When the investigation is conducted by a panel, the employee shall also be provided the notice and information required by the FOP Labor Agreement.

B. If information developed during an investigation provides a reasonable basis to believe that the subject employee or another employee may have committed misconduct not included in the original allegation(s), the Office of Professional Standards, in consultation with the Police Chief or their designee, shall determine whether the additional allegation should be added to the existing investigation or addressed through a separate investigation.

1. The determination shall consider the nature and seriousness of the additional allegation, its relationship to the existing investigation, the identity of the involved employee, and whether addressing it within the existing investigation could compromise investigative fairness or effectiveness.

2. An employee who becomes the subject of an additional or new misconduct allegation shall be notified in accordance with paragraph A of this section before being questioned as the subject of that allegation, except when the additional allegation is first identified during an interview or interrogation as provided below.

a. If the alleged conduct constitutes minor misconduct, the investigator shall notify the employee of the nature of the additional allegation and may continue questioning, provided that no additional notification or advisements are required by applicable law or collective bargaining agreement.

b. If the alleged conduct constitutes serious misconduct, questioning concerning the additional allegation shall be suspended until the employee has received the notifications and advisements required by this policy, applicable law, and the applicable collective bargaining agreement.

3. The employee shall be afforded a reasonable opportunity to respond to the allegation before a finding is made or disciplinary action is imposed.

C. Before conducting questioning that constitutes an interrogation under the Uniform Peace Officers' Disciplinary Act, the Department shall provide the sworn officer with all written notifications and advisements required by the Act, the applicable collective bargaining agreement, and Department policy.

1. The written information shall be sufficient to reasonably apprise the officer of the nature of the investigation.

2. The officer shall be advised in writing of the identity of the interrogators and all persons who will be present on behalf of the Department.

3. The officer shall be advised in writing that admissions made during the interrogation may be used as evidence of misconduct or as the basis for disciplinary charges and that the officer has the right to counsel as provided by law and the applicable collective bargaining agreement.

4. All interrogations shall be conducted in accordance with the Uniform Peace Officers' Disciplinary Act and the applicable collective bargaining agreement.

5. A complete record of an interrogation shall be made, and a complete transcript or copy shall be made available to the officer without charge and without undue delay.

D. Non-sworn employees shall be provided the notices, representation rights, and other procedural protections required by applicable law, including 65 ILCS 5/10-1-18, and the applicable collective bargaining agreement.

E. If there is a reasonable basis to suspect that an employee committed a criminal offense, separate administrative and criminal investigations shall be conducted. The administrative investigation shall address potential violations of Department rules, policies, procedures, or directives. The criminal investigation shall be conducted at the direction of the Police Chief to determine whether criminal charges may be warranted. Upon completion, the criminal investigation may be presented to the State's Attorney's Office for review and charging determination.

1. Criminal investigations may be referred to the Deputy Chief of Operational Support or an outside law enforcement agency.

2. Investigations of alleged employee criminal misconduct will be conducted in coordination with the City Attorney's Office and/or State's Attorney's Office and in accordance with constitutional and statutory criminal procedural rights of persons.

3. Compelled statements obtained during an administrative investigation shall not be provided to criminal investigators or used directly or derivatively in a criminal investigation or prosecution, except as authorized by law and after consultation with legal counsel.

4. Completed investigations of alleged employee criminal misconduct may be reviewed by the City Attorney and/or the State's Attorney for a determination as to what, if any, criminal charges are to be filed and/or prosecuted.

5. The complainant, victim, and employee shall be advised of the decisions of the City Attorney and/or the State's Attorney.

6. Upon completion of a criminal investigation and/or prosecution, the investigative report shall be turned over to the Office of Professional Standards for administrative review to determine whether or not there were Departmental violations.

F. Before any accused employee is interrogated, the results of which may be the basis for seeking the employee's discharge or a suspension in excess of three days, the employee shall be advised of their rights in accordance with the statutory Uniform Peace Officers Disciplinary Act.

G. All employees shall be truthful and completely answer all questions concerning an administrative investigation posed to them by the interviewing officer. If any employee refuses to answer questions pertaining to a misconduct investigation, prior to proceeding with further questions, a determination will first be made by the Police Chief or their designee as to whether or not the employee will be ordered to answer certain questions specifically, narrowly, and directly related to their duties as a Champaign Police Department employee. The employee will also be warned that their refusal to answer questions constitutes insubordination and could be the basis for seeking suspension or discharge. The questioning will then proceed consistent with that determination.

H. When an employee is directed to answer questions in an administrative investigation, the employee shall be advised that the statements are compelled for administrative purposes. Compelled statements, and evidence derived from those statements, shall not be provided to criminal investigators or used in a criminal investigation or prosecution except as authorized by law and after consultation with legal counsel. This limitation does not preclude a separate criminal investigation based on evidence obtained independently of the compelled statements.

I. This policy shall not be construed to supersede in part or in whole any Municipal ordinance, City Administrative Policy, Rules of the Board of Fire and Police Commissioners, the Uniform Peace Officers' Disciplinary Act (UPODA), or any collective bargaining agreement in force. Failure to abide by this directive shall not preclude the Department from taking disciplinary action against any employee.

52.2.13 INVESTIGATIVE REQUIREMENTS

A. All employees are required to cooperate fully with internal affairs investigations. They are required to disclose all the pertinent information known to them regarding the matter under investigation. Employees may be further required to submit to the gathering of non-testimonial evidence, including, but not limited to:

1. Medical and laboratory examinations in accordance with the AFSCME contract or Article 34 of the FOP Labor Contract.

2. Line-ups.

3. Chemical tests, in accordance with Article 34 of the FOP Labor Contract.

4. Photographs or line-ups.

5. Firearms for inspection and examination.

6. Financial disclosure statements, handwriting samples, and/or fingerprinting.

B. Any requirement that an employee submit non-testimonial evidence shall be reasonably related to the matter under investigation, appropriately limited in scope, and conducted in accordance with applicable law, collective bargaining agreements, and City policy.

C. In accordance with 50 ILCS 725/3.11, no police employee shall be compelled to submit to a polygraph examination on a complaint. However, an employee may, at any time, request a polygraph examination to be provided by the Department.

D. During misconduct investigations in which the identity of the alleged employee is unknown, personnel records, employee jackets, employee photos, dispatch tickets, radio recordings, mobile video recordings, daily logs, vehicle assignments, work schedules, and all other available resources may be used in an effort to determine identity.

E. Employees have no expectation of privacy with regard to departmental lockers, desks, computers (as per City Administrative Policy 4.06), storage areas, offices, or vehicles.

F. Employees may be required to respond to allegations of misconduct in writing. Requests shall be made in accordance with the Uniform Peace Officers' Disciplinary Act, the applicable collective bargaining agreement, and the constitutional rights of the employee.

G. Provisions of this section shall not conflict with any Labor Agreement presently in effect.

52.2.14 RELIEVING EMPLOYEES FROM DUTY

A. Violation of Rule 6(B)2:

1. Champaign Police Department Rule 6(B)2 states that "No employee shall report for scheduled duty when prior consumption or odor of alcohol or other behavior-modifying substance is apparent to a person of average sensibilities."

2. When a Rule 6(B)2 violation is suspected, a supervisor shall interview the employee about the suspicion. In accordance with the FOP Labor Contract, the employee may request that a union representative be present during this interview.

3. Two supervisors, with one being the rank of Lieutenant or above, must confer and agree on the appearance or the odor of alcohol or another behavior-modifying substance.

4. A supervisor of the rank of Lieutenant or above may place an employee on leave with pay in accordance with Rule 6(B)2 if they believe that the employee is under the influence of alcohol and/or another behavior-modifying substance.

5. Any drug or alcohol testing of the employee shall comply with Article 34 of the FOP contract or Article 37 of the AFSCME contract.

6. The employee will be given written notice of the Rule 6(B)2 violation prior to being sent home.

7. The employee will be sent home and not remain at work. Transportation shall be arranged if the employee is impaired or appears to be under the influence.

8. A supervisor shall make notification that the employee was sent home through that employee's chain of command.

9. A supervisor shall complete a written report of the incident in a memo articulating their "reasonable suspicion" of the employee's lack of fitness for duty and submit their report to the Office of Professional Standards prior to the end of their shift. A copy of the memo shall immediately be forwarded to the Police Chief.

B. When the Police Chief determines that relieving an employee from duty during an investigation is in the best interests of the City, Department, community, or employee, the Police Chief may recommend that the City Manager place the employee on investigative leave in accordance with the applicable collective bargaining agreement, including the FOP agreement or the AFSCME agreement, as applicable.

C. Investigative leave for a bargaining-unit employee shall be administered in accordance with the applicable collective bargaining agreement. The employee shall continue to receive the pay, benefits, leave accruals, and seniority required by that agreement and shall remain available, upon reasonable notice, for meetings, appointments, and temporary duties during normal business hours.

D. Unless otherwise directed by the City Manager or Police Chief, an employee placed on investigative leave shall not exercise law enforcement authority or engage in enforcement duties. This restriction does not prohibit the assignment of temporary duties consistent with the applicable collective bargaining agreement. If deemed appropriate by the Police Chief, the officer may also be required to surrender all or part of any Department-owned property, including but not limited to their badge, identification cards, emergency communication devices, uniforms, and firearms.

52.2.15 FINDINGS OF FACT

A. The assigned supervisor, investigator, or manager shall complete the final investigative report. The final report shall consider all relevant documents, interview statements, and evidence to determine and provide a factual account of what did or did not occur. Conflicting evidence or information shall be noted.

B. Administrative findings shall be based upon a preponderance of the evidence unless a controlling law, collective bargaining agreement, civil service rule, or other binding authority requires a different standard. At the conclusion of an investigation, a finding shall be assigned to each allegation or identified instance of misconduct. An investigation may include multiple findings involving one or more employees. Findings include:

1. Unfounded: The allegation is false, not factual, or unwarranted.

2. Exonerated: The allegation is true, but the action of the agency or employee was consistent with law and/or City or departmental policy, procedure, or rule.

3. Not Sustained: There is insufficient evidence to prove or disprove the allegation.

4. Sustained: The allegation is true and the action of the agency or employee was inconsistent with law and/or City or departmental policy, procedure, or rule.

5. Misconduct Noted: Evidence establishes that an employee committed misconduct outside the original allegation(s). Before this finding is made, the employee shall be notified of the additional misconduct and afforded a reasonable opportunity to respond. Minor misconduct may be addressed within the existing investigation. Serious misconduct shall be documented as an additional allegation and addressed within the existing investigation or through a separate investigation, as determined by the Office of Professional Standards.

6. Policy/Training Failure: The conduct underlying the allegation substantially occurred; however, the evidence indicates that the employee's actions resulted from an inadequate or unclear policy, insufficient or inconsistent training, or a Departmental process or systems deficiency, rather than employee misconduct.

C. Following the determination of findings of fact, the Department shall determine whether corrective, administrative, disciplinary, or referral action is appropriate. Any disciplinary action involving a bargaining-unit employee shall be based on just cause and administered in accordance with the applicable collective bargaining agreement. Actions may include:

1. No action to be taken;

2. Commendation;

3. Training or a performance improvement plan;

4. Non-disciplinary counseling;

5. Written reprimand;

6. Suspension;

7. Demotion when authorized by the applicable collective bargaining agreement;

8. Suspension with recommendation for discharge;

9. Administrative reassignment or transfer when not imposed as discipline;

10. Referral to an appropriate prosecuting or regulatory authority.

D. For employees covered by the AFSCME collective bargaining agreement, disciplinary action may include a written warning, written reprimand, suspension, or discharge, consistent with the applicable agreement. Disciplinary action shall be administered in accordance with the agreement, applicable law, and Department policy.

E. The recommended findings of fact for each allegation shall be included in the written investigative report completed by the supervisor or assigned investigator. The investigator shall not ordinarily recommend the level of discipline or corrective action unless specifically assigned that responsibility as part of the applicable review process.

F. At the conclusion of an investigation and following final review by the Police Chief, the involved employee shall be informed of the final findings of fact for each allegation and, when applicable, any corrective or disciplinary action to be taken, consistent with applicable law and collective bargaining agreements. When an identifiable external complainant is involved, the complainant shall be notified in writing of the final disposition and, to the extent permitted by law and applicable collective bargaining agreements, the general nature of any action taken. If the employee appeals the disposition or disciplinary action, final written notification to the complainant shall be provided after the applicable appeal process has concluded.

G. Complainants and employees shall be afforded the applicable review or appeal processes.

1. The complainant may request that the City Manager review the Police Chief's disposition of the complaint. The request must be made within 30 calendar days after the date of the Police Chief's written disposition notice.

2. The employee may appeal through applicable grievance procedures or other appeal provisions pursuant to law.

H. When a finding in a formal complaint, internal investigation, or external investigation is unfounded, not sustained, or exonerated, the investigative report and related paperwork shall be forwarded through the employee's chain of command for review and then to the Police Chief via the Office of Professional Standards.

I. When a finding in an internal allegation investigation is unfounded, not sustained, or exonerated, the employee's chain of command will be notified in writing by the Office of Professional Standards.

J. If the complaint is sustained, each supervisor in the employee's chain of command will make a recommendation for disciplinary action and provide reasoning for the recommendation. The Office of Professional Standards can provide guidance as to corrective action taken in similar cases and the accused employee's discipline history.

1. When a complaint finding is sustained and disciplinary action is to be taken, a statement describing the sustained misconduct, the

policy, procedure, or rule violated, and what disciplinary action is to be taken will be provided to the employee.

K. Upon completion of the investigation and applicable chain of command review, the Police Chief shall review the investigative report, findings of fact, and recommendations. The Police Chief may accept the report and recommendations as submitted, direct further investigation or other action, or, in complex or sensitive cases, request a meeting with the complainant, appropriate staff, or City officials. Upon completion of the review and any additional action, the Police Chief shall determine the final disposition and, when applicable, disciplinary action.

L. If an administrative review by the Office of Professional Standards reveals policy violations, an additional report will be generated. This report, along with all other information regarding the complaint, will be reviewed by the employee's chain of command.

M. Supervisors shall not reprimand or discipline employees on complaints prior to final review and concurrence by the Police Chief.

52.2.16 DISCIPLINARY ACTION

A. Before imposing disciplinary action, the Department shall provide any pre-disciplinary notice, meeting, opportunity to respond, union notification, and representation rights required by applicable law, Policy 26.1, and the applicable collective bargaining agreement.

1. When suspension or discharge of an employee covered by the AFSCME collective bargaining agreement is contemplated, the employee shall be provided a detailed statement of the charges, advised that suspension or discharge is being contemplated, afforded an opportunity to respond, and advised of the right to union representation.

2. The union shall be notified when suspension or discharge is contemplated, as required by the applicable collective bargaining agreement.

3. A pre-disciplinary meeting may be conducted before issuing a written warning or written reprimand and shall be conducted before imposing a suspension or discharge, consistent with the applicable collective bargaining agreement.

B. Non-Disciplinary Counseling and/or Training

1. The Police Chief or their designee must approve the final disposition and any disciplinary action resulting from an investigation. This does not preclude supervisors from providing non-disciplinary counseling or recommending training to employees for infractions or rule violations they observe, or which are known to them.

2. Counseling and/or training may be used as corrective or performance-management tools. They shall not be characterized as formal discipline when the controlling collective bargaining agreement does not recognize them as disciplinary actions.

3. Counseling may be provided by the investigating supervisor or the employee's immediate supervisor. Training may be recommended by the investigating supervisor or the employee's immediate supervisor and assigned through the appropriate Department process. If the investigating supervisor provides counseling or recommends training, the employee's immediate supervisor shall be notified.

4. The investigating supervisor is responsible for documenting the investigation in Blue Team and forwarding it in Blue Team through the employee's chain of command and routing to the Office of Professional Standards.

C. Letters of Reprimand

1. Must be approved by the Police Chief or their designee.

2. The letter will be written on the Department-approved template by a supervisor within the employee's chain of command.

3. Prior to distribution, the letter must be approved by either the Deputy Chief of the involved employee or by the Office of Professional Standards.

4. Following approval, the supervisor who wrote the letter will hand-deliver and discuss the letter with the employee.

5. The employee and supervisor will sign and date the letter following this discussion, and the letter will be entered in Blue Team and the incident will be forwarded to the Office of Professional Standards.

D. Suspension

1. Must be approved by the Police Chief or their designee.

2. A manager (Lieutenant, Deputy Chief, or civilian equivalent) will write suspension letters.

3. Suspension letters will be written on the department-approved template.

4. Prior to distribution, the letter must be approved by the Deputy Chief of the involved employee or by the Office of Professional Standards.

5. Following approval, the manager who wrote the letter will hand-deliver and discuss the letter with the employee. This should be well in advance of the suspension date(s).

6. The manager will also notify the employee of the suspension date(s) via e-mail.

7. A suspension shall be served and become effective in accordance with the applicable collective bargaining agreement. If a suspension without pay is appealed, it shall not take effect until the applicable contractual appeal process has been completed and a final decision has been issued.

8. The manager and the employee will date and sign the letter following their discussion, and a notation will be made in the employee's shift jacket.

9. The manager will distribute copies of the suspension letter as noted on the template.

10. The letter containing the original signatures will be forwarded to the Office of Professional Standards, where it will be entered and stored in the employee discipline index file and the discipline database.

52.2.17 RECORDS

A. All internal affairs files will be securely maintained in the Office of Professional Standards and/or in a digital format in an approved professional standards database.

1. Within the Department, access to internal affairs records shall be limited to the Police Chief, Deputy Chiefs, and the Lieutenant and Sergeant assigned to the Office of Professional Standards, except as otherwise authorized by the Police Chief or required for an employee to perform an officially assigned investigative or administrative function.

2. Internal affairs records may also be provided to the City Manager, City Legal Department, Human Resources Department, ILETSB, an affected employee or authorized union representative, a court, or another authorized person or entity when access or disclosure is required or permitted by applicable law, collective bargaining agreement, court order, subpoena, or City policy.

B. Pursuant to 50 ILCS 205/25, 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.

1. Permanent retention of an internal affairs record is separate from any requirement or restriction established by an applicable collective bargaining agreement concerning the placement, removal, or subsequent use of disciplinary records or materials in an employee's personnel or disciplinary file.

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

3. For employees covered by a collective bargaining agreement, a complaint shall not be placed in the employee's personnel file except as permitted by the applicable collective bargaining agreement.

ISSUING AUTHORITY



Timothy T. Tyler
Police Chief
Champaign Police Department