



# ELGIN POLICE DEPARTMENT

151 Douglas Avenue Elgin, Illinois 60120



**Effective Date:**  
01/01/03

## STANDARD OPERATING PROCEDURE

**Revised Date:**  
03/04/24

**Chief of Police:**

*Ana Calley*

Internal Affairs, 52.1

### Cross Reference:

SOP 26.1, Disciplinary Procedures  
SOP 41.4 In-Car Mobile Recording  
SOP 41.10 Body Worn Cameras  
SOP 52.2 Employee Involved Traffic Crash  
Elgin City Ordinance 2.50.165  
[15 ILCS 205/10](#)  
[50 ILCS 205/25](#)  
[50 ILCS 705/6.1](#)  
[50 ILCS 705/6.3](#)  
[50 ILCS 705/8.3](#)  
[50 ILCS 706/10-20](#)  
[720 ILCS 5/33-9](#)  
[50 ILCS 725/3.8](#)  
[50 ILCS 725/3.11](#)  
[50 ILCS 727/1-35](#)  
[65 ILCS 5/10-1-18](#)  
[720 ILCS 5/33-9](#)

### Policy Sections:

52.1.1 Investigative Authority  
52.1.2 Receiving and In-Taking Complaints  
52.1.3 Notification  
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52.1.6 Notice of Investigation - Rights  
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Appendix D: Uniform Peace Officers' Disciplinary Act

### PURPOSE

The purpose of this policy is to establish guidelines for internal investigations regarding allegations of employee misconduct and to ensure the process for professional standards are maintained.

### POLICY STATEMENT

It is the policy of the department to receive and investigate all complaints against employees, regardless of the source of such complaints. Investigations using standardized procedures will demonstrate the department's commitment to efficient police service and inspire public confidence. A regulated program of complaint review will also ensure fair and impartial treatment of employees.

### DEFINITIONS

**Business Day:** Generally Monday through Friday excluding holidays.

**Employee Involved Traffic Crash Review Board:** Consists of department members responsible for determining the course of action after a traffic crash in which an employee was driving a city owned vehicle and was responsible for the traffic crash and the damage to either vehicle was minor and there were no injuries or reported minor injuries, but with neither party being transported to the hospital.

**Formal Investigation:** As defined by the Uniform Peace Officers' Disciplinary Act, 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.

**Informal Inquiry:** As defined by the Uniform Peace Officers' Disciplinary Act, 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. The inquiry/allegation may be rectified at the shift level.

**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, he or she: (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 paragraphs 3, 5, 6 and 7 of subsection A of section 10-20 of the Law Enforcement Officer Worn Body Camera Act, 50 ILCS 706/10-20. Law enforcement misconduct is a Class 3 felony. *Refer to Standard Operating Procedure 41.10 Body Worn Cameras to view misconduct in violation of the Law Enforcement Officer Worn Body Camera Act.* [View Standard Operating Procedure 41.10 Body Worn Cameras](#)

**Report of Inquiry (ROI) Number:** A number assigned to an informal inquiry and formal investigation as part of the department's internal investigations tracking system.

**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.

## **PROCEDURES**

### **52.1.1 INVESTIGATIVE AUTHORITY**

A. The Deputy Chief is responsible for the internal affairs function and reports directly to the Chief of Police. Upon receipt of a complaint determined to require an investigation by the in-taking supervisor or the employee's supervisor, the Chief of Police and Deputy Chief review the nature of the complaint to determine if it will be categorized as an administrative investigation or criminal investigation which are described below.

#### **1. Administrative Investigations**

- a. Investigations in this category are handled by the department internally or through the law firm retained by the city that is tasked with the responsibility of investigating certain types of complaints.
- b. Per Elgin City Ordinance 2.50.165, complaints pertaining to the below circumstances will be investigated externally by the law firm retained by the city, with the Deputy Chief serving as the department's liaison to the law firm:
  1. Use of force
  2. Breach of civil rights
  3. Discrimination
  4. Criminal Misconduct
  5. Incidents where a police officer or citizen sustain a serious injury or death

6. Any other formal investigations defined as any matter that may be the basis for filing charges seeking removal, discharge, or suspension in excess of three (3) days.

c. Violations of department policy and complaints that do not fall under the investigative authority of the law firm retained by the city will be investigated internally by supervisors who are assigned by command staff to conduct the administrative investigation. Assigned supervisors shall report directly to the Deputy Chief or assigned Commander who shall ensure updates are provided to the Chief of Police and Deputy Chief.

2. Criminal Investigations

a. The Chief of Police and/or the Deputy Chief shall be notified as soon as practicable when an employee is alleged to have committed criminal misconduct.

b. The criminal investigation will be conducted by the appropriate agency as determined by the Chief of Police.

B. Investigations by the Attorney General's Office

Pursuant to 15 ILCS 205/10, whenever the Attorney General's Office has reason cause 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.

C. Investigations by the Illinois Law Enforcement Training Standards Board

1. Pursuant to 50 ILCS 705/6.3, the Illinois Law Enforcement Training Standards Board (ILETSB) may conduct an investigation into alleged discretionary decertification violations that are specified in said statute. An investigation by ILETBSB 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.

2. Pursuant to 50 ILCS 727/1-35, any person may file notice of an anonymous complaint to the Illinois Law Enforcement Training Standards Board (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, the board shall accept notice and investigate any allegations from individuals who remain anonymous.

a. The board 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.

b. If the board 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, the board has the authority to decertify a full-time or part-time law enforcement officer upon a determination by the board that the law enforcement officer has:
  - a. Committed an act that would constitute a felony or misdemeanor which could serve as basis for automatic decertification, whether or not the officer was criminally prosecuted, and whether or not the law enforcement 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, include through acts of omissions.
  - d. 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. 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.

#### **52.1.2 RECEIVING AND IN-TAKING COMPLAINTS**

- A. If an employee who is not a supervisor has contact with a citizen who requests to make a complaint, the employee shall immediately contact a supervisor.
  1. If the citizen does not wish to speak with a supervisor, but requests to file a complaint, the in-taking employee shall provide the citizen with the Citizen Complaint form for completion at a later time; refer to Appendix A to view this form. The Citizen Complaint form is accessible to all employees via PowerDMS.
  2. Pursuant to 50 ILCS 725/3.8, it shall not be a requirement of a person filing a complaint against an employee to have their complaint supported by the Citizen Complaint form or any other legal documentation.
  3. When the complaint was made via telephone contact, the citizen shall be advised that the form is available at the police department, via the department's transparency hub at <https://epdopendata-cityofelgin.hub.arcgis.com> or at the city's Legal Department, keeping in mind that completion of the Citizen Complaint form is not a requirement.

4. The employee shall attempt to obtain basic information concerning the citizen's complaint, to include the citizen's name and contact information. The information shall be forwarded to the on-duty supervisor who shall determine the next steps.
- B. When the citizen is willing to speak to a supervisor, the on-duty supervisor is responsible for the in-take of all personnel complaints coming to their attention.
1. Citizens requesting to file a complaint against an employee are typically referred to the employee's direct supervisor. When the direct supervisor is not immediately available, the citizen's complaint shall be referred to the next available on-duty supervisor.
  2. As soon as possible, the in-taking supervisor shall meet with the citizen to obtain the facts surrounding the complaint. The citizen shall be provided with the Citizen Complaint form and informed that completion of the form is not a requirement. If the citizen does not wish to complete the Citizen Complaint form at the police department, they may take the form with them for completion at a later time.
  3. Citizen Complaint forms that are completed off-site may be returned to the police department or to the city's legal department. If a form is submitted at the police department, efforts shall be made to ensure a supervisor signs the form.
  4. When a citizen brings forth a concern and/or a complaint regarding the actions of a police department employee and does not wish to complete the Citizen Complaint form at that time, the supervisor shall complete the Citizen Complaint form and indicate on the form that he/she completed the form on behalf of the reporting person.
- C. If the Citizen Complaint form has been completed, the in-taking supervisor shall provide the citizen with a copy of the completed Citizen Complaint form.
1. The in-taking supervisor shall prepare a memo summarizing the in-take process including what the citizen conveyed, as well as the date and time the complaint was brought to the supervisor's attention.
  2. If the in-taking supervisor is not the employee's direct supervisor, the complaint shall be assessed to determine the immediacy of the circumstances.
    - a. When the circumstances require immediate attention, the in-taking supervisor shall confer with the Lieutenant and/or Commander to determine whether the preliminary review of the complaint will be an informal inquiry or a formal investigation.
    - b. Upon notification of the complaint, the Deputy Chief or the Chief of Police will determine if the complaint falls under an administrative investigation to be investigated by the city retained law firm or internally by an assigned supervisor as described in Section 52.1.1 of this policy and assign a Report of Inquiry Number (ROI) to the investigation.
      1. Prior to the assignment of an ROI number, the employee shall be notified that an investigation is being initiated. For sworn police officers, this notification shall be within 48 hours of opening the report of inquiry.
      2. For the purpose of this section, the opening of a report of inquiry for a complaint shall be defined as the date a report of inquiry number is assigned to a complaint.
    - c. If an ROI is assigned internally to a supervisor, the supervisor is responsible for ensuring the following documents are maintained and/or completed:

1. Citizen Complaint Form, if available.
  2. Report of Inquiry Form; refer to Appendix B to view this form.
  3. Memo summarizing the in-take process.
  4. Investigative memorandums depicting the steps taken by the in-taking supervisor to complete the complaint investigation, to include witness statements.
  5. Retention of video footage from the officer's body worn camera or in-car video recording system, refer to Standard Operating Procedures 41.10 Body Worn Cameras and 41.4 In-Car Mobile Recording.
  6. Any documents or items in support of the investigation.
- d. If the ROI is assigned to the law firm retained by the city, the Deputy Chief will coordinate the maintenance or completion of the items pertaining to investigation conducted by the law firm.
- e. When a formal investigation is initiated, the officer is provided the following notification: a brief summary of the focus of the interrogation, rights relative to the investigation, and responsibilities associated with the investigation. Refer to Appendix C to view these notifications. The notice of investigation rights is also provided in in Section 52.1.6.
3. If the circumstances do not warrant immediate action, the in-taking supervisor's memo and the Citizen Complaint form, if available, shall be forwarded to the employee's direct supervisor who shall review the memo and ensure the appropriate investigative steps are taken. Prior to the end of the in-taking supervisor's shift, notification must be made to the direct supervisor.
- D. When speaking to citizens regarding a complaint against an employee, the body worn camera should be in recording mode. However, citizens shall be notified that the BWC is recording the conversation.
1. The officer shall not record if the citizen requests that the camera be turned off and such request is made on the recording, unless impractical or impossible. However, the officer may continue to record or resume recording if exigent circumstances exist, or if the officer has reasonable articulable suspicion that the person who requests not to be recorded has committed or is in the process of committing a crime, the officer may continue to record or resume recording. Under these circumstances, unless impracticable or impossible, the officer shall indicate on the recording the reason for continuing to record, despite the objection of the person being recorded.
- E. The following type of complaints may garner public interest and/or warrant an immediate formal investigation. The in-taking supervisor shall, without delay, conduct a fact-finding investigation and immediately notify the Deputy Chief through the employee's chain of command if the complaint involves:
1. Brutality.
  2. Misuse/abuse of force.
  3. Breach of civil rights.
  4. Criminal misconduct/Law enforcement misconduct.

5. Other major incidents.
  6. Injury accidents involving a citizen and police department vehicles.
  7. Situations where an employee or citizen sustains a severe injury.
- F. Complaints may be brought forward through the following methods, which include, but are not limited to:
1. In person, directly to a supervisor. In such cases, the citizen shall be requested to complete a Citizen Complaint form. Should the citizen call the department, the supervisor shall inform the citizen that the Citizen Complaint form is available at the police department, the department's website or at the city's Legal Department. In all cases, the citizen shall be informed that completion of the Citizen Complaint form or other documentation is not required.
  2. By an employee.
  3. The city's Legal Department.
  4. By written referral, via email or mail service, from a citizen or official/unofficial agency.
  5. Anonymously or third person.
  6. With assistance from a trained Community Advocate for the complaint process. Advocates are available to the community via [communityadvocatesinelgin@gmail.com](mailto:communityadvocatesinelgin@gmail.com).
  7. Refer to Section A, listed above, for protocol regarding complaints being brought to the attention of a non-supervisor.
- G. Questions concerning a written directive or point of law may not necessarily require an internal investigation.

### **52.1.3 NOTIFICATION**

The Deputy Chief and/or Commander shall be notified immediately, through the chain of command, whenever a personnel complaint is received alleging that an employee was involved in any incident that the city's reputation may be jeopardized, regardless of its authenticity. The Deputy Chief or Commander shall ensure notification to the Chief of Police. Other complaints not falling into this category will be forwarded to the Deputy Chief through the appropriate chain of command.

### **52.1.4 DURATION OF INVESTIGATIONS**

The department strives to complete internal investigations in a timely manner. However, the nature and complexity of a complaint may require a longer period of time to complete the investigation.

### **52.1.5 STATUS REPORTS**

- A. The complainant shall be provided with periodic status reports, when necessary, and notified of the results when the investigation is concluded.
1. When the investigation is assigned internally to a supervisor, that supervisor is responsible for providing status reports to the complainant, when necessary.
  2. If the investigation is assigned to the city retained law firm, the assigned attorney is responsible for providing the status reports, when necessary.

- B. Per contractual agreements, employees shall also be provided with periodic status reports and notified when the investigation is concluded. When the investigation is assigned internally to a supervisor, the assigned supervisor shall provide a status report to the employee and if the investigation is assigned to the city retained law firm, the Deputy Chief shall provide the employee the status report.

#### **52.1.6 NOTICE OF INVESTIGATION - RIGHTS**

- A. Sworn officers are entitled to all of the rights and privileges afforded them in the Uniform Peace Officers Disciplinary Act, 50 ILCS 725, refer to Appendix D to view the act in its entirety. Under the act, officers are not required to be informed of the name, rank and unit or command of the officer in charge of the investigation. Additionally, the names of all complainants prior to an interrogation during an administrative proceeding is not required to be provided to the officer.
- B. Non-sworn employees are entitled to receive a notice of rights and allegations as set forth in the provisions of 65 ILCS 5/10-1-18.

#### **52.1.7 INVESTIGATIVE REQUIREMENTS**

- A. Employees are required to cooperate fully and truthfully with those assigned to conduct the investigation and are required to disclose all pertinent information known to them regarding the matter under investigation. When requested, employees are required to provide and submit to the process of gathering non-testimonial evidence. This may include, but is not limited to:
  - 1. Medical, psychiatric, or psychological examinations.
  - 2. Lineups.
  - 3. Chemical tests, except with the officer's written consent as specified below. Additionally, while not relinquishing any of their rights under the U.S. or Illinois Constitution, each officer involved in the use of deadly force will be required to submit to any evidence collection and drug and alcohol testing allowed under the law. Pursuant to 50 ILCS 727/1-25, the drug and alcohol testing must be completed as soon as practicable after the officer-involved death, officer-involved shooting, or serious incident, but no later than the end of the involved officer's shift or tour of duty.
  - 4. Photographs.
  - 5. Search of city property.
  - 6. Written reports as required.
  - 7. Firearms for inspection and examination.
  - 8. Financial disclosure statements, handwriting samples and/or fingerprinting.
- B. Pursuant to 50 ILCS 725/3.11, 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. Not included in the above-mentioned statute are examples of situations where an officer may be requested to undergo an examination:
  - 1. The complaining party submits to a polygraph examination beforehand and passes the examination.
  - 2. When there is conflicting information provided by parties of the investigation which cannot be proven by other evidence.



3. There is sufficient corroborating evidence to warrant such an examination.
  4. The employee requests a polygraph examination to be provided by the department.
- C. Provisions of this section shall not conflict with any collective bargaining agreement presently in effect.

#### **52.1.8 ADMINISTRATIVE LEAVE**

Certain situations or investigations may necessitate the employee to be placed on administrative leave. For more information on administrative leave, refer to Standard Operating Procedure 26.1, Disciplinary Procedures.

#### **52.1.9 DISPOSITIONS**

- A. At the completion of any administrative investigation, a conclusion of fact must be specified. Investigations can result in any of the following types of dispositions:
1. Sustained: allegation supported by sufficient evidence.
  2. Not sustained: insufficient evidence to prove or disprove the allegations.
  3. Exonerated: incident did occur, but the actions taken were lawful and proper.
  4. Unfounded: allegation is not factual. It did not happen.
  5. Policy failure: the investigation revealed that the alleged acts did occur; however, the employee was acting in accordance with established department policy.
  6. Administratively closed: investigations, as determined by the Chief of Police, which are outside the scope of the previously stated dispositions.
- B. The assigned disposition shall be included in the written report summary completed by the supervisor, assigned investigator or when appropriate, the law firm retained by the city to investigate the matters listed in Section 52.1.1 (A), on each complaint.
- C. The complainant and the employee shall be informed of the disposition after the investigation is closed.

#### **52.1.10 EMPLOYEE INVOLVED TRAFFIC CRASH**

- A. Minor employee involved traffic crashes are investigated by the Employee Involved Traffic Crash Review Board. Refer to Standard Operating Procedure 52.2 Employee Involved Traffic Crash to review the established protocol associated with these crashes.
- B. Fatal, potentially fatal, and serious injury crashes require a formal investigation and shall be investigated in accordance with this policy.

#### **52.1.11 RECORDS**

- A. All internal affairs files will be maintained in a secure location in the Administrative Office with access limited to the Chief of Police and Deputy Chief.
- 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.

- C. For additional department protocol as it relates to internal affairs records, refer to Standard Operating Procedure 26.1 Disciplinary Procedures.

#### **52.1.12 ANNUAL STATISTICS**

The police department provides statistical data on internal affairs investigations through the transparency hub which is updated on a regular basis and accessible to employees and the community. [View the department's Transparency Hub](#)



#### **52.1.13 PUBLIC INFORMATION**

The procedures on how to register a complaint or commendation shall be made available to employees and the public through the department's various electronic platforms such as the Transparency Site where this information is accessible to the community.



#### **52.1.14 POLICY DISTRIBUTION**

Upon being hired, all employees are required to sign off on this policy and have access to this policy via PowerDMS.

## APPENDIX A: CITIZEN COMPLAINT FORM

|  |  |   |
|--|--|---|
|   | <b>ELGIN POLICE DEPARTMENT</b><br><b>Citizen Complaint</b> |  |
| <p>It is the policy of the Elgin Police Department to thoroughly investigate complaints concerning employees or any of the department's policies and procedures. The department strives to complete all investigations within thirty (30) days of receiving the complaint. Complaints more complex in nature may require additional time to complete the investigation. At the completion of the investigation, you will be notified of the disposition.</p> |  |   |
| <input type="checkbox"/> Form completed by the reporting person <input type="checkbox"/> Form completed by a supervisor on behalf of the reporting person  |  |   |
| Date of the incident   | Time of the incident                                       |   |
| Name of reporting person   |  |   |
| Location of the incident   |  |   |
| Name of employees involved   |  |   |
| Witness number 1, if available and is optional   |  |   |
| Name   | Phone number   |   |
| Full address (city/state/zip)  | DOB  |   |
| Witness number 2, if available and is optional   |  |   |
| Name   | Phone number   |   |
| Full address (city/state/zip)  | DOB  |   |
| Narrative: Describe the incident in as much detail as possible. You may list additional witness information at the end of the narrative. If more space is needed, go to page two.  |  |   |
|  |  |   |
|  |  |   |
|  |  |   |
| Completion of the below is optional  |  |   |
| Reporting person (Optional)  | DOB  | Date  |
| Signature (Optional)   | Phone #  |   |
| Full address (city/state/zip) (Optional)   |  |   |
| Signature of in-taking supervisor  | Badge #  | Date  |
| A copy of the completed form was provided to the citizen <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |   |
| If no, explain:  |  |   |
| 151 Douglas Avenue, Elgin, IL 60120 Phone: (847) 289-2500 Fax: (847) 289-2750  |  |   |

## APPENDIX B: REPORT OF INQUIRY FORM

|   |   |   |
|---|---|---|
|  <p><b>ELGIN</b><br/>Police Department</p>   | <p><b>ELGIN POLICE DEPARTMENT</b><br/><b>Report of Inquiry</b></p>    |  |
| Date of inquiry   | Report of inquiry number  |   |
| Name of reporting person  |   |   |
| Name of victim/complainant  |   |   |
| Name of employee(s) reported  |   |   |
| How was incident reported <input type="checkbox"/> In person <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input type="checkbox"/> Anonymous <input type="checkbox"/> Other   |   |   |
| Date of reported incident   | Incident location   |   |
| Incident description  |   |   |
| Complaint received by   | Badge number  |   |
| Place an "x" in the appropriate boxes to indicate completion  |   |   |
| <i>All investigations:</i> <input type="checkbox"/> Citizen Complaint Form <input type="checkbox"/> Citizen Complaint Receipt <input type="checkbox"/> Investigative memos<br><i>Formal investigation:</i> <input type="checkbox"/> Notification of charges <input type="checkbox"/> Administrative warning<br><input type="checkbox"/> Disciplinary review memo (written reprimand or above)<br><input type="checkbox"/> Verbal memo, written reprimand, suspension or termination order |   |   |
| Direct supervisor's review and signatures   |   |   |
| Supervisor's recommended disposition <input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded <input type="checkbox"/> Exonerated <input type="checkbox"/> Not sustained <input type="checkbox"/> Policy failure   |   |   |
| Supervisor's recommended disciplinary measure   |   |   |
| Supervisor's signature  |   | Date  |
| Lieutenant's review   | <input type="checkbox"/> Concur <input type="checkbox"/> Not approved |   |
| Comments  |   |   |
| Lieutenant's signature  |   | Date  |
| Command staff review and signatures   |   |   |
| Commander's review <input type="checkbox"/> Concur <input type="checkbox"/> Not approved  |   |   |
| Comments  |   |   |
| Commander's signature   |   | Date  |
| Deputy Chief's review <input type="checkbox"/> Concur <input type="checkbox"/> Not approved   |   |   |
| Comments  |   |   |
| Deputy Chief's signature  |   | Date  |
| Chief's review <input type="checkbox"/> Concur <input type="checkbox"/> Not approved  |   |   |
| Comments  |   |   |
| Chief's signature   |   | Date  |
| Final disposition process   |   |   |
| Date forwarded to city hall   | Date returned   |   |
| Action taken  |   |   |
| Date report submitted to employee's file  |   |   |
| Date letter sent to complainant   | Date employee notified, <i>not sustained findings</i>                 |   |
| 151 Douglas Avenue Elgin, IL 60120 Phone: (847) 289-2500 Fax: (847) 289-2750 <span style="float: right; font-size: small;">Revised 12/07/23</span>  |   |   |

## APPENDIX C: FORMAL INVESTIGATION NOTIFICATIONS

### PERSONNEL ORDER

TO: Officer \_\_\_\_\_

FROM:

DATE:

SUBJECT: Interrogation

You are hereby ordered to appear for an interrogation pursuant to the Uniform Peace Officers' Disciplinary Act, 50 ILCS 725/1 et seq., on (date) at (time) at the (location).

This interrogation will focus on your actions concerning the following:

A Notice of Interrogation and Notice of Administrative Rights accompany this Order.

This Personnel Order, Notice of Interrogation, and Notice of Administrative Rights were served to Officer \_\_\_\_\_ on (date) at \_\_\_\_\_.

By: \_\_\_\_\_

## NOTICE OF INTERROGATION

**TO:** Officer \_\_\_\_\_

**DATE:**

You are hereby notified that an interrogation is to take place on (date) at (time) at (location).

This interrogation will focus on your actions concerning the following:

\_\_\_\_\_  
Officer

**ELIGIN POLICE DEPARTMENT**

**Officer** \_\_\_\_\_

Having been advised of the nature of the investigation in the notice of interrogation served upon you, you are hereby advised of the following:

1. The person in charge of the investigation is \_\_\_\_\_.
2. The interrogator will be \_\_\_\_\_. Persons present during the interrogation may be \_\_\_\_\_.
3. A complete stenographic and/or electronic record of the interrogation will be made, and a complete copy thereof will be made available to you without cost and without delay.
4. Admissions made in the course of the interrogation may be used as evidence of misconduct or as the basis of charges seeking suspension, removal, or discharge.
5. You have the right to counsel of your choosing who may be present to advise you at any stage of the interrogation. You are also entitled to have a union representative present during this interrogation.
6. You have the right to be represented by counsel of your choosing and may request counsel at any time before or during the interrogation.

The undersigned hereby acknowledges that he/she was advised of his/her rights with respect to the interrogation.

\_\_\_\_\_  
Officer

Witnessed by:

\_\_\_\_\_

\_\_\_\_\_

## **APPENDIX D: UNIFORM PEACE OFFICERS' DISCIPLINARY ACT**

### **50 ILCS 725/3 Interrogation of Officer**

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.

#### **50 ILCS 725/3.1 Place of Interrogation**

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.

#### **50 ILCS 725/3.2 Disclosure of Information to Subject of Interrogation Regarding Nature of Investigation & Complainants**

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.

#### **50 ILCS 725/3.3 Time of Interrogation**

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.

#### **50 ILCS 725/3.4 Disclosure of Interrogators and Others Present**

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.

#### **50 ILCS 725/3.5 Duration of Interrogation Sessions**

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

#### **50 ILCS 725/3.6 Abusive and Offensive Language Prohibited at Interrogation**

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

#### **50 ILCS 725/3.7 Record of Interrogation – Transcript**

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.

#### **50 ILCS 725/3.8 Advice of Rights**

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. 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.

#### **50 ILCS 725/3.9 Right To Counsel - Presence of Representative of Collective Bargaining Unit**

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.

**50 ILCS 725/3.10 Admissions or Confessions Obtained in Violation of Law**

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.

**50 ILCS 725/3.11 Polygraph or Chemical Tests**

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.

**50 ILCS 725/4 Constitutional and Legal Rights**

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.

**50 ILCS 725/5 Application of Act**

The Act does not apply to any officer charged with violating any provisions of the Criminal Code of 1961, or any other Federal, State or local criminal law.

**50 ILCS 725/7 Retaliatory Actions Prohibited**

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.