

	<b>ELGIN POLICE DEPARTMENT</b> 151 Douglas Avenue Elgin, Illinois 60120	
<b>Effective Date:</b> 06/17/02	<b>RULES AND REGULATIONS</b>	<b>Revised Date:</b> 11/29/17
<b>Chief of Police:</b> 	<b>Section 2: Prohibited Acts</b>	

The following actions by all personnel of the Elgin Police Department are prohibited and may subject personnel to disciplinary action:

**2.1     Consumption or Use of Intoxicants While On Duty**

While on duty, personnel shall not consume alcoholic beverages or drugs, unless it is prescribed by a licensed physician and it does not affect his/her ability to perform job functions. Exceptions pertaining to alcoholic beverages may be granted to those serving in an undercover capacity and while acting under proper orders. In doing so, personnel shall refrain from consuming the beverage to the extent that it results in impairment, intoxication, or offensive behavior which discredits them or the department, or renders the employee unfit to continue his/her assigned duties.

**2.2     Reporting for Duty while Under the Influence**

Personnel shall not report to work under the influence of alcohol or any drug unless it is prescribed by a licensed physician and does not affect his/her ability to perform job functions. A supervisor who has reasonable suspicion to believe an employee is intoxicated or under the influence of alcohol or drugs may require the employee to submit to a breath or chemical test. Refusal to comply with this requirement shall be considered insubordination. *(Formerly 2.3)*

**2.3     Intoxication of Personnel While Off Duty**

Consumption of intoxicating beverages while off duty to the extent that the consumption results in impairment and affects the employee's behavior so as to discredit themselves or the department. *(Formerly 2.2)*

**2.4     Committing or Condoning Sexual, Racial, Religious, National Origin, Disability, Age, Gender, or Ethnic Harassment**

Harassment based on sex, race, religion, national origin, disabilities, age, gender, or ethnic background as a basis for conduct, behavior, or decisions affecting another employee or potential employee's terms or condition of employment. Personnel shall not use age, race, sex, religion, national origin, disability, gender or ethnic background in their words, actions, gestures, conduct or behavior that could reasonably be construed or perceived by another employee or potential employee as hostile, offensive, or intimidating. *(Formerly 2.67)*

**2.5     Violation of Law**

Violation or attempted violation of any federal, state, county, or municipal law while on or off duty. *(Formerly 2.44)*

**2.6     Excessive Use of Force**

Personnel shall not use excessive physical force beyond what is authorized by law or department policy. *(Formerly 2.64)*

**2.7     Improper Firearms Use/Display/Handling**

Drawing, displaying, or discharging a firearm other than as authorized by law and/or department orders or the negligent handling or discharging of firearms. *(Formerly 2.48)*

## 2.8 Insubordination

Failure to obey a lawful order given by a supervisor/acting supervisor or any disrespectful, mutinous, insolent, or abusive conduct toward a supervisory member whether or not in the presence of the supervisory member. (Formerly 2.21)

## 2.9 Neglect of Duty/Incompetency/Inefficiency

Failure to give suitable attention to the performance of duty. Examples include, but are not limited to failure to be immediately and readily available while on duty, lounging, sleeping, exceeding the reasonable amount of conversation time with co-workers and citizens, concealing a police vehicle for a purpose not related to job duty; failure to take appropriate action for any act or condition deserving police attention, prisoner escape, absence without leave; failure to efficiently perform duties, unsatisfactory performance, insufficient proactive enforcement, failure to comply with any lawful procedure, written directive, written or verbal order, and failure to maintain sufficient competency to perform duties.

(Formerly 2.19, 2.32, & 2.45)

## 2.10 Unauthorized Absence from Duty/Tardiness

Failure to appear for duty at the date, time, and place assigned without being excused or without properly notifying the department of an illness or other emergency. (Formerly 2.60)

## 2.11 Leaving Place of Assignment

Leaving one's duty assignment without proper relief or authorization. (Formerly 2.65)

## 2.12 Inappropriate or Unauthorized Use of Department Equipment

Unnecessary, inappropriate or unauthorized use of any department equipment, including but not limited to police radio, computer, cellular telephone, data systems, printers, office equipment, and vehicles. (Formerly 2.30)

## 2.13 Improper Operation of City Motor Vehicles

Negligent, careless, reckless or inattentive operation of a vehicle by an employee. (Formerly 2.29)

## 2.14 Unauthorized Persons in Police Vehicles or Work Areas

Allowing unauthorized persons to ride in police vehicles or allowing access to employee work areas without permission of a supervisor. (Formerly 2.28)

## 2.15 Withholding Information of Criminal Activity

Failure to promptly report to the department any information concerning any crime or unlawful activity. This applies whether the information or observation comes to the attention of the employee while on or off duty. (Formerly 2.4)

## 2.16 Interfering with Other Units, Divisions, Sections, Etc.

Engaging in conduct that interferes with another unit, division or section of the department or interferes with cases assigned to another employee without the consent of the assigned employee or a supervisor. (Formerly 2.34)

## 2.17 Unauthorized Investigations

Conducting an investigation of any kind on another employee of the department without authorization from the chief of police or conducting a criminal investigation without the knowledge of the department and in compliance with department procedures. (Formerly 2.35)

#### 2.18 Improper Electronic Recordings

No employee shall, by means of any eavesdropping device as defined by 720 ILCS 5/14-1(a), as amended, record any other City of Elgin employee's conversation without the written permission of all employees being recorded, unless in the lawful performance of an authorized investigation.  
(Formerly 2.66)

#### 2.19 Compromising Criminal Cases

Interfering with a criminal investigation or the proper administration of justice or legal process.  
(Formerly 2.38)

#### 2.20 Divulgence of Department Business

Disseminating or releasing department records or information concerning police matters, except as provided by department directives. (Formerly 2.50)

#### 2.21 Improper Use of Department Records/Reports/Citations

Stealing, releasing, altering, or tampering with any record, report, citation or document of the department, except as provided in written directives and in accordance with the law. To this end, the copying, releasing, altering or tampering with any record of the department or with the information contained in any record of the department except by process of law shall constitute a violation of this rule. (Formerly 2.59)

#### 2.22 Improper Reports/Records

Falsifying any official report or entering or causing to be entered any false, inaccurate or improper police reports or official documents of the department, City of Elgin, or other governmental agency.  
(Formerly 2.23)

#### 2.23 Improper Handling of Recovered Property/Evidentiary Material

Failure to inventory, secure, properly handle, and process recovered property as required by department directives. (Formerly 2.42)

#### 2.24 Frivolous Complaints

Making a frivolous, reckless, or untrue complaint against a fellow employee of the department.  
(Formerly 2.17)

#### 2.25 Criticism of the Department

Publicly criticizing or ridiculing the department, its policies or other employees in such a manner which may impair the operation of the department by interfering with its efficiency. (Formerly 2.49)

#### 2.26 Prohibited Association

Personnel shall not associate with individuals they know or should know to have been convicted of a felony within the past five years, who are under present criminal indictment or investigation, or who have been officially documented as a known active gang member by any law enforcement agency. An exception to this rule is when the association is necessary due to the performance of official duties and with the approval of the employee's immediate supervisor, or where a familial relationship exists with the employee. (Formerly 2.5)

#### 2.27 Solicitation of Favorable Acts

Soliciting anyone to intercede with the chief of police, a supervisory member, the city manager or any

elected or appointed city official in relation to promotion, assignments, disciplinary actions or personnel investigations. This section shall not apply to licensed attorneys at law or employee organization representatives who are representing employees consistent with the law or provisions of existing collective bargaining agreements. (Formerly 2.6)

#### 2.28 Private Benefit from Department Association

Use of the prestige or influence of one's official position or the use of the time, facilities, equipment, or supplies of the department for the private gain or advantage to oneself or another. (Formerly 2.15)

#### 2.29 Unauthorized Fees/Rewards/Gratuities

Solicitation or acceptance of any fee, reward, compensation, or gratuity for any service in the line of duty. This section does not apply to awards from professional or fraternal organizations in recognition of an employee's accomplishments. (Formerly 2.46)

#### 2.30 Valuable Items- Buying/Receiving/Selling

Buying, receiving, or selling anything of value from or to any complainant, suspect, witness, defendant, detainee, or other person involved in any case which has come to the attention of an employee or which arose out of an employee's employment with the department, except as authorized by the chief of police. (Formerly 2.53)

#### 2.31 Destruction/Defacing/Posting/Circulation of Notices

Destroying or defacing any official written notice posted by the department that is intended for viewing by employees or the posting or circulating of any written materials of a derogatory nature relating to any person, employee, group, or police activity. (Formerly 2.52)

#### 2.32 Holding Items in Mouth

Having any item in mouth, whether protruding or not, or holding a cigarette, e-cigarette, cigar, pipe, tobacco, toothpick, or candy, while in work uniform and in official contact with the public. (Formerly 2.62)