

	ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120	
Effective Date: 01/01/03	STANDARD OPERATING PROCEDURE	Revised Date: 12/20/16
Chief of Police: 	Internal Affairs, 52.1	
Cross Reference: SOP 26.1, Disciplinary Procedures 50 ILCS 725, Uniform Peace Officers' Disciplinary Act 65 ILCS 5/10-1-1-18, Employees and Employment	Policy Sections: 52.1.1 Investigative Authority 52.1.2 Receiving and In-Taking Complaints 52.1.3 Notification 52.1.4 Durations of Investigations 52.1.5 Complainant Status Reports 52.1.6 Notice of Investigation - Rights 52.1.7 Investigative Requirements 52.1.8 Administrative Leave 52.1.9 Dispositions 52.1.10 Records 52.1.11 Annual Statistics 52.1.12 Public Information Appendix A: Citizen Sworn Affidavit Appendix B: Citizen Compliant Receipt	

PURPOSE

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

POLICY STATEMENT

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

DEFINITIONS

Business Day: Generally Monday through Friday excluding holidays.

Formal Investigation: As defined by the Uniform Peace Officers' Disciplinary Act, "The process of investigation ordered by a commanding officer during which the questioning of an officer is intended to gather evidence of misconduct which may be the basis for filing charges seeking his or her removal, discharge or suspension in excess of 3 days . "

Informal Inquiry: As defined by the Uniform Peace Officers' Disciplinary Act, "A meeting by supervisory or command personnel with an officer upon whom an allegation of misconduct has come to the attention of such supervisory or command personnel, the purpose of which meeting is to mediate a citizen complaint or discuss the facts to determine whether a formal investigation should be commenced." The inquiry/allegation may be rectified at the shift level.

Office of Professional Standards (OPS): A component of the city's legal department having the investigative authority to assist with an investigation and to issue findings for all internal investigations regarding city employees.

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

PROCEDURES

52.1.1 INVESTIGATIVE AUTHORITY

- A. The deputy chief shall be the department's liaison for the Office of Professional Standards.
- B. During the informal inquiry process, employees shall cooperate with the respective supervisors. If the complaint reaches the level of a formal investigation, the Office of Professional Standards, the deputy chief and/or commander will assign individuals to investigate such complaints. Employees are required to cooperate with the assigned individuals.
- C. Individuals assigned to conduct investigations shall report directly to the deputy chief or assigned commander who shall ensure updates are provided to the chief and deputy chief.
- D. In the event that criminal violations are alleged, the criminal investigations shall generally precede the internal investigation.

52.1.2 RECEIVING AND IN-TAKING COMPLAINTS

- A. Supervisors shall be responsible for the intake of all personnel complaints coming to their attention. Citizens requesting to file a complaint against an employee are typically referred to the employee's immediate supervisor. When the immediate supervisor is not available, the citizen's complaint shall be referred to the next available on-duty supervisor.
- B. The in-taking supervisor shall instruct the citizen to complete a citizen sworn affidavit. Additionally, the in-taking supervisor shall prepare a memo summarizing the in-take process including what the citizen conveyed, as well as the date and time the complaint was brought to the supervisor's attention. If the in-taking supervisor is not the employee's immediate supervisor, the complaint shall be assessed to determine the immediacy of the circumstances. If warranted, the in-taking supervisor may initiate the informal inquiry process. If the circumstances do not warrant immediate action, the in-taking supervisor's memo and citizen sworn affidavit shall be forwarded to the employee's immediate supervisor.
- C. Once the citizen sworn affidavit has been completed, the in-taking supervisor shall provide the citizen with a copy of the citizen sworn affidavit and a citizen complaint receipt verifying that the department will initiate an investigation.
- D. The following type of complaints may garner public interest and/or warrant a formal investigation. The in-taking supervisor shall, without delay, conduct a fact finding investigation and immediately notify the deputy chief through the employee's chain of command:
 - 1. Brutality
 - 2. Misuse/abuse of force
 - 3. Breach of civil rights
 - 4. Criminal misconduct
 - 5. Other major incidents
 - 6. Injury accidents involving police department vehicles
 - 7. Situations where an employee or citizen sustain a severe injury
- E. The in-taking supervisor handling a complaint that falls under section D shall obtain an ROI number from the Office of Professional Standards and ensure the following has been completed and forwarded through the chain of command to the deputy chief:

2. Citizen sworn affidavit and a copy of the citizen complaint receipt.
 3. Report of Inquiry Form.
 4. Notification of charges and the administrative warning.
 5. Investigative memorandums depicting the steps taken by the in-taking supervisor to complete the complaint investigation, to include witness statements.
 6. Memo summarizing the in-take process.
- F. Complaints may be brought forward through the following methods, which include but are not limited to:
1. In person, directly to a supervisor. In such cases, the citizen shall be requested to complete a citizen sworn affidavit. Should the citizen call the department, the supervisor shall request the citizen to come to the station, as soon as practical.
 2. By an employee. In such cases, the employee making the complaint shall be required to complete a sworn affidavit.
 3. By written referral from a citizen or official/unofficial agency.
 4. Anonymously or third person. In these cases, a supervisor may complete the sworn affidavit.
 5. When a non-supervisor receives a telephone or personal notification of an employee complaint, they shall immediately refer the matter to an on-duty supervisor and forward the complainant's name, address and telephone number.
- G. Questions concerning a written directive or point of law may not necessarily require an internal investigation.

52.1.3 NOTIFICATION

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

52.1.4 DURATION OF INVESTIGATIONS

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

52.1.5 COMPLAINANT STATUS REPORTS

The complainant shall be provided with periodic status reports, and notified of the results when the investigation is concluded.

52.1.6 NOTICE OF INVESTIGATION - RIGHTS

- A. Sworn officers are entitled to all of the rights and privileges afforded them in the Uniform Peace Officers Disciplinary Act, 50 ILCS 725.

- B. Non-sworn employees are entitled to receive a notice of rights and allegations as set forth in the provisions of 65 ILCS 5/10-1-18.

52.1.7 INVESTIGATIVE REQUIREMENTS

- A. Employees are required to cooperate fully and truthfully with those assigned to conduct the investigation and are required to disclose all pertinent information known to them regarding the matter under investigation. Employees, when requested, are required to provide and submit to the process of gathering non-testimonial evidence. This may include, but is not limited to:
 - 1. Medical, psychiatric or psychological examinations
 - 2. Lineups
 - 3. Chemical tests
 - 4. Photographs
 - 5. Search of city property
 - 6. Written reports as required
 - 7. Firearms for inspection and examination
 - 8. Financial disclosure statements, handwriting samples and/or fingerprinting
- B. No employee shall be compelled to submit to a polygraph examination. The employee may be requested to undergo such examination under the following circumstances:
 - 1. The complaining party submits to a polygraph examination beforehand and passes the examination.
 - 2. When there is conflicting information provided by parties of the investigation which cannot be proven by other evidence.
 - 3. There is sufficient corroborating evidence to warrant such an examination.
 - 4. The employee requests a polygraph examination to be provided by the department.
- C. Provisions of this section shall not conflict with any collective bargaining agreement presently in effect.

52.1.8 ADMINISTRATIVE LEAVE

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

52.1.9 DISPOSITIONS

- A. At the completion of any internal investigation, a conclusion of fact must be specified. Investigations can result in any of the following types of dispositions:
 - 1. Sustained: allegation supported by sufficient evidence.
 - 2. Not sustained: insufficient evidence to prove or disprove the allegations.

3. Exonerated: incident did occur, but the actions taken were lawful and proper.
 4. Unfounded: allegation is not factual. It did not happen.
 5. Policy failure: the investigation revealed that the alleged acts did occur; however, the employee was acting in accordance with established department policy.
 6. Administratively closed: investigations, as determined by the chief of police, which are outside the scope of the previously stated dispositions.
- B. The assigned disposition shall be included in the written report summary completed by the supervisor or assigned investigator on each complaint.
- C. The complainant and the employee shall be informed of the disposition after the investigation is closed.

52.1.10 RECORDS

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

52.1.11 ANNUAL STATISTICS

The deputy chief shall maintain an annual statistical summary of internal affairs investigations.

52.1.12 PUBLIC INFORMATION

The procedures on how to register a complaint or commendation shall be made available to employees and the public through the department's website.

APPENDIX A: CITIZEN SWORN AFFIDAVIT



ELGIN POLICE DEPARTMENT Citizen Sworn Affidavit



It is the policy of the Elgin Police Department to thoroughly investigate complaints concerning employees or any of the department's policies and procedures. The department strives to complete all investigations within thirty (30) days of receiving the complaint. Complaints more complex in nature may require additional time to complete the investigation. At the completion of the investigation, you will be notified of the disposition. Completion of a false affidavit may prompt an investigation and the person completing the affidavit may be subject to criminal charges or a civil suit.

Date of the incident _____ Time of the incident _____

Name of reporting person _____

Location of the incident _____

Name of employees involved _____

Witness number 1

Name _____ Phone number _____

Full address (city/state/zip) _____ DOB _____

Witness number 2

Name _____ Phone number _____

Full address (city/state/zip) _____ DOB _____

Narrative: Describe the incident in as much detail as possible. You may list additional witness information at the end of the narrative. If more space is needed, go to page two.

My signature below indicates that I swear and affirm that all the above and attached information is true and correct to the best of my knowledge.

Reporting person (print) _____ DOB _____ Date _____

Signature _____ Phone # _____

Full address (city/state/zip) _____

Signature of in-taking supervisor _____ Badge # _____

Notary _____ Date _____

151 Douglas Avenue, Elgin, IL 60120 Phone: (847) 289-2500 Fax: (847) 289-2750

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APPENDIX B: CITIZEN COMPLAINT RECEIPT



ELGIN POLICE DEPARTMENT Citizen Complaint Receipt



The purpose of the citizen complaint receipt is to verify that the below listed individual has brought forward a complaint with the Elgin Police Department on the date listed below. The investigation into the complaint will begin immediately and if possible, will be concluded within thirty (30) days of receiving the complaint. Complaints more complex in nature may require additional time to complete the investigation. In the event additional time is required, you will be notified. When the investigation of your complaint is completed, you will be notified of the disposition.

Name of reporting person

Date of the complaint

Provide a brief synopsis of the complaint

Signature of the in-take supervisor

Signature date

A copy of the citizen sworn affidavit & citizen complaint receipt shall be provided to the reporting person.
The original documents shall remain with the in-taking supervisor.

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