

Glendale Heights Police Department

GENERAL ORDER # 2600

SUBJECT: Internal Affairs

ACTIVE DATE: 11-15-2017

RESCINDS: GO #2600, issued 03-12-15

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RELATED DOCUMENTS: Illinois Compiled Statutes; FOP Sergeants Collective Bargaining Agreement; FOP Police Officers Collective Bargaining Agreement; American Federation of State, County and Municipal Employees (AFSCME) Collective Bargaining Agreement; Compliment and Complaint Procedures Brochure; Fact Finding Report; Personnel Complaint Form; Complaint Receipt Letter; Civilian—Notification of Investigation; Sworn—Notification of Informal Inquiry; Sworn—Notification of Formal Investigation; Civilian—Notification of Interview/Interrogation; Sworn—Notification of Informal Inquiry Interview; Sworn—Notification of Formal Interrogation; Civilian—Notification of Administrative Rights; Sworn—Notification of Administrative Rights; Sworn—Notification of Officer Bill of Rights—Formal Interrogation; Waiver of Counsel or Request to Secure Counsel; Notification of Criminal Rights

.01 Purpose

This order provides guidelines for the proper investigation and disposition of complaints and allegations made against members of the Glendale Heights Police Department.

.02 CALEA Standards

26.2.1, 26.2.1, 26.2.3, 26.2.4, 26.2.5, 26.3.1, 26.3.2, 26.3.3, 26.3.4, 26.3.5, 26.3.6, 26.3.7, 26.3.8

.03 Policy

The Glendale Heights Police Department shall promptly and thoroughly investigate all allegations of misconduct by its members, regardless of the source. All internal investigations shall be conducted fairly and impartially.

.04 Definitions

Administrative Investigation—An internal investigation designated as an Informal or Formal Investigation, conducted by supervisory Department members, which may result in administrative action being taken involving a Department member. Not a criminal investigation, which would be conducted separately from an administrative investigation.

Administrative Rights—Rights provided to government employees who are the subject of an internal investigation when criminal charges are contemplated and/or there is the potential of criminal liability. (Garrity v. New Jersey, 285 U.S. 439, 87 S. Ct. 616 {1967}).

Complaint—A verbal or written allegation or charge brought against a Department member by any person including the public, fellow officers, or supervisors. The complaint can be considered formal or informal based on severity. (**NOTE:** A disagreement solely over the validity of a traffic/vehicle code citation or a parking violation is not grounds for the initiation of a complaint against a member. The

complaining person should be advised that this is a matter for adjudication by the proper court of jurisdiction).

Formal Investigation—The process of investigation ordered by a commanding officer, during which the questioning of a Department member 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 three (3) days.

Informal Inquiry—A meeting by supervisory or command Department members with a member upon whom an allegation of misconduct has come to the attention of such supervisory or command members, the purpose of which meeting is to mediate a citizen complaint or discuss the facts to determine whether a formal investigation should be commenced.

Internal Investigation—An investigation of the actions or inactions of a Department member or members which may constitute misconduct. Internal Investigations may be one or both of the following types:

1. **Administrative Investigation**—An investigation conducted by supervisory Department staff for internal administrative purposes and related to performance complaints and allegations of serious misconduct.
2. **Criminal Investigation**—An investigation conducted by another appropriate investigative agency for the purpose of determining if a member's actions constitute a criminal violation.

Interrogation—The questioning of a Department member pursuant to formal investigation procedures of the Village of Glendale Heights, in connection with an alleged violation of rules which may be the basis for seeking his/her removal, suspension in excess of three (3) days, or discharge. This term does not include questioning (1) as a part of an Informal Inquiry or (2) relating to minor infractions of Department 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 three (3) days.

Minor Infraction—Infractions of Department rules which may be noted on the member's record but which may not in themselves result in removal, discharge or suspension in excess of three (3) days. A minor infraction includes consideration of discipline up to and including three (3) days suspension.

Misconduct—A violation of any legal statute, Department policy, rules, regulations, and written or verbal order shall be considered misconduct. This refers to any conduct, which, by its nature, will reflect unfavorably upon the Department or is otherwise inappropriate both on and off-duty.

Officer Involved Criminal Sexual Assault—Alleged 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 an officer is on-duty.

Officer's Bill of Rights—Rights provided to sworn officers subjected to Formal Interrogations pursuant to Department policy, applicable collective bargaining agreements, and/or the Illinois Uniform Peace Officers' Disciplinary Act (UPODA) (50 ILCS 725/1 *et seq.*).

Relief from Duty—A member ordered to leave the job site and complete his/her shift at home. The member shall be subject to call and shall be paid at his/her regular rate of pay, but shall have no Department authority and shall not engage in any duty related activity. The member may be required to surrender Department owned property such as badge, identification card, or weapon if deemed appropriate by the relieving supervisor.

Weingarten Rights—The right of a union employee to have a union representative at investigatory interviews in which a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct. (*NLRB vs. Weingarten, Inc. 420 U.S.251, 88 LRRM 2689*)

ORDER

.10 Internal Affairs—General

A. The public's respect and trust for the Department depends upon the preservation of internal discipline. The investigation of personnel complaints shall be conducted with the following goals in mind:

1. Clear the innocent
2. Establish the guilt of wrongdoers
3. Facilitate prompt and just disciplinary action
4. Uncover defective procedures or materials
5. Provide the Department with input on necessary training for members

.15 Investigation of Complaints

A. The authority to conduct investigations of personnel complaints is derived from the Office of the Chief of Police. The Chief of Police shall assign, direct, administer and review all internal investigations. Line supervisors shall complete the initial intake of all complaints.

B. All complaints made against the Department or its members shall be investigated. The Department shall investigate anonymous complaints, provided that no member of the Department shall have the option of remaining anonymous. Additionally, no member shall be disciplined regarding an anonymous complaint, if said complaint is the only evidence brought against the member.

C. The Department consists of non-union civilian and union civilian members, and non-union sworn and union sworn members. Investigations of members shall be conducted in accordance with the involved members' established rights as defined in Village policy, statutes and collective bargaining agreements (CBA) applicable to their positions.

.20 Duties of Members

A. All members shall perform the duties and assume the obligations of their rank and position in the investigation of complaints or allegations of misconduct against any member of the Department. All members shall cooperate fully with whoever is conducting the investigation.

B. Members, regardless of rank or position, who have knowledge of circumstances surrounding a complaint, or any information regarding misconduct by any member, shall immediately submit a memorandum to their immediate supervisor. The memorandum shall be accurate and include all information that is known to the reporting member. Failure to do so shall constitute a violation by that member.

.25 Complaint Categories

A. The type and nature of a complaint shall determine whether it can be handled and resolved at the line supervisory level as fact finding, or be referred to the Office of the Chief of Police for assignment to an administrative investigation for further informal inquiry or formal investigation. Not all complaints can be automatically categorized. Supervisors are required to exercise good judgment and common sense when made aware of a complaint.

B. Complaints are categorized as two (2) types:

1. Informal Inquiry

- a. Complaint is usually resolved at the first line supervisory level or as the result of referral to the Internal Affairs function.
- b. May result in discipline up to three (3) days suspension.
- c. Complaint may include, but is not limited to, allegations of:
 - i. Tardiness
 - ii. Rudeness/Attitude

- iii. Improper Radio Procedure
- iv. Grooming and dress
- v. Violations of Department directives

2. Formal Investigation

- a. In which the questioning of a Department member is intended to gather evidence of misconduct which may be the basis for filing charges seeking his/her removal, discharge, or suspension in excess of three (3) days.
- b. Complaint is usually resolved as the result of referral to the Internal Affairs function.
- c. Complaint may include, but is not limited to, allegations of:
 - i. Brutality
 - ii. Misuse of force
 - iii. Breach of civil rights
 - iv. Criminal misconduct
 - v. Insubordination
 - vi. Violations of Department directives

.30 Supervisory Authority to Discipline

A. Supervisors are responsible for recognizing circumstances and conditions where disciplinary action is warranted for members under their supervision. These responsibilities minimally include:

- 1. Investigating allegations of member misconduct when within the scope of their authority and responsibility.
- 2. Counseling members to improve job performance or correct minor infractions of Departmental rules, regulations and procedures.
- 3. Identifying training needs.
- 4. Recommending discipline
- 5. Implementing disciplinary action approved by the Chief of Police.

B. Supervisors shall be cognizant of these factors when considering disciplinary action for members:

- 1. If the supervisor does not interview the member about his/her actions, and subsequently substantiates misconduct, the supervisor may make disciplinary recommendations from a coaching session up to dismissal.
- 2. If the supervisor does interview the member about his/her actions during the course of an Informal Inquiry, the supervisor may make disciplinary recommendations up to suspension of three days or less.
- 3. If the supervisor interviews the member about his/her actions during the course of a Formal Investigation, the supervisor may make disciplinary recommendations for suspension in excess of three (3) day, removal or dismissal.

C. Supervisors who substantiate misconduct have the authority to exercise limited disciplinary actions.

- 1. If the misconduct is minor, such as a minor infraction of procedures or a case of poor judgment which has not significantly impeded effective Departmental operations, the supervisor is authorized to take immediate corrective action in the form of counseling. The supervisor shall document the action taken.
- 2. If misconduct falls within the category of Informal Inquiry or necessitates disciplinary action at the documented verbal reprimand (DVR) level, the supervisor shall take corrective action and forward documentation to his/her Deputy Chief of Police and the Chief of Police.

3. If the misconduct necessitates disciplinary action at a written reprimand or higher, the supervisor shall make a recommendation to his/her Deputy Chief of Police for approval by the Chief of Police.
4. Supervisors may make recommendations involving any aspect of the disciplinary process.

D. Deputy Chiefs of Police have the authority granted to sergeants. The Chief of Police has the authority granted to all other supervisors, and in addition, has the authority to issue a written reprimand. The Chief of Police may suspend a civilian member up to (3) days. The Chief of Police or his/her designee has the authority to implement discipline up to a thirty (30) day suspension or termination, without charges being filed before the Board of Police Commissioners for sworn members, subject to the articles of their respective collective bargaining agreement. The Chief of Police may recommend to the Village Administrator suspensions of civilian members greater than (3) days and up to dismissal.

.35 Relief from Duty

A. Circumstances may arise that require a supervisor to take immediate action concerning a member. Supervisors have the authority to relieve from duty, with pay, without approval from higher authority, any member who, in the supervisor's opinion, is mentally or physically unfit, or creates a safety hazard if left in his/her official position, or when deemed to be in the best interest of the Department. If the member has committed serious misconduct, such as a violation of criminal law, gross negligence or insubordination, or intoxication on duty, the supervisor may impose an immediate relief of duty.

B. Any time a member is relieved from duty the supervisor shall immediately notify all Deputy Chiefs of Police and the Chief of Police. The supervisor shall order the member so relieved to report to the office of the Chief of Police at 1300 hours on the next business day, unless circumstances dictate a different course of action. Prior to the next workday, the supervisor shall file the appropriate documents to justify the action, including a written report to the Chief of Police. The supervisor shall meet with the Chief of Police or his/her designee by 0900 hours on the next workday.

.40 Complaint Receipt and Reporting Requirements

A. The Department shall make available to the public a Compliment and Complaint Procedures brochure (Appendix A) which explains the process for commending or making a complaint against a Department member. The brochure may be distributed as a paper copy or electronically on the Department website.

B. All complaints, inquiries, and allegations concerning actions of members of this Department shall be referred to the on-duty supervisor or to the supervisor of the named member.

1. Supervisors shall conduct an Informal Inquiry to ascertain the circumstances surrounding the complaint.
2. Supervisors shall document the Informal Inquiry using a Fact Finding Report (FFR) (Appendix B). The FFR may be handwritten or completed electronically.
 - a. Supervisors receiving initial complaints about a Department member which do not require an Informal Inquiry to discuss the citizen's concerns shall not be required to initiate an FFR. For example, a complaint that the officer should not have issued a citation would not require an FFR.

C. The Supervisor shall complete all required information on the FFR, including the nature of the concern, the action taken, and the resolution of the situation if mediated at the supervisor's level. Upon successfully completing an Informal Inquiry requiring no further investigation, the supervisor shall forward the FFR via the chain of command to the Chief of Police for review. The supervisor shall attach all notes and documentation about the Informal Inquiry.

1. Completion of an FFR does not preclude additional documentation by the supervisor in the Halogen Evaluation System as a result of the Informal Inquiry.

2. Completion of an Informal Inquiry and an FFR for a minor infraction may result in disciplinary action up to a suspension of three (3) days.

D. In the event a citizen complaint cannot be handled at the initial supervisor's level and requires forwarding to the internal affairs process, and/or the citizen is filing a Personnel Complaint form (Appendix C) (see section .50 below), the supervisor shall take the following steps:

1. Complete the FFR on either a handwritten or printed electronic copy. The FFR shall reflect that the matter is being forwarded to the internal affairs process.
2. Complete the Personnel Complaint form and attach it to the FFR with any other pertinent information or documents.
3. Forward all items to the Chief of Police via the chain of command. Supervisors shall utilize inter-office envelopes to protect confidentiality.

E. Deputy Chiefs of Police receiving an FFR packet shall review the documents and forward them to the Chief of Police.

F. Upon receipt of the FFR packet, the Chief of Police shall review the information. The Chief of Police or his/her designee shall assign an Internal Affairs Number (IA#) to any FFR and/or Personnel Complaint forwarded to the internal affairs process, *e.g.* IA# 13-1. Any FFR considered closed at this point with no further action necessary shall not receive an IA#, but rather shall receive an FFR# assigned by the Chief of Police or his/her designee, *e.g.* FFR# 13-1, and shall be stored securely in the office of the Chief of Police.

G. Based on the FFR and documentation, the Chief of Police shall determine what type of administrative investigation is appropriate.

1. If the matter requires additional Informal Inquiry to determine if a Formal Investigation is needed, the Chief of Police shall assign the investigation as an Informal Inquiry.
2. If the review indicates the misconduct may be the basis for filing charges seeking a member's removal, discharge, or suspension in excess of three (3) days, a Formal Investigation is required and the Chief of Police shall assign the investigation as a Formal Investigation.

H. Due to the sensitive or confidential nature of some complaints or allegations, certain Personnel Complaint forms initiated at the Police Administration level may be forwarded to the Chief of Police for direct assignment of an IA# without the completion of an FFR. The Chief of Police shall assign these cases as an Informal Inquiry or Formal Investigation as outlined in section .40(H) above.

I. The Chief of Police shall determine who will conduct an administrative investigation. Investigations may be conducted by persons or agencies authorized by the Department, if appropriate.

.45 Notifications

A. Supervisors shall make immediate notification to the Chief of Police, via the chain of command, whenever a written Personnel Complaint has been received against a member of the Department.

B. Immediate notification to the Chief of Police is required when any of the following allegations are made against members of the Department:

1. Any violation of the law, whether on or off duty.
2. All allegations of substance abuse on or off duty.
3. All allegations of improper use or display of a weapon.
4. All allegations of intoxication on duty.
5. Any allegation of improper conduct that may impact public safety.

6. Any incident where a Department member is intoxicated and the matter has been referred to the local authorities, regardless of disposition by the local authorities.

C. In cases where the allegations(s) concern violations of State law (with the exception of minor traffic violations), the supervisor receiving the complaint shall immediately notify the Chief of Police. Contact shall be made with the Public Integrity Unit of the State's Attorney's Office where the alleged violation(s) occurred. In cases where the allegations concern violations of Federal Law, the Chief of Police shall contact the appropriate Office of the United States Attorney. The purpose of these notifications is to advise the respective offices of the allegations, should a separate criminal investigation be considered.

.50 Personnel Complaint Forms

A. The Department shall utilize the Personnel Complaint form (Appendix C) as a sworn affidavit for all members.

1. Pursuant to the provisions of the Illinois Uniform Peace Officer's Disciplinary Act, 50 ILCS 725/3.8(b), all complaints against sworn peace officers shall be supported by a sworn affidavit.

B. Personnel Complaint forms are required when misconduct is alleged. Supervisors shall ensure the complainant, whether a citizen, fellow Department member, or supervisor, completes a Personnel Complaint form. All Personnel Complaint forms shall be notarized.

1. As described in section .40 above, not all internal investigations will require completion of a Personnel Complaint form, especially when Informal Inquiry complaints are resolved at the supervisory level.

C. When a complainant calls on the telephone alleging misconduct, the supervisor shall ask the complainant to report to the Department and fill out a Personnel Complaint form. If the complainant cannot report to the Department at that time, the supervisor shall ask the complainant to report the next business day at 0900 hours unless otherwise directed by a Deputy Chief of Police or the Chief of Police.

D. When a complainant calls on the telephone alleging misconduct and declines the request to report to the Department to fill out a Personnel Complaint form, the supervisor shall document the circumstances on a Personnel Complaint form. The Supervisor shall complete an FFR, complete the Personnel Complaint form, and sign the Personnel Complaint form in the Received Verbally Complaint (lower) section of the signature page.

.55 Duration of Investigations

A. Investigation of complaints against members shall be completed within forty-five (45) days of the assignment to the investigator.

B. The investigator may request a due date extension from the Chief of Police when exigent circumstances exist. If an extension is granted, the investigator shall keep the Chief of Police apprised of the status of the investigation every fourteen (14) days or as directed. If any additional extensions are needed, the investigator shall request them in writing.

C. The complainant shall be advised of any extension. The Department member subject to the investigation shall be advised of any due date extensions granted that exceed forty-five (45) days from the date the Department member was interrogated/interviewed regarding the investigation.

.60 Complainant Status Reports

A. The Chief of Police or assigned investigator shall send a Complaint Receipt Letter (Appendix D) to the complainant by regular US Mail, confirming that the complaint has been received and that an investigation is commencing. The letter shall provide a contact phone number for the investigator.

B. Upon receipt of the complaint, the Investigator shall contact the complainant and discuss the content of the complaint. Status reports shall be provided to the complainant thereafter every 30 days, at a minimum. At the conclusion of the investigation, the complainant shall be notified of the results of the investigation in writing via regular US Mail by the office of the Chief of Police.

.65 Investigative Requirements

A. All members shall cooperate fully with internal affairs investigations. Members are required to truthfully disclose all pertinent information known to them regarding the matter under investigation. Members are required to submit to the gathering of non-testimonial evidence, including, but not limited to:

1. Medical, psychiatric, or psychological examinations
2. Line-ups
3. Photographs, provided that no photo of a member under investigation shall be made available to the media prior to a conviction of a criminal offense, or prior to a decision being rendered.
4. Audio or video recordings
5. Search of Village property
6. Written reports as required
7. Firearms for inspection and examination
8. Financial disclosure statements, provided that no law enforcement officer shall be required or requested to disclose any item of his/her property, income, assets, source of income, debts, or personal or domestic expenditures (including those of any member of his/her family or household) unless such information is necessary in investigating a possible conflict of interest, with respect to the performance of a member's official duties, or unless such disclosure is required by law.

B. Members under investigation cannot be compelled to submit to a polygraph or similar examination used to detect deception. Members may voluntarily submit to such examinations, and shall be advised that the results of that examination shall not be used in any commission hearing, or trial court, to prove guilt or innocence.

.70 Notification of Investigation

A. When an Administrative Investigation is to be conducted pursuant to the internal affairs process, Department members shall be notified in writing, within a reasonable time frame and when it will not reasonably compromise the investigation, of a complaint against them. Along with the written notification, the affected member shall be given the names of all complainants and full copies of all written complaints against him/her. The information shall be sufficient as to reasonably apprise the member of the nature of the investigation. The three types of Department written Notification of Investigations are described below:

1. Notification of Investigation—Civilian Members

To facilitate notification of investigations, the designated investigator, as authorized by the Chief of Police, shall issue civilian members a "Civilian—Notification of Investigation" (Appendix E).

- a. The "Civilian—Notification of Investigation" shall be filled in completely.
- b. A copy of the written complaint shall be attached to and made a part of the notification.

2. Notification of Informal Inquiry—Sworn Members

To facilitate notification of Informal Inquiries assigned through the internal affairs process, the designated investigator, as authorized by the Chief of Police, shall issue sworn members a "Sworn—Notification of Informal Inquiry" (Appendix F).

- a. The "Sworn—Notification of Informal Inquiry" shall be filled in completely.
- b. A copy of the written complaint shall be attached to and made a part of the notification.

3. Notification of Formal Investigation—Sworn Members

To facilitate notification of Formal Investigations assigned through the internal affairs process, the designated investigator, as authorized by the Chief of Police, shall issue sworn members a “Sworn—Notification of Formal Investigation” (Appendix G).

- a. The “Sworn—Notification of Formal Investigation” shall be filled in completely.
- b. A copy of the written complaint shall be attached to and made a part of the notification.

.75 Notification of Interview/Interrogation—Civilian Members

A. Interviews/interrogations of civilian members may be conducted in the course of an administrative investigation. When scheduling an interview, the investigator shall provide the civilian member with a “Civilian—Notification of Interview/Interrogation” (Appendix H).

.80 Notification of Informal Inquiry Interview—Sworn Members

A. Administrative investigations of sworn members assigned as Informal Inquiries shall determine the following:

1. Whether a Formal Investigation, an investigation in which the questioning of a sworn Department member 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 three (3) days, should be commenced; or
2. Whether disciplinary action should be taken, up to and including a three (3) day suspension.

B. Interviews of sworn members who are the subject of the Informal Inquiry may be conducted in the course of an administrative investigation. When scheduling an Informal Inquiry interview, the investigator shall provide the sworn member with a “Sworn—Notification of Informal Inquiry Interview” (Appendix I).

.85 Notification of Formal Interrogation—Sworn Members

A. Administrative investigations assigned as Formal Investigations are investigations in which the questioning of a sworn member is intended to gather evidence of misconduct which may be the basis for filing charges seeking his/her removal, discharge, or suspension in excess of three (3) days.

B. Interrogations of sworn members who are the subject of the Formal Investigation may be conducted in the course of an administrative investigation. When scheduling a Formal Interrogation, the investigator shall provide the member with a “Sworn—Notification of Formal Interrogation” (Appendix J).

.90 Union Representation—Civilian and Sworn Members

A. If a complaint results in an internal investigation, a union member has the right to have a union representative at investigatory interviews in which a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct. (*NLRB vs. Weingarten, Inc. 420 U.S.251, 88 LRRM 2689*)

B. If a union member has a reasonable belief that discipline or other adverse consequences may result from his/her response in an investigatory interview, the member has the right to request union representation. If union representation is requested by the member the investigator or supervisor shall stop questioning until the arrival of a union representative.

C. The member can voluntarily choose to proceed without union representation, in which case the interview may continue.

D. Should civilian union members choose to waive union representation, the Union Council representative shall be allowed to attend such interviews. (AFSCME CBA, Article 21, Section 3, c)

E. Non-union Department members at an investigatory interview do not have the right to have a co-worker accompany them to such an interview.

.95 Notification of Administrative Rights—Civilian and Sworn Members

A. The Chief of Police is responsible for determining the initial focus of internal investigations, which may be administrative or criminal or both. If criminal charges may be a consideration during an administrative investigation, an interview, interrogation or examination may continue as long as the accused Department member has been provided his/her appropriate notification of rights:

1. “Civilian—Notification of Administrative Rights” (Appendix K)
2. “Sworn—Notification of Administrative Rights” (Appendix L)

.100 Notification of Criminal Rights

If, during an interview, interrogation or examination, the investigator determines that the focus of the investigation has turned into a criminal investigation and elects to provide the member with his/her rights according to the Miranda decision, the investigator shall utilize the “Notification of Criminal Rights” (Appendix O).

.105 Waiver of Counsel / Request to Secure Counsel

If, during an interview, interrogation or examination, the accused member decides to waive counsel or requests to secure legal counsel, the investigator shall provide the member with the “Waiver of Counsel / Request to Secure Counsel” form (Appendix N) and complete the appropriate sections.

.110 Interrogations for Formal Investigations—Sworn Members

A. Interrogations of sworn officers shall be conducted pursuant to the provisions of the Illinois Uniform Peace Officer’s Disciplinary Act (50 ILCS 725/3.1 -3.11) or applicable collective bargaining agreements (Officers CBA-Article 6 and Sergeants CBA-Article 6). The provisions of this Act apply only to the extent there is no collective bargaining agreement currently in effect dealing with the subject matter of this Act. (50 ILCS 725/6)

B. Prior to any interrogation of a sworn officer, the investigator shall serve the officer with a copy of the “Sworn—Notification of Officer Bill of Rights—Formal Interrogation” (Appendix M).

C. Provisions of the Illinois Uniform Peace Officer’s Disciplinary Act are cited below, with references to collective bargaining agreements:

1. The interrogation shall take place at the facility to which the investigating officer is assigned, or at the precinct or police facility which has jurisdiction over the place where the incident under investigation allegedly occurred, as designated by the investigating officer. (50 ILCS 725/3.1)
2. No officer shall be subjected to interrogation without first being informed in writing of the nature of the investigation. If an administrative proceeding is instituted, the officer shall be informed beforehand of the names of all complainants. The information shall be sufficient as to reasonably apprise the officer of the nature of the investigation. (50 ILCS 725/3.2) (Officers CBA /Art. 6.1.a) (Sergeants CBA /Art. 6.1.1)
 - a. This shall be accomplished in accordance with section .85 above, using the “Sworn—Notification of Formal Interrogation” (Appendix J).
3. All interrogations shall be conducted at a reasonable time of day. Whenever the nature of the alleged incident and operational requirements permit, interrogations shall be conducted during the time when the officer is on duty. (50 ILCS 725/3.3) (Officers CBA /Art. 6.1.b) (Sergeants CBA /Art. 6.1.2)
4. The officer under investigation shall be informed in writing of the name, rank and unit of command of the officer in charge of the investigation, the interrogators, and all persons who will be present on the behalf of the employer during any interrogation except at a public

administrative proceeding. (50 ILCS 725/3.4) (Officers CBA /Art. 6.1.c) (Sergeants CBA /Art. 6.1.3) 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 725/3.4)

- a. The investigator shall complete a “Sworn—Notification of Formal Interrogation” (Appendix J) and issue it to the officer to be interrogated at least forty-eight (48) hours prior to the Formal Interrogation.
 - b. At least twenty-four (24) hours prior to the Formal Interrogation, the officer subject to the interrogation, or his/her representative, shall provide to the investigator in writing the names of who will be present at the Formal Interrogation on the officer’s behalf.
5. Interrogation sessions shall be of reasonable duration and shall permit the officer interrogated reasonable periods for rest and personal necessities. (50 ILCS 725/3.5) (Officers CBA /Art. 6.1.d) (Sergeants CBA /Art. 6.1.4)
 6. The officer being interrogated shall not be subjected to professional or personal abuse, including offensive language. (50 ILCS 725/3.6) (Officers CBA /Art. 6.1.e) (Sergeants CBA /Art. 6.1.5)
 - a. 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 725/3.7) (Officers CBA /Art. 6.1.f) (Sergeants CBA /Art. 6.1.6)
 - b. The recording shall contain a header noting the date and time the session began, the names of all persons present. The recording shall close with the date and time the session ended.
 - c. If the affected member requests a break, the investigator shall allow the break and note in the recording the time the break began and ended.
 7. 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. (50 ILCS 725/3.8) (Officers CBA /Art. 6.1.g) (Sergeants CBA /Art. 6.1.7)
 8. Anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit. Any complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain knowingly false material information, shall be presented to the appropriate State's Attorney for a determination of prosecution. (50 ILCS 725/3.8)
 9. The officer under investigation shall have the right to be represented by counsel of his or her choosing and may request counsel at any time before or during interrogation. When such request for counsel is made, no interrogation shall proceed until reasonable time and opportunity are provided the officer to obtain counsel. (50 ILCS 725/3.9) (Officers CBA /Art. 6.1.h) (Sergeants CBA /Art. 6.1.8)
 10. 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 725/3.9)
 11. 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 725/3.10) (Officers CBA /Art. 6.1.i) (Sergeants CBA /Art. 6.1.9)
 12. 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 725/3.11) (Officers CBA /Art. 6.1.j) (Sergeants CBA /Art. 6.1.10)

D. 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 725/4) (Officers CBA /Art. 6.1.k) (Sergeants CBA /Art. 6.1.11)

E. This Act does not apply to any officer charged with violating any provisions of the Criminal Code of 1961, the Criminal Code of 2012, or any other federal, State, or local criminal law. (50 ILCS 725/5) (Officers CBA /Art. 6.1.l) (Sergeants CBA /Art. 6.1.12)

F. 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. (50 ILCS 725/7) (Officers CBA /Art. 6.1.m) (Sergeants CBA /Art. 6.1.13)

.115 Transition from Informal Inquiry to Formal Investigation—Sworn Members

A. If in the course of an Informal Inquiry it becomes apparent that the sworn member should be subjected to removal, discharge or suspension in excess of three (3) days, the investigator shall transition to a Formal Investigation. The investigator shall notify the Chief of Police of this fact. The investigator shall issue to the member and have the member sign as soon as practicable and prior to any further questioning, the following forms:

1. “Sworn—Notification of Formal Investigation” (Appendix G—see section .70(A-3) above).
2. “Sworn—Notification of Formal Interrogation” (Appendix J—see section .85 above).
3. “Sworn—Notification of Officer Bill of Rights—Formal Interrogation” (Appendix M—see section .110 above)
4. “Sworn—Notification of Administrative Rights” (Appendix L—see section .95 above) (if not previously completed).

.120 Form Distribution

The original of all internal affairs investigative forms issued to members shall be placed in the case file and a copy provided to the member. All forms shall have the IA# written on them. All forms shall be fully completed.

.125 Dispositions

A. The investigator, upon completion of the investigation, shall submit a detailed report to the Chief of Police, outlining the results of the investigation. The report shall be in memorandum format and shall contain one of the following dispositions:

1. **Exonerated:** The act(s) alleged did occur, but the act(s) are justified, lawful and proper.
2. **Misconduct Not Based on Original Complaint:** The investigation revealed that the acts of misconduct that occurred were not contained or alleged in the original complaint.
3. **Not Sustained:** The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
4. **Policy / Procedure Evaluation:** The investigation revealed the member’s conduct was within guidelines or established policy and procedure. However the complaint has given cause to re-evaluate policy and procedure for possible improvement.
5. **Sustained:** The investigation disclosed there is sufficient evidence to clearly prove the allegations made in the complaint.

6. **Unfounded:** The investigation indicates the act(s) alleged did not occur or that it failed to involve members of the Department.

B. The Chief of Police shall advise the accused member in writing of the disposition.

C. The Chief of Police shall advise the complainant of the results of the concluded investigation in writing via regular US Mail.

.130 Personnel Early Warning System

The Chief of Police shall ensure a log of all complaints made against members of the Department that involve an Informal Inquiry or Formal Investigation are entered into the Department's early warning software. The software provides event alert notification of multiple complaint events (four (4) or more) involving individual officers within a six (6) month period, to assist in supervising officer activities. The Deputy Chief of Support shall examine the log at least annually to monitor trends in officer conduct and citizen complaints. The Deputy Chief of Support shall forward monitoring reports to the Chief of Police in accordance with GO #1805 Personnel Early Warning System.

.132 Officer-Involved Criminal Sexual Assault

In accordance with Public Act 100-0515, in the event of an officer-involved criminal sexual assault, the Deputy Chief of Operations, at the direction of the Chief of Police, shall request assistance from an outside agency who shall assume responsibility for the investigation. The designated outside agency shall use at least two (2) investigators who have completed a specialized sexual assault and sexual abuse investigation training program approved by the Illinois Law Enforcement Training Standards Board. No investigator shall be a member of the Glendale Heights Police Department

.135 False Complaints Against Police

Any complaint, having been supported by a sworn affidavit, and having been found, in total or in part, to contain knowingly false information, shall be presented to the appropriate State's Attorney for a determination of prosecution ((50 ILCS 725/3.8(b)). In these circumstances, the Chief of Police or his/her designee shall present the information to the supervisor of the Public Integrity unit of the DuPage County State's Attorney's Office for further review.

.140 Record Maintenance and Security

All internal investigation reports shall be considered confidential in nature and the records of these investigations shall be secured throughout the duration of the investigation. At the conclusion of an internal investigation, reports shall be kept in a separate, secure file maintained by the Chief of Police.

.145 Annual Report

The Chief of Police shall prepare an annual report, detailing the allegations and complaints received during the year and investigated by the internal affairs function. The Chief of Police shall also prepare an annual summary page of the statistical information contained in the annual report.

.150 Public Information

The statistical summary of the Department's internal investigations, and the Compliment and Complaint Procedures brochure (Appendix A), shall be maintained at the Department and made available to citizens upon their request. The Department shall post the annual statistical summary and the Compliment and Complaint Procedures brochure on its web site.