
Internal Investigations

323.1 PURPOSE AND SCOPE

It is the policy of the Urbana Police Department to investigate all claims of misconduct by employees. These investigations will be conducted with standardized procedures in order to demonstrate the Department's desire to provide honest and efficient police service and inspire the public's confidence in its personnel, while also ensuring that employees are treated fairly and impartially.

323.1.1 DEFINITIONS

Definitions related to this policy include:

Formal investigation - The process of an 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 three days (50 ILCS 725/2).

Informal inquiry - 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.

Interrogation - The questioning of an officer pursuant to the formal investigation procedures of the respective state agency or local governmental unit in connection with an alleged violation of such agency's or unit's rules which may be the basis for filing charges seeking his or her suspension, removal, or discharge. The term does not include questioning (1) as part of an informal inquiry or (2) relating to minor infractions of agency rules which may be noted on the officer's record but which may not in themselves result in removal, discharge or suspension in excess of three days (50 ILCS 725/2).

Officer - Any peace officer, as defined by Section 2-13 of the Criminal Code of 2012 (720 ILCS 5/2-13), as now or hereafter amended, who is employed by any unit of local government or a state college or university, including supervisory and command personnel, any park police officer as defined under the Park District Police Act (70 ILCS 1325/1), and any pay-grade investigator for the Secretary of State as defined in Section 14-110 of the Illinois Pension Code (40 ILCS 5/14-110), including Secretary of State sergeants, lieutenants, commanders and investigator trainees.

Police administrative proceeding - Any non-judicial hearing which is authorized to recommend, approve, or order the suspension, removal or discharge of an officer.

323.2 INTERNAL AFFAIRS COORDINATOR

The Internal Affairs Coordinator is established for the purpose of creating a process to ensure the integrity of the Department and the internal investigation function. The Deputy Chief of Police will serve as the Department's Internal Affairs Coordinator. He/she shall coordinate and exercise supervision over investigations of complaints or allegations of misconduct against employees.

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323.2.1 INTERNAL AFFAIRS COORDINATOR DUTIES

- Supervising and controlling the investigation of alleged or suspected criminal conduct within the agency.
- Maintaining the confidentiality of the internal affairs investigation and records.
- Ensuring that allegations of employee conduct that is improper shall be appropriately investigated and promptly adjudicated

323.3 SUPERVISOR RESPONSIBILITIES

All supervisors who become aware of misconduct, either through personal observation, through another employee, or through a citizen, will conduct a preliminary investigation to establish the parameters of the misconduct.

If the misconduct raises to the level that it warrants an immediate relief of duty, refer to Disciplinary Policy for guidelines.

323.4 NON-SUPERVISOR RESPONSIBILITIES

Non-supervisory employees who become aware of misconduct, either through personal observations or through a citizen, shall immediately notify the Shift Supervisor.

323.5 CRIMINAL CONDUCT

All allegations of criminal conduct on the part of an employee shall be considered formal investigations. Criminal conduct is defined as a violation of state, federal, or local laws.

The Chief of Police shall immediately be notified of any allegation of criminal conduct by any employee. This includes situations where a command officer is investigating a formal or informal complaint and discovers possible criminal conduct. The investigation shall cease and immediate notification of the Chief is required.

The Chief of Police will coordinate investigations into criminal conduct with the City Attorney and/or the State's Attorney, and the results of the investigations will be forwarded to one or both of them for their consideration.

The Chief of Police shall advise the complainant, victim, and accused employee of the decision of the State's Attorney and/or the City Attorney. There is no requirement to notify employees who are being investigated for criminal conduct of the investigation while it is in progress.

323.6 ADMINISTRATIVE LEAVE

During an investigation into misconduct, the Chief of Police may deem it necessary to place the officer on paid administrative leave until the investigation is completed. Any employee who is placed on paid administrative leave pursuant to this Policy (except for those who were relieved from duty pursuant to the emergency provision) may be required to surrender his/her badge, identification card, keys, weapon and commission to the Department for the period of the administrative leave. Failure to turn in this Department equipment will result in further disciplinary

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action against the employee. An employee on paid administrative leave may not wear any Police Department uniform, and shall not be allowed access to the inner security area of the Police Department without first obtaining the permission of the Chief of Police. Any requests for official Departmental records or documents from an employee on paid administrative leave shall only be authorized by the Chief of Police.

Any officer on administrative leave from the Department shall be deprived of all police powers and privileges, except as a private citizen, and shall not represent the Department for the duration of the administrative leave.

A sworn member of the Department shall not carry a firearm while on administrative leave and is bound by the Rules and Regulations of the Urbana Police Department while on administrative leave, except those rules and regulations that require the exercise of direct police action by a member.

323.7 EMPLOYEE'S NOTIFICATION OF FORMAL INVESTIGATION

The employee shall be notified of a formal investigation against them in writing by the investigator at the outset of the investigation, unless the complaint alleges illegal actions.

The Department shall adhere to the provisions in the Uniform Peace Officers Disciplinary Act, which sets forth certain rights that are guaranteed to law enforcement officers in disciplinary procedures.

323.8 EVIDENCE COLLECTION

The Chief of Police may require an employee to submit to any of the following tests, disclosures or searches when the test, disclosure or search is specifically directed and narrowly related to an internal investigation regarding the employee. Failure to follow a direct order of this nature may result in a separate disciplinary action against the employee up to and including termination. Employees are required to submit to the gathering of non-testimonial evidence, including, but not limited to the following:

- Medical, psychiatric, psychological, or laboratory examination of the employee
- Breathalyzer testing, if intoxication is suspected
- Search of City property
- Written reports as required
- Photographs of the employee
- Examination of firearms
- Participation in a lineup
- Financial disclosure statements by the employee
- Handwriting samples
- Fingerprints

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323.9 POST INVESTIGATION PROCEDURES

323.9.1 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander assigned the investigation of the alleged misconduct shall ensure a thorough and accurate investigation is conducted. If an investigation is being conducted that is intended to gather evidence of misconduct that may be the basis for filing charges seeking removal, discharge or suspension in excess of three (3) days, the employee(s) who are the subject of the investigation shall receive a "Notice of Certain Rights in Connection with an Interrogation, Examination or Hearing" form.

The Division Commander investigating an allegation of misconduct shall complete a written report to include the following information;

- Summary of the complaint or alleged misconduct
- Statements of all parties to the incident (if appropriate)
- A description of the incident
- Observations and conclusions of the investigator
- Physical evidence that may exist

323.9.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendations and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be imposed.

323.9.3 ILETSB NOTIFICATION

In the event of an arrest or conviction of any of the specified sections in 50 ILCS 705/6.1, the Chief of Police shall report such arrest or conviction to ILETSB.

The Chief of Police or the authorized designee shall notify the ILETSB of any final determination of discipline in the following circumstances (50 ILCS 705/6.2):

- a. The officer is discharged or dismissed as a result of the violation.
- b. The officer resigns during the course of an investigation and after being served notice that he/she is under investigation that is based on the commission of a Class 2 or greater felony.

The notification shall occur within 30 days of a final decision and exhaustion of any appeal, or resignation, and shall provide information regarding the nature of the violation.

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323.10 EMPLOYEE RESPONSE

It is the duty and responsibility of every full-time and part-time police officer to report to ILETSB within 30 days, and the officer's Chief of Police, of his/her arrest or conviction for an offense identified in 50 ILCS 705/6.1. Any full-time or part-time police officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have his or her certificate or waiver immediately decertified or revoked.

323.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of an investigation or of pending discipline.

323.12 POST INVESTIGATION PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the personnel rules and applicable guidelines, or pursuant to the collective bargaining agreement, or if non-home rule, the procedures outlined in 65 ILCS 5/10-2.1-1, or if civil service, the procedures outlined in 65 ILCS 5/10-1-1.