

	<b>ELGIN POLICE DEPARTMENT</b> 151 Douglas Avenue Elgin, Illinois 60120	
<b>Effective Date:</b> 09/10/01	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 12/27/16
<b>Chief of Police:</b> 	<b>Disciplinary Procedures, 26.1</b>	
<b>Cross Reference:</b> SOP 12.2, Written Directives SOP 25.2, Grievance Procedure SOP 35.1, Performance Evaluation 50 ILCS 725, Uniform Peace Officers' Disciplinary Act 50 ILCS 705/6.2, The Illinois Police Training Act Collective Bargaining Agreements City of Elgin Personnel Manual Elgin Board of Fire and Police Commissioners Rules and Regulations		<b>Policy Sections:</b> 26.1.1 Code of Conduct 26.1.2 Disciplinary System 26.1.3 Training 26.1.4 Counseling 26.1.5 Forms of Discipline 26.1.6 Supervisory Authority 26.1.7 Appeal/Grievance Process 26.1.8 Disciplinary Records 26.1.9 Administrative Leave Appendix A Professional Conduct Report (ILETSB Form)

### **PURPOSE**

The purpose of this policy is to establish guidelines for a disciplinary system which includes procedures for counseling employees when corrective measures become necessary and for initiating punitive discipline when required.

### **POLICY STATMENT**

It is the policy of the Elgin Police Department to correct the undesired conduct, behavior or productivity of employees. A preferred practice is to use progressive discipline.

The commission of gross misconduct or law violations by employees, or the unwillingness or inability of an employee to conform to department directives, expectations, job descriptions, or repeated acts of a similar nature for which the employee has previously received disciplinary sanctions may result in the employee being recommended for termination.

### **PROCEDURES**

#### **26.1.1 CODE OF CONDUCT**

- A. All employees are responsible for adhering to the law, City of Elgin Personnel Manual, department directives, and lawful verbal instructions issued by a supervisor. Violations will be deemed as grounds for the imposition of disciplinary sanctions.
- B. All persons seeking assistance from the department are entitled to be treated in a courteous, impartial, and respectful manner. When requested, employees shall provide their name, badge number, and department issued identification with their photograph; this requirement does not pertain to those working in an undercover capacity.
- C. All employees have access to the following written directives. Upon being hired, employees shall sign an acknowledgment of receipt for these directives. Refer to Standard Operating Procedure 12.2, Written Directives for additional information pertaining to employee notification and acknowledgement of revisions to department written directives.
  1. Department Rules and Regulations
  2. City of Elgin Personnel Manual
  3. Standard Operating Procedures

4. Uniform Guidelines Manual.

- D. All sworn employees are issued a copy of the Rules and Regulations of the Elgin Board of Fire and Police Commissioners.

### **26.1.2 DISCIPLINARY SYSTEM**

- A. The formal disciplinary system consists of punitive discipline. The categories of punitive discipline are discussed in Section 26.1.5.
- B. Counseling and training may be implemented to support the disciplinary system and provide the employee with the necessary skills to improve job performance or correct substandard performance.

### **26.1.3 TRAINING**

Training may be employed by itself or in conjunction with components of the disciplinary system. Training is intended to strengthen an employee's performance by improving their productivity and effectiveness using positive and constructive methods.

- A. Employees are required to maintain an acceptable level of competence in the performance of their duties. Training or remedial training may be provided in areas where deficiencies are observed. Acts which are committed because the employee either misunderstood procedures or were never made aware of the correct action are indicators of training needs.
- B. Remedial training is personalized training designed to correct a specific deficiency.
- C. An employee may be assigned to remedial training if his/her supervisor recommends the process as a means of correcting a noted deficiency. If the deficiency continues upon completion of remedial training, further action may be taken as deemed necessary by the chief of police or designee. The employee may need to be placed on an employee improvement plan, as specified in Standard Operating Procedure 35.1, Performance Evaluation.
- D. Supervisors are required to identify any deficiencies or lack of sufficient ability in their employee's job performance. When appropriate, training recommendations will be made based on those areas identified.

### **26.1.4 COUNSELING**

Counseling may be warranted when an employee's conduct interferes with his/her ability to perform at a level expected by the department. When the behavior does not warrant an internal investigation, but calls for increased supervision and intervention, counseling may be the proper tool. However, in certain cases involving internal investigations, counseling may be employed by itself or in conjunction with components of the disciplinary system.

### **26.1.5 FORMS OF DISCIPLINE**

- A. Discipline may be employed simultaneously with training and counseling.
- B. Formal discipline is punitive in nature and shall generally be imposed in a progressive manner. However, when the circumstances warrant and based on the totality of the circumstances, the department may impose a higher level of discipline. In all punitive disciplinary actions, the following criteria should be used to determine the appropriate level of action:
1. The nature and seriousness of the incident, including its negative impact on the agency's reputation and internal operations.

2. The circumstances surrounding the incident and its relation to the employee's duties, position, and responsibilities, including whether the incident was intentional or inadvertent or was frequently repeated.
  3. The length of the employee's service, past and current work performance, ability to get along with co-workers, and dependability.
  4. The employee's past disciplinary records and whether the employee was on notice of any rules that were violated as a result of the incident or had been warned about the conduct in question.
  5. The employee's potential of returning to an acceptable performance level, the supervisor's confidence in the employee's ability to maintain a satisfactory performance levels, and the probability that similar incidents will occur in the future.
  6. Employee's repentance regarding the incident.
  7. Mitigating circumstances surrounding the incident such as unusual circumstances or bad faith, malice or provocation on the part of others involved in the incident.
- C. The following categories of punitive discipline may be imposed when appropriate:
1. Verbal Reprimand
    - a. This is a documented conversation with the employee in which a report of inquiry number has been generated.
    - b. All verbal reprimands require the approval of the chief of police or designee prior to imposition.
    - c. Documentation shall be forwarded to the Office for Professional Standards for inclusion in the employee's internal affairs file.
  2. Written Reprimand
    - a. This is the written summary detailing the nature of the action, reason(s) for the written reprimand, violation of a rule and regulation, law, policy, procedure, or the written or verbal direction of a supervisor in which a report of inquiry number has been generated.
    - b. All written reprimands require the approval from the chief of police or designee, prior to imposition. Written reprimands not involving minor traffic crashes require a Disciplinary Review Form, to be signed by the deputy chief, corporate counsel and the city manager.
    - c. Requires acknowledgment of receipt by the employee receiving the written reprimand.
    - d. Documentation shall be forwarded to the Office for Professional Standards for inclusion in the employee's internal affairs file.
  3. Suspension
    - a. This is the act of temporarily denying an employee the privilege of performing his/her duties as a consequence of violations of department directives. The suspended employee does not receive pay during the period of suspension.
    - b. All employees shall receive due process in matters involving suspension from

duty in accordance with the current collective bargaining agreement or the City of Elgin Personnel Manual.

- c. No employee shall be suspended without first having the incident/situation discussed in a personal meeting with the chief of police or designee, except in those instances where a disciplinary settlement agreement is signed.
- d. All suspensions require the approval of the chief of police or designee, corporation counsel, and city manager prior to imposition.
- e. All suspensions shall be in writing and contain a written summary detailing the nature of the action, reason(s) for the suspension, violation of a rule and regulation, law, policy, procedure, or the written or verbal direction of a supervisor in which a report of inquiry number has been generated.
- f. Suspended employees shall sign a copy of the suspension order or agreement acknowledging receipt of same.
- g. Documentation shall be forwarded to the Office for Professional Standards for inclusion in the employee's internal affairs file.
- h. Suspended employees are prohibited from entering non-public areas of the police facility during the period they are suspended and may be asked to surrender department property for the duration of their suspension period. Sworn employees shall not take any action as a law enforcement officer, unless approved by the chief of police or designee.

#### 4. Demotion

- a. This is the reduction of class or rank of employment and corresponding permanent reduction in wages.
- b. Records of all demotions shall remain in the employee's personnel file and are not subject to being expunged. Refer to the City of Elgin Personnel Manual and the Regulations of the Board of Fire and Police Commissioners.
- c. Demoted employees shall receive the following:
  - 1. A written statement citing the reason(s) for demotion.
  - 2. The effective date of the demotion.
  - 3. Written notice of the status of fringe benefits and retirement benefits upon demotion by the Human Resources Department.
- d. Documentation shall be forwarded to the Office for Professional Standards for inclusion in the employee's internal affairs file.

#### 5. Termination

- a. This is the act of discharge from employment and the permanent loss of all privileges of employment.
- b. All employees shall receive due process in matters involving termination from duty in accordance with the current collective bargaining agreement or the City of Elgin Personnel Manual.

- c. No employee shall be terminated without first having the incident/situation discussed in a personal meeting with the chief of police or designee, except in those instances where a termination settlement agreement is signed.
- d. All terminations require the approval of the chief of police or designee, corporation counsel, and city manager prior to imposition.
- e. All terminations shall be in writing and contain sufficient information to reasonably apprise the employee of the nature of the action and the reason(s) for the termination.
- f. Terminated employees shall sign a copy of the termination order or agreement acknowledging receipt of same.
- g. Terminations require the approval of the chief of police or designee, corporation counsel, human resources director, and city manager prior to imposition. Terminated employees shall receive the following:
  - 1. A written statement citing the reason(s) for termination.
  - 2. The effective date of the termination.
  - 3. Written notice of the status of fringe and retirement benefits after termination is to be provided by the Human Resources Department.
- h. Records of all terminations will remain in the employee's personnel file and are not subject to being removed. Refer to the City of Elgin Personnel Manual and the Regulations of the Board of Fire and Police Commissioners.

#### **26.1.6 SUPERVISORY AUTHORITY**

Supervisors have the best opportunity to observe the conduct of employees and to observe and detect those instances warranting disciplinary actions. The department encourages and expects supervisors to utilize the most effective methods to ensure that effective discipline is maintained. In this regard, all supervisors and those in acting supervisory capacities may exercise any of the following measures:

- A. Relieve any employee from duty whose conduct or performance is deemed to be counterproductive or adverse to the department, the city, the community or to themselves.
  - 1. When relieved from duty and prior to returning to duty, employees shall attend a meeting with the chief of police or designee at the earliest possible opportunity. This meeting shall be coordinated by the employee's supervisor.
  - 2. In these cases, employees shall not lose pay for the period they were relieved from duty.
- B. Counsel employees, as appropriate, without initiating the discipline process.
- C. Investigate disciplinary matters at the direction of the chief of police or designee.
- D. Recommend disciplinary action.

#### **26.1.7 APPEAL/GRIEVANCE PROCESS**

Employees who disagree with the contents or portions of their discipline may file a grievance in accordance with the current collective bargaining agreement or the City of Elgin Personnel Manual. Refer to Standard Operating Procedure 25.1, Grievance Procedure for information on the grievance process.

#### **26.1.8 DISCIPLINARY RECORDS**

- A. The Elgin Police Department shall comply with the retention and release procedures set forth in the State of Illinois Records Retention Guidelines, Illinois law and the current collective bargaining agreement/City of Elgin Personnel Manual relating to the maintenance of discipline records.
- B. Records of all actions taken under disciplinary procedures shall be in writing and maintained as follows:
  - 1. Reports that result in findings of unfounded, exonerated, not sustained, and sustained shall be kept in the employee's internal affairs file to be maintained by the Office of Professional Standards.
  - 2. Reports that result in a finding of sustained and lead to discipline shall also be forwarded to Human Resources to be placed in the employee's personnel file.
- C. All employees may review their personnel file by making an appointment with the Human Resources Department. Employees who wish to review their internal affairs file shall make an appointment with the Office of Professional Standards.
- D. Pursuant to the respective collective bargaining unit agreements and city policy, records that are not sustained will be expunged when there has been no reoccurrence of a particular type of conduct.
- E. The release of disciplinary records shall conform to the guidelines established in the Freedom of Information Act (FOIA). The legal department shall handle all discipline FOIA requests.

#### **26.1.9 ADMINISTRATIVE LEAVE**

- A. In certain circumstances, it may be appropriate to place an employee on administrative leave. The placement of an employee on administrative leave shall not be considered discipline, and employees in this status shall continue to be paid, accrue seniority, and receive normal benefits.
- B. Administrative leave may be used in instances where an employee must be removed from duty until a proper investigation or other administrative proceeding can be held. Usually the situation involves a case of suspected misconduct of a serious nature, or an issue relating to an employee's physical or mental fitness for duty. In such cases, permitting the employee to perform normal duties would create potential liability for the employee, the department, and the city.
- C. Administrative leave may be used following a traumatic event. The purpose is to help the employee adjust and handle any personal or emotional needs resulting from the traumatic event. Any employee whose actions or use of force results in death or serious physical injury shall be removed from the line of duty or placed on administrative leave, whichever is deemed more appropriate by the chief of police or designee. This assignment will be temporary while an administrative review of the incident is conducted.

#### **26.1.10 OFFICER PROFESSIONAL CONDUCT DATABASE**

- A. Pursuant to 50 ILCS 705/6.2 the Illinois Law Enforcement Training Standards Board maintains an officer professional conduct database.
- B. The police department is responsible for notifying the board, within 30 days, of any final determination of willful violation of department or agency policy, official misconduct, final exhaustion of any appeal, or violation of law when:
  - 1. The officer is discharged or dismissed as a result of the violation.

2. The officer resigns during the course of an investigation and after the officer has been served notice that he/she is under investigation that is based on the commission of a Class 2 or greater felony.
- C. The chief's administrative assistant shall provide notification using the Professional Conduct Report form, as required by the Illinois Law Enforcement Training and Standards Board. Completed forms shall be uploaded to the records management system. Refer to Appendix A to view this form.

## APPENDIX A: PROFESSIONAL CONDUCT REPORT

Illinois Law Enforcement Training and Standards Board  
4500 South 6th Street Road, Rm 173 - Springfield, Illinois 62703-6177  
Telephone: (217) 782-4540

### PROFESSIONAL CONDUCT REPORT

Form R (05/2016)

Pursuant to 50 ILCS 705/6.2, all law enforcement agencies shall notify the Illinois Law Enforcement Training and Standards Board (aka the Board) within 30 days of any final determination of willful violation of department or agency policy, official misconduct, or violation of law when:

- (1) the officer is discharged or dismissed as a result of the violation; or
- (2) the officer resigns during the course of an investigation and after the officer has been served noticed that he or she is under investigation that is based on the commission of a Class 2 or greater felony. This includes violations of Illinois statutes or statutes of other state or federal agencies when the elements of the offense are substantially similar to an Illinois criminal offense which is a Class 2 or greater felony.

Please note this does not replace the mandatory reporting by an agency of any felony or qualifying misdemeanor arrest/conviction of an officer under 50 ILCS 705/6.1

As it is important for this information to be legible, please type or complete this form as a fillable PDF also found on LEDI.

#### REPORTING AGENCY INFORMATION

Reporting Agency:

Full Address:

Reporting Officer (including rank/title):

Reporting Officer Signature:

Phone:  Email:

The reporting agency must attach to this report form a detailed typed report of the officer's conduct as outlined above from 50 ILCS 705/6.2 which lead to the officer's discharge/dismissal or resignation under investigation.



### OFFICER INFORMATION

Full Name: \_\_\_\_\_ PTB ID: \_\_\_\_\_

Last Known Home Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

### RESPONSE TO REPORT

In accordance with the provisions of 50 ILCS 705/6.2 (PA 99-352), an officer who is the subject of a professional conduct report is afforded an opportunity to respond in writing to the information submitted. Therefore, a copy of this report will be provided to each individual who will then be granted 14 days to respond and return the report. This final version of the report will be maintained by the Board. If the officer chooses not to respond within the 14 days, the original submission will become final.

#### BOARD STAFF USE ONLY

Date received/initial entry into PTB database/initials: \_\_\_\_\_

Letter sent to officer/initials: \_\_\_\_\_

Response received from officer/initials: \_\_\_\_\_

Officer's personal information redacted from report form/response/initials: \_\_\_\_\_

Documents scanned and placed into PTB database/initials: \_\_\_\_\_

Final notes in PTB database/initials: \_\_\_\_\_