

**CHAPTER 4**  
**POLICE DEPARTMENT**

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4.01 **DEPARTMENT ESTABLISHED**

There is hereby established a department of the Village of Lake in the Hills which shall be known as the Police Department. The Department shall be superintended by a Director of Police/Public Safety which is also an administrative, civilian position and shall consist of the following sworn personnel: one (1) Chief of Support Services, one (1) Chief of Patrol Services and the appropriate number of sergeants and patrol officers as approved and authorized by the Village President and Board of Trustees.

A. Appointments

1. The Director of Police/Public Safety shall be appointed pursuant to the provisions of Section 4.02.
2. The Chief of Support Services and the Chief of Patrol Services shall be exempt positions and may be appointed from any rank of sworn full-time officers, but must have at least five (5) years of full-time service as a police officer in the Village's Police Department. The Chief of Support Services and the Chief of Patrol Services shall serve at the discretion of the Director of Police/Public Safety and, if removed from the position, shall revert to the rank held immediately prior to the appointment of Chief of Support Services or Chief of Patrol Services position.
3. Appointments to all other sworn positions of the Department shall be made by the Director of Police/Public Safety through the selection of individuals identified on the eligibility lists of

qualified candidates as developed by the Board of Police Commissioners. Said eligibility lists for both initial entry and promotional positions shall list, in alphabetical order, all candidates who have successfully passed the examination process as determined by the Board of Police Commissioners.

- a. Exception: The Director of Police/Public Safety may in his or her discretion, choose to appoint, ahead of any other applicant listed on any eligibility list of qualified candidates for initial entry, any applicant who has at least two years previous full-time experience as a police officer and meets all other criteria as defined by the Director of Police/Public Safety pursuant to an established Lateral Entry program. No more than 50% of the officers needed at any time may be appointed through the Lateral Entry program.

#### 4.02 **SALARY AND TERM OF EMPLOYMENT**

The Village President, by and with the consent of the Board of Trustees, will appoint a Director of Police/Public Safety; and the compensation of the Director of Police/Public Safety and all other employees of the police department shall be fixed by the Village President and Board of Trustees.

#### 4.03 **ADDITIONAL AND SPECIAL POLICE**

A. APPOINTMENT: In addition to the regular police and employees of the Police Department, the Village President and the Director of Police/Public Safety may each appoint and employ such special police and other temporary employees as either may find necessary or desirable, at such reasonable compensation as may be approved by the Board of Trustees. The Village President or the Director of Police/Public Safety may, at the request of any property owner, or any person engaged in business of the Village and in need of special police protection, appoint such persons as special police protection as either may find necessary or desirable.

B. COMPENSATION: The Village shall not be required to pay any person so employed for such special police protection but such person shall be paid for his or her services by the person for whom such special police protection is afforded.

C. LIABILITY: Each person so appointed, together with the person requesting such special police protection, shall execute and file with the Village Clerk an agreement in writing agreeing

to save the Village harmless of and from any and all liability for anything which such special police may do or fail to do while serving in such capacity, and agreeing to fully indemnify the Village for any such liability in case any is imposed upon it, as well as all cost and expenses connected therewith, including all legal expenses connected with defending any and all lawsuits which may be instituted against the Village for the enforcement of any such alleged liability. In addition, the Board of Trustees may require such other security as it may deem desirable as a condition to any such appointment or as a condition to the continuance of any such appointment.

D. REVOCATION: The Director of Police/Public Safety, Village President and Board of Trustee may revoke the appointment of a special police officer pursuant to this Section 4.03 at any time.

#### 4.04 OATH

Each police officer and each employee belonging to the Police Department, before entering upon his or her duties as a member of the Police Department, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (of affirm) that I will support the Constitution of the United States the Constitution of the State of Illinois, and the ordinances of the Village of Lake in the Hills, and that I will faithfully discharge the duties of \_\_\_\_\_ of the Village, according to the best of my ability."

This oath or affirmation, so subscribed, shall be filed in the office of the Village Clerk.

#### 4.05 POLICE POWERS AND DUTIES

Every employee of the Police Department shall have all the powers provided for under the provisions of law and by ordinance of the Village. It shall be the duty of the Police Department to use every responsible means for maintenance of law and order in the Village, for the enforcement of the ordinances of the Village and for the performance of such other duties and functions usually performed by police departments. The Police Department and its members shall perform such other duties as may be imposed upon it or them respectively by the Village Board, through direction by the Village Board to the Director of Police/Public Safety.

#### 4.06 CONTROL OF POLICE DEPARTMENT

Subject to all of the foregoing, the Police Department and the members thereof shall be subject to the order and direction of the Village President.

**4.07 Director of Police/Public Safety**

The Director of Police/Public Safety shall superintend the work of the Police Department directly, and through the efforts of the Chief of Support Services and Chief of Patrol Services and through subordinate supervisors and staff. The Director of Police/Public Safety shall serve as the liaison for the Village with the fire protection districts that provide said services to any location within the jurisdiction of the Village as well as all other local, state and federal emergency management agencies. The Director of Police/Public Safety may exercise such powers, and shall perform such other duties as may be provided for by ordinance or resolution, or other action of the Board of Trustees. Whenever any statute, ordinance or resolution refers to the Village Constable, Village Marshal, Chief of Police or similar title, it shall be construed to mean the Director of Police/Public Safety.

**4.08 POLICE DEPARTMENT RULES AND REGULATIONS**

The Lake in the Hills Police Department shall be regulated by the standard operating procedures, rules and regulations and special orders issued by the Director of Police/Public Safety.

**4.09 BOARD OF POLICE COMMISSIONERS**

The Board of Police Commissioners (the "Commission") of the Village derives its power and authority from 65 ILCS 5/10-2.1-1 et. seq. To the extent that the provisions of this Section conflict with provisions of the Act, the provisions of this Section shall be deemed to apply pursuant to the home rule powers of the Village.

A. DEFINITIONS; USAGE: For the purposes of these rules and regulations, the following terms shall have meanings herein ascribed to them:

1. Act: 65 ILCS 5/10-2.1-1 et seq.
2. Board of Trustees: The Board of Trustees of the Village.
3. Cause: Some substantial shortcoming on the part

of a member of the Police Department that renders his or her continued employment in the Department in some way detrimental to the discipline and efficiency of the public service rendered by the Department and something that the law and sound public opinion recognize as cause for the member to no longer occupy his or her position.

4. Charge: A written statement alleging cause against a Member for removal or discharge or alleging grounds against the Member for suspension and that otherwise complies this Section.
5. Chief: Chief of Support Services and Chief of Patrol Services.
6. Commission: The Board of Police Commissioners of the Village of Lake in the Hills.
7. Complainant: The person who files a charge against a Member. The term "Complainant" shall mean the Complainant or the Complainant's attorney.
8. Day: One calendar day.
9. Department or Police Department: The Police Department of the Village.
10. Director: The Director of Police/Public Safety of the Village.
11. Filing: Presenting a document to the Secretary by delivery to the Secretary, personally, or by delivery to the office of the Commission addressed to the attention of the Secretary, or by mailing by regular mail to the Secretary at the office of the Commission. In the case of filing by mail, the date of filing shall be deemed to be the second day after the date of mailing unless said second day is a Saturday, Sunday, or federal or State of Illinois legal holiday, in which event the date of filing shall be the first regular

business day after said Saturday, Sunday, or legal holiday.

12. Member: Any person holding a permanent sworn office in the Department, except the Director or the Chief of Support Services and the Chief of Patrol Services.
13. Parties: The complainant(s) and the Member(s).
14. Preponderance of the Evidence: The greater weight of the evidence; that is, that evidence which, when fairly considered, produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
15. Secretary: The Secretary of the Police Commission.
16. Service or Serve: The presentation or act of presenting by a party to the other party, or by the Commission to a party, of any document by personal delivery to the other party or by mailing by United States mail in an envelope properly addressed, with postage prepaid, to the last known address of such other party, together with a written certificate of service. In the case of service by mail, the date of service shall be deemed to be the second day after the mailing unless the second day is on a Saturday, Sunday, or Federal or State legal holiday, in which event the date of service shall be the first regular business day after the Saturday, Sunday, or legal holiday.
17. State: The State of Illinois.

B. OFFICERS OF THE COMMISSION; DUTIES: The Commission shall consist of three members. The Village President shall designate one of the commission members to serve as Chairperson. A Secretary shall be chosen by the advice and consent of the commission members and hold office for one year. The position of

Chairperson shall be reviewed on an annual basis. The chairperson shall be the presiding officer at all meetings. The secretary shall cause minutes to be kept of all meetings of the Commission in a permanent record and shall be the custodian of all forms, papers, books, records, and completed examinations of the Commission.

C. MEETINGS:

1. Regular Meetings. Regular meetings of the Commission shall be held at such times as are established at the Commission's first meeting in May.
2. Special Meetings. A special meeting of the Commission may be called by the chairperson or by any 2 members of the Commission upon the service of a notice upon all Commissioners at least 2 business days before such meeting. The notice shall contain an agenda to be submitted for the consideration of the Commission at the special meeting and shall set forth the time and place of the special meeting. No business other than the business stated on the agenda shall be considered at the special meeting.
3. Compliance with Open Meetings Act. The scheduling, notice, and conduct of all meetings of the Commission shall comply with the requirements of the Illinois Open Meetings Act.

D. QUORUM: Two members of the Commission shall constitute a quorum for the conduct of all business.

E. ORDER OF BUSINESS: The order of business at any meeting shall be:

1. Call to Order;
2. Roll Call;
3. Approval of Minutes;
4. Public Comment;
5. Old Business;
6. New Business;

7. Bills and Mail;
8. General Discussion;
9. Adjournment.

The Commission, by majority vote, may change the order of business for a meeting.

F. PARLIAMENTARY PROCEDURE: The Commission may establish its own rules and practices of procedure for approval by the Board of Trustees. In the absence of such rules and practices, the parliamentary procedures prescribed in the most recently revised edition of *Robert's "Rules of Order"* shall apply to the Commission as far as applicable and practicable.

G. AMENDMENTS OF RULES: This Section 4.09 may only be amended by action by the Board of Trustees. No notice or newspaper publication shall be required to amend these Commission rules.

H. ANNUAL REPORTS AND BUDGET REQUEST: The Commission shall submit to the Village President an annual report of its activities and annual budget request prior to the end of each fiscal year.

I. CONFLICT WITH STATE STATUTES: Any sections and/or subsections of this Chapter for the operation of the Commission, which are in conflict with the Illinois or United States constitution and found by a court of law to exceed the home rule powers of the Village, shall be deemed null and void. This, however, shall not be deemed to invalidate any other sections and/or subsections of this Chapter.

J. NON-APPLICABILITY TO PROBATIONARY EMPLOYEES: The provisions of this Section do not apply to Department personnel who are on probation.

K. APPLICATIONS FOR ENTRY LEVEL POSITION (other than lateral transfers):

1. CITIZENSHIP; RESIDENCE: Each applicant for an entry-level position must be a citizen of the United States. Any person who becomes a Member of the Department shall become a resident of the Village or a resident within 20 air miles of the

corporate limits of the Village, within 12 months from the date of his or her probationary.

2. APPLICATION DOCUMENTS:

- a. Forms Compliance. Every application for an entry-level position in the Police Department shall be filed on forms furnished by the Commission. Every applicant must comply with all requirements of said form. Applications must be filed with the Commission on or before the deadline established for such filing by the Commission, which deadline shall be at least seven days prior to the scheduled physical agility test. All such applications shall be addressed to the Commission and filed at the Village Hall. All applications must be signed. All applications and all materials submitted with applications shall become the property of the Commission.
- b. False Statements. Any false statement knowingly made by a person in an application for examination or connivance in any false statement made in any certificate that may accompany such application shall be deemed good cause for rejection of the application and exclusion from the examination.
- c. Testing Agency. The Commission may elect to participate in a testing agency, in which event the procedures of the agency shall be followed as determined by the Commission.
- d. Birth Certificate. The applicant shall furnish a copy of his or her birth certificate with the application.

3. DISQUALIFICATION:

The Commission may (i) refuse to examine an applicant, (ii) refuse, after examination, to

certify an applicant as eligible, or (iii) remove or otherwise discharge an individual from the Department:

- a. Who is found lacking in any of the established preliminary requirements for the service for which application is made; or
- b. Who currently is using narcotics or drugs or who is addicted to the use of narcotics, drugs, or intoxicating beverages and is not currently in a rehabilitation program for such addiction; or
- c. Who has been convicted of a felony, or any crime involving moral turpitude, or any misdemeanor; or
- d. Who has been dismissed from any public service for cause; or
- e. Who does not possess a high school education or its equivalent; or
- f. Who has attempted to practice any deception or fraud in his or her application; or
- g. Who has failed, or failed to complete, any Criteria of the application process or the examination process; or
- h. Who fails to meet any State statutory standard or criterion for the position sought.

4. Defective Applications.

It is the responsibility solely of the applicant to submit a properly completed application in a timely fashion. Any defect in an application shall be grounds for disqualification of the applicant from consideration.

5. Special Qualifications.

If the position for which an examination is being given requires special qualifications of the applicants, then the Commission may require evidence from each applicant of special training or practical experience necessary to satisfy such special qualification.

6. Age Requirement.

Applicants for the position of police officer must be at least 21 years of age and, subject to the Act, less than 35 years of age to be eligible to take an examination for an entry level position.

7. Notice of Acceptance.

The secretary shall notify each applicant whose application has been accepted by the Commission to present himself or herself for examination with an executed physician's certificate signed not earlier than six months prior to the date of the application stating that the applicant is physically capable of participating in a strenuous physical agility test.

8. Release of Liability.

In consideration of being admitted to the examination process, all applicants shall execute and deliver to the Commission a waiver and release, on a form prescribed by the Commission, of any and all liability resulting from participation in the examination.

9. Admission to Examination.

No applicant shall knowingly be admitted to an examination that does not meet the minimum qualifications fixed for the position sought. The fact that an applicant is admitted to any examination shall not be considered as evidence

that he or she is qualified, or eligible, for said examination or for the position sought.

10. Disclaimer of Right or Interest in Applicant.

Neither the filing of an application, nor the acceptance of an application, nor an applicant's satisfaction of any general or special qualification for filing an application or for being admitted to an examination, nor anything else in this Section shall be construed as creating any vested, property, for, or be liberty, or other right or interest in any person to apply for, be examined appointed to any position in the Police Department.

L. EXAMINATIONS FOR ENTRY LEVEL POSITION

1. Examination Call.

The Commission shall call, from time to time as necessary, an examination to create a register of persons eligible for an entry-level position in the Police Department.

2. Notice of Examination.

The Physical Agility and Written Test examination criterias for an entry-level position shall be commenced on the date or dates fixed by the Commission, and notice shall be published in a local newspaper in accordance with the Act. These examination criterias may be postponed by order of the Commission, which order shall state the reasons for such postponement and shall designate a new date for the examination criterias. Applicants shall be notified of the postponement of any examination criteria and of the new date fixed for that examination criteria.

3. Type of Testing.

The examination criterias shall be such as will

fairly test the capacity of the applicant to discharge the essential functions and the duties of the position for which the examination is being given. Each examination criteria shall be conducted by the Commission or by agents or consultants as directed by the Commission and shall be graded by the Commission. All testing materials and test scores shall be the property of the Commission. The grading of tests by the Commission shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description, except as provided by law.

4. Minimum Passing Grades Required.

Each applicant must achieve the minimum-passing grade required on each criteria of an examination. The failure of an applicant to achieve the minimum passing grade for any criteria of an examination shall disqualify that applicant from any further participation in the examination process.

5. Examination Criteria.

An examination for an entry-level position shall include the following criteria, which have the following minimum-passing grades:

a.	Physical Agility Test	Pass/Fail
b.	Written Test.	70%
c.	Background Check.	Pass/Fail
d.	Personal Interview.*	70%
e.	Psychological Examination.*	Pass/Fail
f.	Medical Examination.*	Pass/Fail

The minimum-passing grades for the written test and personal interview criteria are based on a maximum grade of 100% and are not based on a scoring curve.

\*Criteria 4 may be administered by the Commission only to such number of applicants determined by

the Commission to be necessary to satisfy present and near future hiring needs. The Commission may defer criteria 5 until an entry-level position is open. The Commission shall defer criteria 6 until a conditional offer of employment has been made.

6. Physical Agility Test.

Each applicant for any entry-level position shall submit himself or herself for a physical agility test, which test shall fairly test whether an applicant is capable of performing the essential physical functions of the position.

7. Written Test.

Each applicant for any entry-level position who has successfully passed all prior criteria of the examination shall submit himself or herself for a written test. The written test shall be conducted by the Commission or by such person as the Commission may designate. The results of the written test shall be submitted to the Commission.

8. Background Check.

The Director, at the request of the Commission, shall conduct background checks of applicants for an entry-level position who have successfully passed all prior criteria of the examination. The background checks shall review available data and information related to the applicants' compliance with the general qualifications and criteria for the position being sought, including the applicant's employment history, references, educational background, credit history, litigation history, military record, driving record, neighborhood and community standing and service, and such other data and information pertinent to a proper and thorough review and analysis of each applicant. The results of the background checks shall be submitted to the Commission for evaluation.

9. Personal Interview.

Each applicant for an entry-level position who has successfully passed all prior criteria of the examination shall submit himself or herself for a personal interview when so directed by the Commission. At least two members of the Commission shall be present to conduct the personal interview. The Commission may designate others to participate in the administration of the interview. The examiners may ask questions of the applicants that will enable the examiners to evaluate the applicants on speech, alertness, ability to communicate, judgment, emotional stability, intellectual skills, self-confidence, and general fitness for the position. The Director, in his or her discretion, may participate in any personal interview or a part thereof.

10. Psychological Examination.

Each applicant for an entry level position who has successfully passed all prior criteria of the examination shall submit himself or herself for a psychological examination when, and at the time and place, directed by the Commission. The psychological examination shall be given solely to determine an applicant's suitability for and ability to perform the essential functions of the position for which he or she is applying. The examiner shall prepare and submit a report of the examination to the Commission for its evaluation.

11. Medical Examination.

Each applicant for an entry level position who has successfully passed all prior criteria of the examination and to whom a conditional offer of employment has been made shall submit himself or herself for a medical examination, including a vision examination and drug screening, by a

licensed physician designated by the Commission for the purpose of determining fitness for and physical ability to perform all of the essential functions and duties of the position for which he or she is applying. Without limiting the preceding sentence, the essential functions of the position of Police Officer include being able to see with 20/20 vision in each eye, either with or without correction, and without being colorblind. The results of the examination shall be submitted to the Commission for its evaluation. A positive result on a confirmatory drug-screening test shall be a sufficient basis for a determination by the Commission that an applicant has failed the medical examination. At any point in the examination process, an applicant may be requested to submit evidence of vision sufficient to meet the standards of the Police Department or to submit to a vision examination to determine if his or her vision meets such standards. Each applicant shall be responsible for advising the Commission of any change in his or her physical condition subsequent to the medical examination. The Commission, in its discretion, may require an applicant to submit to a follow-up medical examination prior to appointment to a position.

12. Reimbursement.

If any Member voluntarily leaves the Department at any time prior to 24 months from the date of his or her original appointment, the member shall reimburse the Village according to the following formula for the costs incurred by the Village in sending the Member to basic law enforcement training:

For every month that the Member leaves prior to serving 24 months with the Department, the Member shall pay to the Village 1/24th of the total amount expended by the Village for the officer's training at the Police Training Institute "Basic Training."

Resignation by a Member for whatever reason shall be prima facie evidence that the Member left voluntarily.

If the Member is forced to leave the Department as a result of serious medical problems that affect the Member's ability to safely and efficiently function as a police officer, or upon the death of a Member, the requirement of reimbursement may be waived.

M. EXAMINATIONS FOR PROMOTIONAL POSITIONS

1. Promotional Testing Order.

Vacancies in the Department, above the entry-level position, shall be filled as determined by the Director through promotion from within the Department. Each examination for promotion shall be competitive among the Members of the next lower rank who are qualified for the position and who desire to submit themselves to such examination. If there are no Members, the Commission shall extend the opportunity to take the examination successively through all the lower orders of rank in the Department.

2. Type of Testing; Examination Criterias.

All testing materials and test scores shall be the property of the Commission. Each Examination Criteria shall be conducted by the Commission or by agents or consultants as directed by the Commission and shall be graded by the Commission. The grading of tests by the Commission shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description, except as provided by law. The Commission may establish for any examination that, to be eligible for further evaluation, each candidate is required to achieve a minimum number of examination points on one or all of the Examination Criterias. In computing the final grade for each candidate, the Examination Criterias shall be weighed as follows:

*Examination Criteria*

*Maximum*

*Possible Score*

a.	Seniority (% point per year with a maximum of 5 points)	5
b.	Examination	60
c.	Personal Interview	25
d.	Merit and Efficiency Rating	10
	Maximum Possible Total Score:	100

3. Examination.

Each applicant for a promotional position shall submit himself or herself for an examination. The examination may be a written test or other assessment designed to measure merit and ability. The written test shall be conducted by the Commission or by such person as the Commission may designate.

4. Personal Interview.

Each applicant for a promotional position who has achieved the minimum number of examination points for all prior criteria of the examination, if any such minimum has been established by the Commission for the examination, shall submit himself or herself for a personal interview at the time and place directed by the Commission. At least two members of the Commission shall be present to conduct a personal interview. The Commission may designate others to participate in the personal interview. The examiners may ask questions of the applicants that will enable the examiners to evaluate all aspects of the applicant's abilities, including without limitation the applicant's administrative and managerial abilities, judgment, emotional stability, intellectual skills, self-confidence, and general fitness for the position. The Director, in his or her discretion, may participate in any personal interview or a part thereof.

N. ELIGIBILITY LISTS AND REGISTERS OF ELIGIBLES

1. Establishment of Registers of Eligibles.

The secretary shall establish and maintain, from time to time as appropriate, a Register of Eligibles for each rank within the Police Department, except for the position of Director and the Chiefs, in alphabetical order without reference to examination results.

No preference points for any reason shall be added to the test results of any applicant. The secretary then shall prepare and submit to the Director only the examination results showing the relative excellence of the applicants, as determined by examination. This compilation of results shall not be reviewed by anyone other than the Director.

2. Removal of Names from Register of Eligibles.

The secretary shall strike from the Register of Eligibles for an entry level or for a promotional rank the name of:

- a. Any applicant who may be disqualified pursuant to this Section;
- b. Any applicant who has been on the Eligibility List more than two years;
- c. Any applicant who ceases to meet the qualifications for the rank to be filled;
- d. Any applicant who fails to accept, in writing signed by the applicant, the position within the time set by the Commission for acceptance, except as otherwise provided in this Section.

3. Appointments.

All vacancies in the Department, entry or promotional level, shall be filled from the Eligibility List or through the Lateral Entry program by the Director who shall have complete access to all personnel files and test results of the individuals listed on the Eligibility List. The Director's decision shall be based on the relative excellence of the individuals taking into consideration results of the examination, ascertained merit and seniority in service for promotional positions and needs of the Department at the time.

4. Probationary Period.

- a. Entry-level Positions. All persons appointed to an entry-level position in the Police Department shall serve a probationary period of 12 months and such additional period up to six months as the Director may determine. During such probationary period, the Probationary Employee may be discharged, removed, or suspended at will, for any reason or no reason at all, by the Director.

Promotional Appointments: All promotional appointments in the Department shall be subject to a promotional probationary period of 6 months. Any such appointee who fails to satisfactorily complete the promotional probationary period, as solely determined by the Director without hearing or cause, for any reason or no reason at all, shall be returned to his/her prior rank and salary.

- b. No Vested Rights. During any probationary period, the appointee shall not be deemed to have any vested, property, or other rights or interests in his or her employment with the Village, and nothing in this section or in the other provision of this Chapter shall be construed as creating any such right or

interest.

5. Acceptance or Waiver of Appointment.

An applicant must accept in writing an appointment or promotion within the time set by the Commission at the time the offer is made. However, an applicant may, in writing within seven days after notice of the offer of appointment, decline and request that the Commission maintain his or her name on the Register of Eligibles. Each applicant may request that his or her name remain on the Register of Eligibles only once.

0. SUSPENSIONS; DEMOTIONS; DISCHARGES

1. Cause Required for Removal or Discharge.

Except as provided in this Section, no member of the Police Department shall be permanently removed or discharged from the Department, unless the Commission determines that cause exists, after a charge has been filed and the Member has had an opportunity to be heard in his or her own defense, all as provided for in this Section.

2. Suspensions; Appeals to the Commission.

a. Suspension. The Director shall have the power to suspend any Member of the Police Department without pay for a period of not more than 5 days. The Director shall serve a written notice of suspension on the Member. The notice shall set forth the grounds for the suspension. The Director shall notify the Commission promptly of every suspension.

b. Appeal Hearing. Any Member suspended may appeal to the Commission for a review of the suspension by filing notice of appeal within 5 days after Service of written notice of the suspension, regardless of when the suspension is to be served. A hearing shall be had on

the appeal in accordance with the provisions of this Section, except that the Member shall have the burden of establishing that there were no grounds for the suspension.

The Commission shall review the action of the Director to determine if it is just and reasonable in light of all the evidence presented. The Commission may sustain the action of the Director, may reverse the action of the Director with instructions that the Member receive his or her pay for the period involved, may suspend the Member for an additional period of not more than 30 days, or may remove or discharge the Member depending on the evidence presented.

3. Demotions. Appeals to the Commission.

- a. The Director shall have the power to demote any Member of the Police Department. The Director shall serve a written notice of the demotion on the Member. The notice shall set forth the grounds for the demotion. The Director shall notify the Commission promptly of every demotion.
- b. Appeal Hearing. Any Member demoted may appeal to the Commission for a review of the demotion by filing notice of appeal within 5 days after Service of written notice of the demotion. A hearing shall be had on the appeal in accordance with the provisions of this Chapter, except that the Member shall have the burden of establishing that there were no grounds for the demotion.
- c. The Commission shall review the action of the Director in light of all the evidence presented. The Commission may sustain the action of the Director, reverse the action of the Director with instructions that the Member receive his or her pay for the period

involved, or remove or discharge the Member depending on the evidence presented. In the event the decision to demote is sustained by the Commission, the police officer shall be paid the salary of the lower rank upon demotion.

4. Charges.

- a. Complainant. Any person may bring charges against a Member.
- b. Charges. Charges shall be in writing, shall be signed by the complainant, and shall state with specificity the facts alleged to constitute cause for removal or discharge or grounds for suspension. The charges shall be filed with the secretary and shall be served on the Member.

5. Pre-Hearing Procedures.

- a. Hearing Date. After the filing of a charge, the Commission shall set the date, time, and place for hearing. In the case of charges filed for removal or discharge, the hearing shall be commenced within 30 days after the filing of the charges, in accordance with the Act.
- b. Notice of Hearing. The secretary shall promptly serve notice of the hearing on the parties, which service shall be made not less than 5 days prior to the hearing date.
- c. Answer. The Member may file a written answer to the charges. The written answer shall be signed by the Member, shall be filed with the secretary, and shall be served on the complainant and the Commission not less than 48 hours prior to the hearing.
- d. Reply. The complainant may reply to any

affirmative matter contained in such answer by signing, filing, and serving such reply not less than 8 hours prior to the hearing.

- e. Continuance. Motions for continuance of the hearing made by either party shall be in writing and shall be filed with the secretary and served on the opposing party not less than 72 hours prior to the time set for hearing. The Commission may waive the time requirement on good cause being shown and a finding that no prejudice will result to any party from any waiver. The Commission may grant or deny a continuance on the motion of either party, or may grant a continuance on its own motion, but, in the case of charges filed for removal or discharge, no continuance that extends the commencement of the hearing beyond 30 days from the filing date shall be granted. If a continuance is granted on the motion of a Member who has been suspended by the Commission, with or without pay, pursuant to this Section and the continuance causes postponement of the conclusion of the hearing to a date more than 30 days after the date on which charges were filed, a waiver of pay shall be required from the Member for the period beginning with the 31st day after such filing and continuing to the date of the conclusion of the hearing.
  
- f. Attendance of Witnesses. Any party may file, at any time prior to the hearing, an application with the secretary for the issuance of a subpoena or subpoenas for any person or persons to appear at the hearing, or to have any such person produce books, papers, records, accounts, and other documents at the hearing. Such application shall be in writing and shall adequately identify such person, persons, or documents sought to be subpoenaed. The Commission shall issue such subpoenas if the Commission

deems the testimony of such person or such documents to be relevant to the hearing. The subpoenas may be authorized either by resolution at a Commission meeting or by the signature of any two Commissioners without a meeting. Subpoenas may be served by any person of the age of 21 years or older.

- g. Evidence Depositions. Evidence depositions may be taken and utilized in the manner and under the conditions prescribed in courts of general jurisdiction in the State.
- h. Stipulations. The parties may stipulate and agree in writing, or on the record, as to evidentiary facts or other matters. Any facts so stipulated shall be considered as evidence in the proceeding.
- i. Suspension Before Hearing. The Commission may suspend the Member pending hearing, with pay or without pay, for not more than 30 days. If the Commission, after a hearing, determines that the charges are not sustained, then the Member shall receive any pay withheld during the suspension period.

6. Hearing.

- a. Commencement and Adjournment. A hearing shall be commenced on the date established therefore in accordance with this Section. The hearing may be adjourned from time to time as determined by the Commission.
- b. Quorum to Conduct Hearing. Two Commissioners shall constitute a quorum of the Commission to conduct the hearing.
- c. Public Hearings and Closed Hearings. All hearings of the Commission shall be held in accordance with the Illinois Open Meetings Act. Each hearing shall be public, but at

any time before or during a hearing the Commission may determine that the hearing or any portion of the hearing, except for final action, shall be closed. The Commission may deliberate in public session or in closed session, provided that final action shall be taken only in public session.

- d. Counsel. Each party, at his or her election and expense, may be represented by any attorney at law licensed to practice law in the State. Such attorney shall file and serve his or her appearance with the Commission.
- e. Oath. Each witness shall be sworn under oath prior to testifying. A court reporter or any Commissioner may administer the oath.
- f. Order of Proceedings: Cross Examination. After disposition of any preliminary motions for continuance, motions directed to the charges, or other motions, the party with the burden of proof shall present and examine witnesses and offer other evidence substantiating the charges that have been made against the Member. Thereafter, the Member may present and examine witnesses and offer other evidence refuting the charges. The party with the burden of proof then may present evidence in rebuttal. All parties shall have the right to cross-examine witnesses presented by the opposite party. The Commission may determine to change the order of proceedings for a particular hearing as it determines is just and appropriate.
- g. Rules of Evidence.
  - (1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence, as applied in civil cases in the State, may be

followed generally; provided, however, that when necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The Commission shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made by either party and must be ruled upon by the Commission. Such objections and rulings shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of parties will not be prejudiced substantially, any part of the evidence may be received in written form.

(2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available.

(3) The Commission may take notice of judicially cognizable facts.

h. Burden of Proof. Except as provided in this Section, the complainant shall have the burden of proving the charges brought by a preponderance of the evidence.

i. Argument. The Commission may permit opening statements and also may permit closing arguments, first on behalf of the party with the burden of proof, next on behalf of the Member, and finally on behalf of the party with the burden of proof, within time limits to be established by the Commission in each case.

- j. Record of Proceedings. The hearing proceedings shall be recorded on tape by a tape recorder supplied by the Commission. Any such tape shall be made available to any party for audition or transcription at such party's expense. The Commission or any party in addition may provide for a transcript to be taken by a reporter in which event tape recording shall not be required. Upon the request of the Commission or any party, the transcript maybe produced in writing to be paid for by the person making the request.

7. Findings and Decision.

- a. Vote. To reach a finding on charges of guilty, at least 2 Commissioners must vote guilty. A vote of guilty as to a charge by fewer than 2 Commissioners constitutes a finding of not guilty. To reverse a suspension appealed to the Commission, at least 2 Commissioners must vote to reverse.
- b. Finding of Not Guilty. If the Member is found not guilty as to each and every charge, or if a suspension appealed pursuant to this Section is reversed, then the Commission shall make a finding that the charges or suspension are not sustained and shall enter an order terminating immediately any suspension and requiring the Police Department to reimburse the Member for all wages not paid to the Member during such suspension period.
- c. Finding of Guilty. If the Commission finds the Member guilty of any one or more of the charges, or denies the appeal of a suspension, then the Commission shall adopt findings of fact in support of such determination. The Commission may order the discharge and removal of the Member from office immediately or may order the

suspension of the Member from office, with or without pay, for a period of not more than 30 days, including any period of suspension, with or without pay, by the Director or the Commission prior to such finding.

- d. Notice of Findings and Decisions. The Commission shall promptly serve notice on the parties of its findings and decision.
- e. No Rehearing. Such findings and decision of the Commission shall be final and not subject to rehearing.

8. Appeal of Commission Decision.

Any party aggrieved by a final decision of the Commission may seek judicial review of such decision in accordance with the Act and the Illinois Administrative Review Law.

4.10 **ACCIDENTAL INJURY TO, OR DEATH OF, POLICE OFFICER**

A. DEATH ALLOWANCES: In the event a police officer employed by the Village is killed or fatally injured while in the performance of his or her duties, the Village shall provide an allowance of money to the family or dependents of such officer, the amount of which shall be the greater of \$15,000.00 or the amount, if any, by life insurance provided by the Village.

B. MEDICAL CARE AND HOSPITAL TREATMENT:

- 1. In case of an accident resulting in an injury to, or death of, a police officer in the employ of the Village while in the performance of his or her duties, the Director of Police/Public Safety may secure and provide proper medical care and hospital treatment for such police officer, and to that end may incur expenses in connection therewith to be paid from funds appropriated therefore by the Board of Trustees or from proceeds of insurance funds.
- 2. All bills showing the items of expense incurred for any medical care and hospital treatment referred to in Section 4.10-B-1 shall be presented to the Director of Police/Public Safety, Village President or his or her designee, who shall satisfy himself

as to the reasonableness of the charges made for the services so rendered and make his or her recommendation to the Board as to the payment of such items of expense by the Village. The Board of Trustees shall thereupon make its determination on the matter and, if necessary, appropriate funds to cover the items of expense.

C. HOSPITAL PLAN FOR DEPENDENTS: In case of a police officer employed by the Village is killed in the line of duty or who dies as a result of duty connected injuries, the Village shall pay 50 percent of the cost of the existing Village hospital plan or its replacement plan from time to time for the dependents of such officer for a period of five years after the date of death of such police officer.

D. INVESTIGATION OF FACTS:

1. It shall be the duty of the Director of Police/Public Safety, Village President or his or her designee to make a complete investigation of all facts surrounding any accident resulting in an injury to or death of a police officer in the employ of the Village while in the performance of his or her duties, to obtain the statements of all material witnesses and to present a report thereof to the Board of Trustees. Such report shall also show the date and hour of any such accident, the place of occurrence of the same, the names and addresses of witnesses, the apparent nature and extent of the injury and whether the injury or death was caused under circumstances creating a legal liability for damages on the part of some person other than the Village.
2. Upon the death of a police officer who is killed or fatally injured while in the performance of his or her duty, the Director of Police/Public Safety, Village President or his or her designee shall make out a certificate setting forth the facts which caused the death and having attached the certificate of the attending physician stating that such death was the result of violence or accident. Such certificate shall be required to release the funds set forth in Sections 4.10-A and 4.10-C.

E. REIMBURSEMENT BY THIRD PARTY: If the Village Attorney is of the opinion that any accident referred to in this Section 4.10 created a legal liability for damages on the part of some person other than the Village, it shall be the duty of the Director of Police/Public Safety to demand from such person reimbursement to the Village for the amount expended by the

Village for the medical care and hospital treatment of such police officer. In default of payment of such amount so expended, the Village Attorney may institute proceedings to recover of the Village the amount so expended.

F. Nothing herein shall conflict with or relieve the Village of its statutory obligations regarding continuation of salary and/or benefits for police officers injured or killed in the performance of their duties.

*Recodified 10-28-04*

*Amended 05-12-05*

*Amended 05-26-05*

*Amended 06-12-08*