



YORKVILLE POLICE DEPARTMENT

200 – Internal Affairs

SUBJECT: Internal Affairs
EFFECTIVE DATE: October 18, 2019
DISTRIBUTION: All Personnel

Purpose: To provide guidelines and procedures for the investigation and disposition of complaints and allegations of misconduct involving employees of the City of Yorkville assigned to the Yorkville Police Department.

Policy:

- A. It is the policy of the Yorkville Police Department (“Department”) to investigate all complaints against Department personnel, regardless of the source of such complaints. Investigation of these complaints through standardized procedures shall demonstrate the Department's desire to provide honest, efficient police service and shall inspire public confidence in its personnel. A regulated program of complaint review shall also ensure the fair and impartial treatment of all Department personnel who become subject to the internal affairs procedures.

- B. All complaints against the Department or its employees will be investigated. Based upon the nature and complexity of a complaint, all allegations of employee misconduct are classified as an "inquiry," an "informal investigation," or as a "formal investigation" by the Chief of Police (or designee).

This Policy will be comprised of the following sections:

- I. Applicability**
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I. Applicability

This manual will apply to all employees of the Yorkville Police Department regardless of the employee's job classification or rank.

II. Definitions

- A. **Misconduct:** Any violation of any legal statute or Ordinance, written law, Department policy, rule, regulation applicable to employees of the Police Department (including revisions thereto that are adopted from time to time and published to employees), including without limitation those set forth in the Department's Rules/Code of Conduct.
- B. **Rules/Code of Conduct:** This refers to the Rules and Regulations of the Yorkville Police Department (including revisions thereto that are adopted from time to time and published to employees)
- C. **Informal Inquiry:** "A meeting by supervisory or command personnel with an Officer [or civilian] 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." (50 ILCS 725/2(b))
- D. **Formal Investigation:** "The process of investigation ordered by a commanding Officer during which the questioning of an Officer [or civilian] 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." (50 ILCS 725/2(c))
- E. **Complaint:** A verbal or written accusation or charge brought against an employee by anyone including the public, fellow Officers or a Supervisor. The complaint can be considered formal or informal based on the severity of the allegations and the remaining circumstances. There is nothing in this General Order that limits the Department's right to change the designation of a complaint as either formal or informal after additional information is obtained.
- F. **Interrogation:** "The questioning of an Officer [or civilian] 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 3 days." (50 ILCS 725/2(d))
- G. **Administrative Proceeding:** Any non-judicial hearing by the Chief of Police to seek the suspension over three (3) days, or discharge of an employee after charges have been filed by the Chief of Police as a result of an investigation or inquiry. (50 ILCS 725/2(e))

- H. Complaint Inquiry: A classification used to address and document a citizen concern or question about a policy, procedure or tactic used by a member of the Department.

III. Duties of Members

- A. Each member of the Department will perform the duties and will assume the obligations of his or her rank and position in the investigation of complaints or allegations of misconduct against any member of the Department, when authorized or directed to do so by the Chief of Police (or designee).
- B. Each member of the Department will cooperate fully with the person(s) designated to conduct the investigation. Failure to do so may be construed as interference with the investigation and/or insubordination in appropriate cases and may further constitute a Class 3 Felony pursuant to 720 ILCS 5/33-9 (Law Enforcement Misconduct).
- C. Any member of the Department, regardless of rank or position, who has knowledge of circumstances surrounding a complaint or any information regarding actual or perceived misconduct by any member of the Department will immediately submit a written report to his or her immediate Supervisor summarizing the circumstances involved. This report will be accurate and will include all information that is known to the member at the time. An employee's failure to immediately submit a written report will constitute a violation by that member of this General Order. For purposes of this General Order the word "immediately" means prior to the end of the shift or within a reasonable period thereafter provided the employee has notified his or her immediate Supervisor verbally of the existence of any actual or perceived misconduct before the end of the shift (email or text is fine).

IV. The Role of the Supervisor in Administration of this Order

- A. The primary responsibility for administering the Rules of Conduct and this General Order shall be with the first-line Supervisors. The primary responsibility to comply with this General Order and the Rules of Conduct shall remain with each individual employee.
- B. Supervisors shall familiarize themselves with the Officers in their unit, and closely observe their general conduct and appearance on a daily basis to ensure compliance with the Department's Rules of Conduct.
- C. Supervisors shall remain alert for indications of behavioral or attitudinal problems, or changes that may negatively affect an Officer's job performance and/or dealings with others. Such information should be documented by the Supervisor with a recommendation for follow up action to address the issue, when appropriate.
- D. A Supervisor may recommend additional training to refresh and reinforce an Officer's skills and/or when deemed appropriate by a Supervisor to educate an Officer on an existing work rule, practice or procedure of the Department.
- E. Counseling may be used by a Supervisor under the following circumstances (not all inclusive) :

1. To determine the extent of any personal or job-related concern or obstacle that may be affecting the employee's performance and to offer assistance and guidance in appropriate cases.
 2. To discuss minor and infrequent or isolated rule violations and to discuss the substance and importance of compliance with the rules with the Officer.
- F. The Supervisor shall document all instances of counseling, or additional training, used or recommended to modify an Officer's behavior or attitude toward work related activities.

V. Supervisory Authority

- A. First line Supervisors will be responsible for identifying and addressing those instances and actions when disciplinary action(s) are warranted for members under their immediate or indirect supervision. These responsibilities include (without limitation):
1. Investigating allegations of employee misconduct when within the scope of their authority and responsibility.
 2. Counseling (documented verbal or written) employees to improve job performance or correct minor infractions of Departmental rules, regulations and procedures.
 3. Identifying training or retraining needs.
 4. Implementing disciplinary action recommendations and/or decisions made by the supervisor and formally approved by the Chief of Police thereafter.
- B. Supervisors who have investigated and documented objective evidence of employee misconduct have the authority to exercise disciplinary actions on behalf of the Department.
1. If the misconduct is a minor offense, such as an isolated infraction of a rule or procedure and/or a limited exercise of poor judgment which has not directly or indirectly significantly impeded effective Departmental operations, the Supervisor is authorized to take immediate corrective action in the form of counseling.
 2. If misconduct falls within the category of an informal complaint or necessitates disciplinary action at the oral or written reprimand level, the corrective action will be taken by the Supervisor and documentation of the misconduct and recommended form of discipline (or discipline taken in appropriate cases) will be forwarded through the chain of command to the Chief of Police (or designee).
 3. If the disciplinary action that is recommended by the supervisor is at a higher level than a written reprimand or informal counseling, the Supervisor will make a recommendation to their immediate supervisor for approval by the Chief of Police (or designee). It is not sufficient to identify misconduct without making a recommendation of the appropriate way to remedy the offense for consideration by the Chief (or designee).

4. If the misconduct is deemed by the supervisor to be serious, such as a violation of any criminal law, gross negligence or carelessness that involves loss of life or potential loss of life or serious bodily harm to another, intoxication or impairment on duty or while on call or on break, or insubordination, the Supervisor may immediately relieve the offender from duty in his or her discretion. Certain misconduct may be so severe that a supervisor is authorized to immediately relieve an Officer from duty when he or she has a good faith belief that it is in the best interest of the Department and/or the public to do so. Each time a supervisor exercises his or her right to remove an employee from duty, the appropriate Division Deputy Chief will be immediately notified. The employee so relieved from duty also will be ordered by the supervisor or Division Deputy Chief to report to the office of the Chief of Police at 0900 hours on the next business day unless there exist circumstances that dictate a different course of action to be taken.

VI. Complaint Categories

- A. The type and nature of a complaint will determine whether it can be handled and resolved at the first line Supervisor or be referred to the appropriate Division Deputy Chief (or designee) for a formal internal investigation.
- B. Not all complaints can be automatically categorized. Supervisors are required to exercise good judgment and common sense when they are made aware of a complaint to assess the circumstances involved and make a decision about whether or not a complaint justifies further investigation or action
- C. The following types of complaints are **examples** or those which are normally categorized as “formal,” requiring referral to the Internal Affairs process, or “informal,” which may be resolved at the first line Supervisory level (not an all-inclusive list):
 1. Formal Complaint – Allegations of:
 - a. Brutality or Excessive Force
 - b. Misuse or Abuse of Force
 - c. Breach of Civil Rights
 - d. Criminal Misconduct
 - e. Insubordination
 2. Informal Complaint – Allegations of:
 - a. Tardiness
 - b. Isolated instances of Rudeness/Negative Attitude
 - c. Improper Radio Procedure
 - d. Grooming and dress code violations
- D. In cases where the allegation(s) concern violations of the Illinois Compiled Statutes, the appropriate Division Deputy Chief will immediately contact the Chief of Police. The Chief of Police (or designee) will promptly contact the Kendall County State’s Attorney’s Office to determine whether a separate criminal investigation should be considered by that Office and Illinois Law Enforcement Training Standards Board (the “Training

Board”) to determine whether automatic or discretionary decertification proceedings are appropriate pursuant to 50 ILCS 705/6.1, and 50 ILCS 705/6.3.

- E. **Complaint Inquiry:** A classification used to address and document a citizen concern or question about a policy, procedure or tactic used by an employee of the Department. The purpose of a complaint inquiry is to review the employee’s actions with regards to a citizen’s complaint in which an optional, official formalized sworn complaint (**Attachment A**) is not requested by the complainant. All complaint inquiries will be documented utilizing the Complaint Inquiry Form (**Attachment U**) by the Shift Supervisor. The completed Complaint Inquiry Form (**Attachment U**) will be forwarded through the chain of command and retained by the Chief of Police (or designee) in the designated “Complaint Against Officer” file.

Results of a Complaint Inquiry may lead to further investigation/action if required or deemed appropriate by command staff based on the circumstances involved.

VII. Internal Affairs Register

- A. The Support Services Deputy Chief (or designee) will be responsible for maintaining the Internal Affairs Register (“IAR”) for the Department. The Deputy Chief will report directly to the Chief of Police in regard to the status of any ongoing Internal Affairs Investigation when requested to do so and otherwise deemed appropriate.
- B. The IAR will be maintained in a confidential file and will contain relevant documented information, evidence (in any form) regarding allegations that are gathered or relied on during an Internal Affairs Investigation. That same IAR file also will include details of the outcome of the investigations and applicable disciplinary or other remedial actions taken in appropriate cases.
- C. On a monthly basis, the Support Services Deputy Chief will forward to the Chief of Police a written report of all entries into the IAR for the calendar month.

VIII. Reporting Procedures

- A. All complaint allegations made against the Department or its members will be investigated, including anonymous complaints.
- B. Supervisors, upon receiving a serious or formal complaint, will conduct a preliminary investigation and prepare an internal affairs packet, documenting the circumstances surrounding the receipt of the complaint and any relevant information concerning the complaint allegations.
- C. Effective July 1, 2021 a person filing a complaint against a sworn peace officer is no longer required to support that complaint with a sworn affidavit or any other legal documentation under the Uniform Peace Officers’ Disciplinary Act (“UPODA”), 50 ILCS 725/1, et seq.. This ban on an affidavit requirement applies to any collective bargaining agreements entered into after July 1, 2021.
 - 1. Have the complainant complete the Citizen Complaint Form (**Attachment A**) optional.

2. Complete the Complaint Receipt Form (**Attachment B**) and include a copy in internal affairs packet along with any tangible information provided by the citizen.
 3. Conduct a preliminary examination of the allegations that are the basis of the complaint to be sure that the Form can be fully completed (**Attachment C**).
- D. If the supervisor has a good faith reason to believe that the complainant submitted a complaint that contains knowingly false material information should immediately notify the Division Deputy Chief to determine if the Chief (or designee) should share such information with the State's Attorney for potential prosecution and the Training Board for potential decertification.
- E. Supervisors will make immediate notification to the appropriate Division Deputy Chief when any of the following allegations are made against a member of the Department:
1. Any violation of the law regardless of whether the violation occurred on duty or off duty, including violations of the Duty to Render Aid (720 ILCS 5/7-15), Duty to Intervene (50 ILCS 705/6.3), and Law Enforcement Misconduct Act (720 ILCS 5/33-9). All allegations of substance or alcohol abuse on or off duty.
 2. All allegations of improper use or display of weapon.
 3. All allegations of an employee's impairment by or being under the influence of alcohol or controlled substances (including cannabis on duty (including breaks or on call periods of time).
 4. Any allegation of improper conduct that may impact public safety.
 5. Any incident where a member is intoxicated and the matter has been referred to the local authorities, regardless of whether the member was arrested or not for the incident. [Reminder: A record of arrest alone will not be the basis of disciplinary action, but such incidents will be investigated to determine if any underlying misconduct occurred.]
- F. The Supervisor will forward the entire IAR packet to the Support Services Deputy Chief. Upon receipt of the packet, an IAR number will be assigned and the complaint logged by the Support Services Deputy Chief.
- G. Supervisors will make timely notifications through the chain of command to the appropriate Division Deputy Chief of any of the following allegations against a member:
1. Allegations of insubordination by any member.
 2. Any other violation of any law or the Department's Rules of Conduct that is non-criminal in nature.
 3. Allegations of discourtesy or conduct that is or could reasonably be construed as unbecoming of a member of the Department.

- H. The appropriate Division Deputy Chief will notify the Chief of Police immediately of complaints under Section C above. The Chief of Police will be advised of complaints under Section E above in a timely manner (prior to the end of the shift).

IX. Notification of Member of Complaint

At an appropriate point of the investigation, the Investigating Division Deputy Chief (or designee) will notify the affected member in writing of the matter under investigation through use of the Employee Complaint Notification Form (Attachment D).

X. Investigation of the Complaint

- A. Investigation of complaints against members will generally be completed within thirty (30) calendar days of the assignment to the investigator when practical under the circumstances. The investigator may request extensions of the time period from the Chief of Police when extenuating circumstances exist such as unavailability of witnesses, extraordinary amounts of evidence, etc. If the request for extension is approved, a report on the status of the investigation will be submitted to the Chief of Police every seven (7) days unless otherwise authorized in writing by the Chief of Police. The complainant will be advised of the need for an extension in appropriate cases.
- B. The investigator will contact the complainant to confirm receipt of the complaint and to review the allegations are the basis of the complaint. Status notification of an active investigation concerning a complaint will be provided to the complainant at a minimum of every fourteen (14) days and such status/notification to the complainant will be documented in the investigation file. The appropriate member of command staff will notify the complainant of the outcome of the investigation when concluded.
- C. The investigator will conduct the investigation of the complaint allegations in a **fair** and **impartial manner**.
- D. The investigator will, when the complaint under investigation is against a sworn member of the Police Department, conduct the investigation in accordance with the **Uniform Peace Officers' Disciplinary Act, 50 ILCS 725/1, et seq. (Attachment F)** ("UPODA").
- E. All interviews deemed necessary to accumulate relevant evidence and facts in the matter under investigation will be conducted. Prior to scheduling an Interrogation, the accused employee will be served with Notification of Charges/Allegations completed by the investigator and which contains all relevant information required by UPODA. (**Attachment E**).
- F. The Chief of Police or designee can require that an employee submit to being photographed, participate in a line up, submit financial disclosure statements, search of City property and submit to medical, psychological or laboratory examinations when such actions are specifically related to the matter that is under investigation. Failure of the member to follow this direct order from the Chief of Police or designee will constitute a separate infraction and just cause for potential disciplinary action including dismissal.
- G. A member under investigation cannot be compelled to submit to a polygraph or similar type examination used to detect deception as part of an internal investigation. An employee may voluntarily submit to such examinations and should be advised that the

results of that examination will not be used in any commission hearing, or trial court to prove guilt or innocence.

H. The following additional forms will be used in connection with the investigation of the allegation(s) against a member in appropriate situations:

1. Administrative Rights Form (**Attachment G**).
2. Criminal Rights Form (**Attachment H**). To be used when allegations are violation of criminal law and criminal charges may be sought).
3. Waiver of Counsel/Request to Secure Counsel (**Attachment I**).
4. Case Disposition Checklist (**Attachment S**).

XI. Report of Findings/Conclusion of Fact

A. The investigator, upon completion of the investigation, will submit to the Support Services Deputy Chief a detailed report which will outline the results of the investigation and reference all relevant tangible documents and witnesses interviewed. The report will contain one of the following dispositions:

1. **Exonerated:** The act(s) alleged did occur, but the act(s) are justified, lawful and proper.
2. **Misconduct Not Based on Original Complaint:** The investigation revealed that the acts of misconduct that occurred were not contained or alleged in the original complaint.
3. **Not Sustained:** The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
4. **Policy Failure:** The investigation revealed the alleged acts did occur; however, the member was acting in accordance with Department policy.
5. **Sustained:** The investigation disclosed there is sufficient evidence to clearly prove the allegations made in the complaint.
6. **Unfounded:** The investigation indicates the act(s) alleged did not occur or that it failed to involve members of the Department.

B. All reports filed in connection with the investigation will be filed in the format of The Internal Affairs Register Report. (**Attachment R**)

C. The accused employee will be advised in writing of the disposition by the Chief of Police or designee during an administrative hearing.

D. If the alleged violation was for a misuse of LEADS/NCIC then a written explanation of the outcome of the investigation must be forwarded to: Bureau of Field Services

801 S. Seventh St., Ste 300-M
P.O. Box 19461

- E. If an Officer is discharged or dismissed as a result of a willful violation of a Department policy (including the Rules of Conduct), due to official misconduct and/or a violation of a law; or if an Officer resigns during the course of an investigation based on the commission of any felony or sex offense, the Department will notify the Illinois Law Enforcement Training and Standards Board (the "Training Board") pursuant to 50 ILCS 705/6.2. Thereafter, the Training Board will notify the law enforcement Officer of the report and his or her right to provide a statement regarding the reported violation as required by law.

XII. Administrative Review of the Investigation and Reports

- A. Upon receiving the final report of the outcome of the investigation, the Support Services Deputy Chief will review the report and IAF file to ensure it is complete and includes reference to all relevant documents and witness statements.
- B. If there are no sustained allegations, the IAF file will be forwarded to the Chief of Police for review.
- C. Regardless of the outcome, upon the completion of every IAF investigation, the investigative report and IAF file will be reviewed and maintained by the Chief of Police.
- D. All information and IAF files related to unfounded complaints also will be placed in the "Complaint against Officer File" maintained by the Chief of Police.

When any complaint, whether anonymous or not, is made against an Officer and said complaint is unfounded or not sustained, no reference of this complaint shall be made to the City of Yorkville Board of Fire & Police Commissioners either verbally or in written form or placed in the Employee's personnel file. Such complaint also will not be used or relied on by the Department in the determination of promotions, assignments or other employment actions by the Department. If there are sustained allegations, the following steps will be taken:

1. The investigator will review the personnel file of the affected employee as well as any prior commendations and mentions of exceptional performance by the accused member and make recommendation as to the appropriate level of disciplinary action to remedy the complaint.
2. The supervisor's written recommendation for disciplinary action (when appropriate) will then be forwarded to the Support Services Deputy Chief who will review the file and the supervisor's recommendation to indicate whether he concurs with the recommendation as to disciplinary action or not (with an alternate recommendation if the supervisor's recommendation is not adopted). The Support Services Deputy Chief will forward the file to the Chief of Police.
3. Final approval of the findings of the investigation and disciplinary action will be the decision of the Chief of Police (or designee) based on the information available and recommendations of the supervisor and Division Deputy Chief.

4. It is within the purview of the Chief of Police, after reviewing the facts of the investigation, to formally file charges with the City's Board of Fire and Police Commissioners against any sworn member (Officer) seeking the removal, dismissal, or suspension of the officer.
 5. It is within the purview of the Chief of Police, after reviewing the facts of the investigation, to seek the removal of any non-sworn (Civilian) member of the Department.
 6. All disciplinary action imposed against a sworn officer will only be for just cause and pursuant to the terms UPODA and the collective bargaining agreement negotiated between the City of Yorkville (and its Police Department) and the Fraternal Order of Police (patrol unit), referred to herein as the "CBA".
 7. Disciplinary action will be subject to appeal as expressly stated in the CBA for covered members. As referenced in the CBA, disciplinary action involving probationary officers may not be subject to the grievance or appeal process. Consult the CBA for details.
- E. All records related to complaints, investigations, and adjudications of police misconduct shall be permanently retained and may not be destroyed.

XIII. Disciplinary Power

- A. Supervisory personnel may recommend the following disciplinary action against any member when such action is necessary:
1. Oral Reprimand – Written documentation of this action is issued by a Supervisor. (**Attachment K**)
 2. Written Reprimand – Issued by a Supervisor. (**Attachment L**)
 3. Relief from duty (As outlined in Section V, subsection B.4)
 4. Written recommendation for other penalties (including recommended suspension or termination in appropriate cases).
 5. Performance/Improvement Program (**Attachment Q**)
 6. Counseling/training or retraining for minor infractions
 7. Suspension from duty (with or without pay depending on the circumstances involved).
- B. The Chief of Police has full power and authority to discipline any member of the Yorkville Police Department. Prior to the imposition of a disciplinary suspension without pay, an administrative (pre-disciplinary) hearing will be conducted by the Chief of Police pursuant to the CBA, UPODA, and/or other applicable General Orders. (**Attachment J**)
1. In cases that involve sworn members, the Chief of Police will have the authority to suspend the member for a period not to exceed five (5) days, without pay.

2. In cases that involve civilian members of the Police Department, the Chief will have the authority to suspend the member for an unlimited duration depending on the circumstances involved.
- C. Disciplinary action which results in a suspension of any member will be documented by command staff on an Order of Suspension with a copy served on the member (**Attachment M**). The Police Pension Fund will be notified via (**Attachment P**) in matters involving sworn personnel. A copy of the suspension will be placed in the Department's "Complaint Against Officer" file.
- D. Disciplinary action which results in a written or oral reprimand will be placed in an employee's personnel file, along with a copy of the Disciplinary Action Form (**Attachment O**). This form will serve as a system for tracking the time those oral or written reprimands that remain in a personnel file.
1. In cases of written reprimands (or other documented disciplinary actions), an employee will be given the opportunity to submit a written response outlining his/her point of view in regard to the incident. The employee's written response will be attached to and remain part of the letter of reprimand as long as the reprimand remains in his/her personnel file.
 2. At the discretion of the Chief of Police, the Options to Suspension may be used. (**Attachment N**)
- E. The member may appeal any decision as outlined in State Law, Ordinances, Departmental Procedures, Collective Bargaining Agreements (Patrol or Sergeant for covered members), and the City's Board of Fire and Police Commissioners.
- F. Status of Members While on Suspension:
1. A sworn member will NOT carry a firearm while on suspension.
 2. All members are bound by the Rules of Conduct of the Department while on suspension
 3. While on suspension, members will not be required or authorized to appear at court hearings of cases in which he/she was the arresting Officer unless ordered to do otherwise, when such hearings are scheduled. In the event the Department receives notification of court cases requiring the appearance of a member during such member's period of suspension, the Support Services Deputy Chief will request continuances of the cases to a date subsequent to the member's scheduled return to duty in appropriate cases.
 4. When a member is ordered suspended, the member must turn in his/her badge, identification card, Departmental keys and any other Departmental equipment (*i.e.*, weapons, tactical gear, etc.) to the Chief of Police or designee serving the suspension order. The items will be returned to the member upon conclusion of the suspension after the officer is released to return to duty.
 - a. The return of Departmental property/identification only applies to suspensions to be served for more than three (3) working days unless otherwise ordered by the Chief of Police.

- b. A failure to cooperate and/or unreasonable delay in turning in this City property will result in further disciplinary action against the member.

XIV. Aids to Discipline

A. Procedures and Criteria for Use of Training

1. The training function of the Department includes positive and constructive techniques for improving the effectiveness, productivity and morale of members.
2. Members are required to diligently maintain an acceptable level of competence in the performance of their duties.
3. Supervisors are required to identify any shortcomings, deficiencies or lack of knowledge in their employees' job performance. When appropriate, training recommendations will be made based on those areas identified.

B. Procedures and Criteria for Use of Counseling

1. Counseling is an important aspect of the Department's disciplinary process. Supervisors will conduct periodic counseling sessions to help correct an employee's job performance or when minor infractions of Departmental rules and procedures occur.
2. Counseling is also an important aspect of the Department's career development program.
3. The City of Yorkville Employee Assistance Program will be utilized when appropriate.

XV. Confidential Nature of Investigations and Files

- A. In order to ensure the integrity of the Police Department is preserved, it is necessary to investigate complaints and accusations completely and thoroughly. This includes those complaints received from anonymous sources. This action is necessary and important to protect the reputations and the good names of innocent members, as well as the effectiveness and the morale of the Police Department as a whole. The depth of the investigation is dependent upon the extent of information available. All complaints that are investigated and found to be false or unfounded will be placed in the "Complaint against Officer file" maintained by the Chief of Police (or authorized designee).
- B. When an internal investigation results in a finding of sustained or a finding of misconduct not based on original complaint, the results of the investigation as to disciplinary action will be placed into an Officer's personnel file.
- C. All internal investigation reports will be considered confidential in nature and the records of these investigations will be maintained in a separate file by the Chief of Police with access limited to those who are authorized to have this information for specific business reasons as determined by the Chief and by law.

- D. Any written reprimand, including documented verbal reprimands, will be removed from the employee's personnel file, if, from the date of the last reprimand, twelve (12) months have passed without the employee receiving an additional reprimand or discipline for the same or substantially similar offenses. The employee should submit a request at the end of the twelve (12) month period for the removal of the reprimand from his or her personnel file. Written and/or oral reprimands relating to harassment, violence, bullying and disrespect to residents shall be retained and not removed from the employees personnel file.
- E. The member will be provided with the following information when the investigation of the complaint results in a member's separation from the Department:
 - 1. A written statement citing the reason for separation.
 - 2. The effective date of the separation.
 - 3. A written statement concerning the status of fringe benefits and retirement benefits following the separation.

XVI. Employee Access to Personnel Files

A member may request to review their personnel file by filing a written request to the Chief of Police (or designee) through the Chain of Command. The Chief of Police (or designee) will notify City Hall of the request and ensure that all relevant documents that were used or relied on by the City or the Department in making an employment decision are included from the employee's individual personnel file. When necessary, legal review of the file may occur before release of the personnel file information.

If the request is granted, the file inspection will take place during normal business hours in the presence of the Chief of Police or designee generally within seven (7) business days. The file and its contents will not leave the Administrative Offices of the Police Department or City Hall. Upon request, an employee may be entitled to obtain a copy of a document in his/her personnel file pursuant to the law.

The basis for the inspection of files and the content of any personnel file is determined pursuant to the **Illinois Personnel Records Act, 820 ILCS 40/1**. No more than two (2) requests to review a personnel file may be granted during the calendar year, unless otherwise required by law.

XVII. Internal Investigations Statistical Summaries

- A. It will be the responsibility of the Support Services Deputy Chief to submit to the Chief of Police on a monthly basis a report of all internal allegations and complaints received.
- B. Information as to the number and type of Internal Investigations and Complaints will be released yearly to all employees and the public by way of an annual report.

XVIII. Complaint Registering Procedures

The Yorkville Police Department will make available to the public the procedures for registering complaints against the Department or individual Department members. These procedures will

be available in pamphlet form (**Attachment T**) in the front lobby of the Yorkville Police Department.

XIX. Attachments

Attachment A	"Citizen Complaint"
Attachment B	"Complaint Receipt"
Attachment C	"Report of Inquiry/Preliminary Investigation"
Attachment D	"Employee Complaint Notification"
Attachment E	"Notification of Charges/Allegations"
Attachment F	"Uniform Peace Officers Act"
Attachment G	"Administrative Rights"
Attachment H	"Criminal Rights Form"
Attachment I	"Waiver of Counsel/ Request to Secure Counsel"
Attachment J	"Notice of Charges/Pre-Disciplinary Hearings"
Attachment K	"Oral Reprimand"
Attachment L	"Written Reprimand"
Attachment M	"Order of Suspension"
Attachment N	"Options to Suspension"
Attachment O	"Disciplinary Action Form"
Attachment P	"Notice of Suspension to Police Pension Fund"
Attachment Q	"Performance/Improvement Program"
Attachment R	"Complaint & Disciplinary Procedures Format"
Attachment S	"Case Disposition Checklist"
Attachment T	"Complaint Inquiry Form"
Attachment U	"Yorkville Police Department Recognition & Complaint Pamphlet"

XX. Compliance

It is the responsibility of all Officers, Supervisors, and Administrative Personnel to comply with all sections of this directive. This Policy supersedes all previous written and unwritten policies and procedures of the Yorkville Police Department on the above subject.

XXI. Effective Date

This Policy shall be effective as of October 18, 2019

By order of,



James Jensen
Chief of Police



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
COMPLAINT RECEIPT FORM**

I.A.R. # _____

Complainant _____ Sex _____ Race _____ DOB: _____

Address _____ City/State/Zip _____

Home Phone # _____ Work Phone # _____

Complaint Received by: _____ # _____ Date: _____ Time: _____

Manner Complaint Taken: In person _____ Telephone _____ Letter _____

Complaint Category: _____

Location of Incident: _____ Date/Time _____

Accused Member(s) _____ # _____ Unit Assigned: _____

Accused Member(s) _____ # _____ Unit Assigned: _____

Accused Member(s) _____ # _____ Unit Assigned: _____

Issuing Employee's Signature _____ Date/Time: _____

Complainant's Signature _____ Date/Time: _____

You will be contacted by the Supervisor assigned to investigate your complaint who will also keep you advised of the status. A more in-depth interview may be required of you.

Upon the completion of the investigation, you will be notified of the outcome.

IAR.# _____



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
REPORT OF INQUIRY/PRELIMINARY INVESTIGATIONS**

I.A.R Number _____

Date: _____

Narrative:

Complaint Resolved

Complaint Requires Additional Follow-Up

Supervisor's Signature _____ Star # _____

Approved Assign to Internal Affairs

Division Command Staff Date

IAR.# _____



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
EMPLOYEE COMPLAINT NOTIFICATION**

DATE: _____
TO: _____
FROM: Chief of Police
SUBJECT: Notification of Complaint

This will serve as notification to you that a complaint has been forwarded to my office on _____.
(List Date of Complaint)

_____ will be investigating this complaint under my authority.
(Name) (Rank) (Division)

Summary of Complaint:

This notification is only to inform you that there is a review underway regarding your conduct in the above incident. This is not an official Statement of Charges and there are no findings at this point in the investigation.

YOU ARE HEREBY ORDERED NOT TO INTERFERE WITH OR DISCUSS ANY INFORMATION REGARDING THIS COMPLAINT WITH ANYONE (OTHER THAN THE ASSIGNED INVESTIGATOR OR COUNSEL SHOULD YOU DESIRE) UNTIL SUCH TIME AS THE INVESTIGATIONS HAS BEEN COMPLETED.

Chief of Police

IAR.# _____



UNIFORM PEACE OFFICERS' DISCIPLINARY ACT

50 ILCS 725/3 Interrogation of Officer – Whenever an Officer is subjected to an interrogation within the meaning of this Act, the interrogation shall be conducted pursuant to Sections 3.1 through 3.11 of this Act.

50 ILCS 725.3.1 Place of Interrogation - The interrogation shall take place at the facility to which the investigating Officer is assigned, or at the precinct or police facility which has jurisdiction over the place where the incident under investigation allegedly occurred, as designated by the investigation Officer.

50 ILCS 725/3.2 Disclosure of Information to Subject of Interrogation Regarding Nature of Investigation & Complaints – No Officer shall be subjected to interrogation without first being informed in writing of the nature of the investigation. If an administrative proceeding is instituted, the Officer shall be informed beforehand of the names of all complainants. The information shall be sufficient as to reasonably apprise the Officer of the nature of the investigation.

50 ILCS 725/3.3 Time of Interrogation – All interrogations shall be conducted at a reasonable time of day. Whenever the nature of the alleged incident and operational requirements permit, interrogations shall be conducted during the time when the Officer is on duty.

50 ILCS 725/3.4 Disclosure of Subject of Interrogation of Officer in Charge, Interrogators and Others Present –The Officer under investigation shall be informed in writing of the name, rank and unit or Command of the Officer in charge of the investigation, the interrogators, and all persons who will be present on the behalf of the employer during any interrogation except at a public administrative proceeding. The Officer under investigation shall inform the employer of any person who will be present on his or her behalf during any interrogation except at a public administrative hearing.

50 ILCS 725/3.5 Duration of Interrogation Sessions – Interrogation sessions shall be of reasonable duration and shall permit the Officer interrogated reasonable periods for rest and personal necessities.

50 ILCS 725/3.6 Abusive and Offensive Language Prohibited at Interrogation – The Officer being interrogated shall not be subjected to professional or personal abuse, including offensive language.

50 ILCS 725.3.7 Record of Interrogation - Transcript – A complete record of any interrogation shall be made, and a complete transcript or copy shall be made available to the Officer under investigation without charge and without undue delay. Such record may be electronically recorded.

50 ICLS 725/3.8 Advice of Rights – No Officer shall be interrogated without first being advised in writing that admissions made in the course of the interrogation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal or discharge; and without first being advised in writing that he or she has the right to counsel of his or her choosing who may be present to advise him or her at any stage of any interrogation.

50 ILCS 725/3.9 Right to Counsel – Presence of Representative of Collective Bargaining Unit – The Officer under investigation shall have the right to be represented by counsel of his or her choosing and may request counsel at any time before or during interrogation. When such request for counsel is made, no interrogation shall proceed until reasonable time and opportunity are provided the Officer to obtain counsel. If a collective bargaining agreement requires the presence of a representative of the collective bargaining unit during investigations, such representative shall be present during the interrogation, unless this requirement is waived by the Officer being interrogated.

50 ILCS Admissions or Confessions Obtained in Violation of Law – Admissions or confessions obtained during the course of any interrogation not conducted in accordance with this Act may not be utilized in any subsequent disciplinary proceeding against the Officer.

50 ILCS 725/3.11 Polygraph or Chemical Tests – In the course of any interrogation no Officer shall be required to submit to a polygraph test, or any other test questioning by means of any chemical substance, except with the Officer's express written consent. Refusal to submit to such tests shall not result in any disciplinary action nor shall such refusal be made part of his or her record.

50 ILCS Constitutional and Legal Rights – The rights of Officers in disciplinary procedures set forth under this Act shall not diminish the rights and privileges of Officers that are guaranteed to all citizens by the Constitution and laws of the United States and of the State of Illinois.

50 ILCS 725/5 Application of Act – The Act does not apply to any Officer charged with violating any provisions of the Criminal Code of 1961, or any other Federal, State or local criminal law.

50 ILCS 725/6 Supersedure of Provisions by Collective Bargaining Agreements – The provisions of this Act apply only to the extent that there is no collective bargaining agreement currently in effect dealing with the subject matter of this Act.

50 ILCS 725/7 Retaliatory Actions Prohibited – No Officer shall be discharged, disciplined, demoted, denied promotion or seniority, transferred, reassigned or otherwise discriminated against in regard to his or her employment, or be threatened with any such treatment as retaliation for or by reason of his or her exercise of the rights granted by this Act.



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
CRIMINAL RIGHTS FORM**

Name of Accused Member	Rank	Star#	Unit of Assignment
------------------------	------	-------	--------------------

You are hereby advised that, by law, you are to be informed of the following rights prior to questioning:

- 1. You have the right to remain silent.
- 2. Anything that you say can and will be used against you in the court of law.
- 3. You have the right to consult with an attorney and have an attorney present during questioning.
- 4. If you cannot afford to hire an attorney, one will be appointed to represent you before any questioning if you wish.
- 5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

The law further provides that any admissions made in the course of any hearing, interview, interrogation or Examination may be used as a basis for charges seeking your removal or discharge from the Department.

The undersigned hereby acknowledges that he/she was informed of the above rights.

Signature _____

Date/Time: _____

Witness _____

Date/Time: _____

IAR.# _____



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL**

Name of Accused Member	Rank	Star#	Unit of Assignment
------------------------	------	-------	--------------------

ف Waiver of Counsel

I, the undersigned, hereby acknowledge that I have received and read the charges/allegations against me and that I knowingly and voluntarily wish to proceed with the hearing, examination or interrogation without having counsel of my own choosing present to advise me during this hearing, examination or interrogation.

Signature _____ Date/Time: _____

Witness _____ Date/Time: _____

ف Request to Secure Legal Counsel

I, the undersigned, having been advised of my right to counsel of my own choosing at all hearings, examinations and interrogations in connection with the charges/allegations against me, which have been given to me in writing and receipt of which is hereby acknowledged, elect to secure the services of counsel and agree to proceed with said hearing, examination, or interrogation at _____ hours, hearing, examination or interrogation shall be commenced. By affixing my signature upon this statement, I affirm my wish to secure said counsel and agree to comply with the hearing, examination or interrogation scheduled on the date agreed upon.

Signature _____ Date/Time: _____

Witness _____ Date/Time: _____

IAR.# _____



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
NOTICE OF CHARGES/PRE-DISCIPLINARY HEARING**

TO: _____

FROM: Chief of Police

DATE: _____

You are alleged to have violated Section:

of the Department Rules of Conduct. (Copies Attached)

There exists sufficient evidence apparently to support this charge and you are ordered to appear for an administrative hearing with the Chief of Police on _____ at _____.

The charges stem from your conduct on _____.

Chief of Police
Yorkville Police Department

Signature _____

Date/Time: _____

Witness _____

Date/Time: _____

IAR.# _____



YORKVILLE POLICE DEPARTMENT
ORAL REPRIMAND

Officer Name & Badge #: _____

Division Assignment: _____

Subject: _____

Date: _____

You are hereby issued this Oral Reprimand for engaging in the following conduct while a _____ with the Yorkville Police Department.

Violation Section(s): _____

Date(s) of Violation: _____

Time of Violation: _____

Description of Violation:

in violation of rules and regulations, special orders, Departmental policies, or orders of the Yorkville Police Department.

A copy of this Oral Reprimand will be placed in your personnel file, for a period of twelve (12) months, after which time provided there is no similar incident, it will be removed upon request and approval of the Chief of Police. If you have any questions or comments regarding this disciplinary action, you may make an appointment with me and discuss the matter at a time that is at our mutual convenience.

Supervisor's Signature

The undersigned was personally served with a copy of this Oral Reprimand on _____,
_____.

Member's Signature

IAR.# _____



**YORKVILLE POLICE DEPARTMENT
WRITTEN REPRIMAND**

Officer Name & Badge #: _____

Division Assignment: _____

Subject: _____

Date: _____

You are hereby issued this Written Reprimand for engaging in the following conduct while a _____ with the Yorkville Police Department.

Violation Section(s): _____

Date(s) of Violation: _____

Time of Violation: _____

Description of Violation:

in violation of rules and regulations, special orders, Departmental policies, or orders of the Yorkville Police Department.

A copy of the Written Reprimand will be placed in your personnel file. If you have any questions or comments regarding this disciplinary action, you may make an appointment to discuss the matter with me at our mutual convenience. This Written Reprimand may be removed twelve (12) months from the date of issuance if no further infractions of the rules occur.

Supervisor's Signature

The undersigned was personally served with a copy of this Oral Reprimand on _____,
_____.

Member's Signature

IAR.# _____



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
ORDER OF SUSPENSION**

TO: _____

FROM: Chief of Police

DATE: _____

You are hereby notified of this Order of Suspension by reason of charges having been filed against you as a member of the Yorkville Police Department, for the City of Yorkville, Kendall County, Illinois. Said charges having been served to you on _____ and following an Administrative Hearing, which was held on _____ to review the charges, you are hereby suspended without pay for a period of _____ days, from _____ to _____. Attached to this Order is a letter setting forth the Department's findings.

Options to suspension are/are not attached.

By Order of

Chief of Police

I acknowledge by my signature that I have received a copy of this notice on _____, _____ at _____ hrs.

Employee Signature

Served By: Name/Title

IAR.# _____



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
OPTIONS TO SUSPENSION**

TO: _____

FROM: Chief of Police

DATE: _____

Having been informed of an Order of Suspension, I voluntarily choose to comply with said Order by:

_____ Loss of Compensatory Time in the required amount

_____ Loss of Vacation Days

_____ To not work a scheduled day and receive no pay

_____ Loss of Personal Time

(Initial one of the above)

Signature _____

Date/Time: _____

Witness _____

Date/Time: _____

IAR.# _____



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
DISCIPLINARY ACTION FORM**

EMPLOYEE NAME: _____

ORAL REPRIMAND

- I. Date Letter placed into Officer Personnel File: _____
- II. Date Eligible to be Purged (12 months): _____
- III. Request for Purging:
Date _____ Request Granted _____ Denied _____
Date _____ Request Granted _____ Denied _____
Date _____ Request Granted _____ Denied _____
- IV. Date entered in Internal Investigation File _____

WRITTEN REPRIMAND

- I. Date Letter placed into Officer Personnel File: _____
- II. Date Eligible for Purging (12 Months): _____
- III. Request for Purging:
Date _____ Request Granted _____ Denied _____
Date _____ Request Granted _____ Denied _____
Date _____ Request Granted _____ Denied _____
- IV. Date entered – Internal Investigation File: _____

IAR.# _____



YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
NOTICE OF SUSPENSION TO POLICE PENSION FUND

You are hereby notified that I have suspended Officer _____ for a period of _____ day(s), beginning at _____ hours on the _____ day of _____, 20____, in accordance with the Order of Suspension, of which a copy is hereto attached.

Chief of Police
Yorkville Police Department

Original: Pension Board
Copy: Personnel File
IAR Packet
Accused Member

IAR.# _____



YORKVILLE POLICE DEPARTMENT
PERFORMANCE/IMPROVEMENT PROGRAM

This form is for recording **exceptional performance** OR **minor violations** by Department Personnel. It should be used to document specific incidents of employee activity and is not subject to appeal to a higher authority.

Name: _____ Rank: _____ Star: _____

Unit of Assignment: _____ Date: _____

Performance Factor Check List (+) Good (-) Improvement Needed

- | | |
|--|--|
| <p>1. <u>Knowledge of Work</u></p> <p>Laws & Local Ordinances _____</p> <p>Rules & Regulations _____</p> <p>Policies/Procedures _____</p> <p>Job Skills Level _____</p> <p>Work Judgments _____</p> | <p>4. <u>Care of Equipment/Personal Appearance</u></p> <p>Vehicle & Equipment _____</p> <p>Uniform/Personal Equipment _____</p> <p>Personal Appearance _____</p> <p>Other Equipment _____</p> |
| <p>2. <u>Work Effectiveness</u></p> <p>Planning/Organization _____</p> <p>Handling Stress Situations _____</p> <p>Judgment/Decision Making _____</p> <p>Managing/Directing People _____</p> <p>Volume/Quality of Work _____</p> <p>Equipment Proficiency _____</p> <p>Meeting Deadlines _____</p> <p>Operational Economy _____</p> | <p>5. <u>Personal Factors</u></p> <p>Conduct _____</p> <p>Attitude _____</p> <p>Dependability _____</p> <p>Accepts Responsibility _____</p> <p>Initiative _____</p> <p>Public Contacts _____</p> <p>Accepts Change _____</p> <p>Accepts Direction _____</p> <p>Employee Contacts _____</p> <p>Suspect Contacts _____</p> |
| <p>3. <u>Ability to Communicate</u></p> <p>Spoken Communication _____</p> <p>Written Communication _____</p> <p>Training/Instructing _____</p> | |

Comments:

Submitted By: _____ Rank _____ Star _____



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
COMPLAINT AND DISCIPLINARY PROCEDURES FORMAT
INTERNAL AFFAIRS REGISTER REPORT**

DATE: _____
TO: Chief of Police
FROM: _____

SUBJECT: Investigation of Internal Affairs Register Number: _____

ACCUSED MEMBER:

Rank	Name	Star #	Unit of Assignment
Sex	Race	Age	Date of Appointment
Duty Status		Number of months in Assignment	

COMPLAINANT:

Name
Sex
Race
Age

- ALLEGATIONS**
List each allegation separately. Include date, time and location where the complaint occurred by whom the complaint was received and summarize the complaint.
- INVESTIGATION**
In narrative form, summarize all investigative procedures followed to resolve the total issued and results that were achieved. Evidence must be submitted to support conclusions.
- SUMMATION**
A brief descriptive summary of the circumstances and conclusion.
- FINDINGS**
Each allegation must be classified as one of the following: Unfounded, Exonerated, Not Sustained, Sustained, Policy Failure, and Misconduct Not Based on Original Complaint. If the classification is "Sustained," indicate the rule number that has been violated, the content of the rule, and how the rule was violated by the accused member.

Example: Allegation 1: Unfounded

Allegation 2: Sustained --- Violation of Rules and Regulations 2, 4, 9, 18. Absence from Duty: in that on December 16, 1994, the accused failed to report for duty for day shift at 0600 hours, for regular duties.

Even though the original allegation(s) may be unfounded, etc. the investigation may uncover a violation of a serious nature not based on the original complaint, in which case the accused member should be disciplined for the other violation.

Example: Allegation 1: Unfounded

Allegation 2: Not Sustained

Other Violation: Sustained – Violation of Rules and Regulations, 2.18, or 4.18 Failure to provide the Department with a current Address and Telephone Number, in that the accused related in his statement that he had moved to a new residence location and obtained a new telephone number and that he failed to provide the information to the Department.

Date Initialed: Date complaint was received for investigations

Date Completed: Date report was completed

Elapsed Time: Total Time, expressed in days

5. Record of Previous Disciplinary History

When an investigation is classified as “Sustained” or “Misconduct not based on original complaint,” the investigator will review the accused member’s records of previous disciplinary history. This information will be considered when the Investigator is determining his recommendation for disciplinary action and it will be included as an attachment to the final investigation report.

6. Recommendation for Disciplinary Action

One overall recommendation for disciplinary action will be made by the investigator. The recommendation will be for all the sustained findings. Recommendations will not be made for each sustained allegation.

Investigator Star# Date

APPROVED _____ NOT APPROVED _____

Division Deputy Chief Date

APPROVED _____ NOT APPROVED _____

Chief of Police Date



**YORKVILLE POLICE DEPARTMENT INTERNAL INVESTIGATIONS
CASE DISPOSITION CHECK LIST**

Complainant Advised of Disposition Yes _____ Date _____ N/A _____

Employee(s) Advised of Disposition Yes _____ Date _____ N/A _____

Employee(s) Supervisor Notified of
Disposition Yes _____ Date _____ N/A _____

Copy of Report- Police/Fire Commission Yes _____ Date _____ N/A _____

Copy of Report – Village Attorney Yes _____ Date _____ N/A _____

Copy of Report – Other Yes _____ Date _____ N/A _____

IAR.# _____

Investigator Star #

Division Deputy Chief Star #



YORKVILLE POLICE DEPARTMENT
Complaint Inquiry Form

Date Complaint Received: _____
Time Complaint Received: _____
Case Number (If Applicable): _____
Citations # (If Applicable): _____

RECEIVER INFORMATION

Receiving Employee Name: _____ Badge #: _____
How Was Complaint Received?
____ In Person
____ Text/Telephone
____ Letter/Email
____ Anonymous/Refused
____ Social Media
____ Other

EMPLOYEE INFORMATION

Accused Employee Name: _____ Badge #: _____
Accused Member Assignment: ___ Patrol ___ Investigations ___ Records ___ Administration
Accused Member Supervisor: _____

COMPLAINANT INFORMATION

Complainant Name: _____ Complainant DOB: _____
Complainant Address: _____
Complainant Email: _____ Cell Phone #: _____

Was the Complainant Arrested? ___ Yes ___ No Explain: _____

Previous Police Contacts: _____
Previous IAR Contacts: _____

WITNESS INFORMATION

Witness Name: _____ DOB: _____
Witness Address: _____
Witness Email: _____ Cell Phone #: _____

Witness Name: _____ DOB: _____
Witness Address: _____
Witness Email: _____ Cell Phone #: _____

Witness Name: _____

DOB: _____

Witness Address: _____

Witness Email: _____ Cell Phone #: _____

INCIDENT INFORMATION

Location: _____

Date/Time: _____

Alleged Violation: _____

Description of Events:

Attach all applicable correspondence or memorandums regarding the above incident

SUPERVISOR/SERGEANT REVIEW

Materials Reviewed: ___ Report ___ Video ___ Dispatch Audio ___ Other: _____

Interviews Conducted With: _____

Conclusion: ___ Unfounded ___ Founded ___ Unresolved

Recommendation: ___ None ___ Support ___ Counseling ___ Training ___ Policy Review

Comments

___ Refer to Internal Affairs Sergeant Signature: _____ Badge#: _____

DEPUTY CHIEF REVIEW

Materials Reviewed: ___ Report ___ Video ___ Dispatch Audio ___ Other:

Interviews Conducted With:

Conclusion: ___ Unfounded ___ Founded ___ Unresolved

Recommendation: ___ None ___ Support ___ Counseling ___ Training ___ Policy Review
Comments

___ Refer to Internal Affairs Deputy Chief Signature: _____ Badge#: _____

CHIEF OF POLICE REVIEW

Ordered Action: ___ None ___ Support ___ Counseling ___ Training ___ Policy Review
Findings: ___ Unfounded ___ Sustained ___ Exonerated ___ Not Sustained ___ Policy

Comments

___ Refer to Internal Affairs Chief of Police Signature: _____ Badge#: _____

How Does the Police Department Receive Complaints?

Citizens can call the Police Department at 630-553-4340, write a letter to the Chief of Police, stop by the Police Department and talk to an Officer or a Supervisor or fill out a Citizen Complaint Form (available at the Police Department) and mail it back to the Police Department.

What is the Complaint Procedure?

Any Department member receiving a complaint/allegation against another member of the Department shall direct that person to the Supervisor on duty. The Supervisor receiving the initial complaint will accomplish the following:

- A. Record the complete name, address, home and cell numbers of the complainant and witnesses (optional), how the complaint was received and other information pertinent to the complaint. This information and specific details will be recorded on the appropriate Department form. If the complainant appears to be intoxicated or under the influence, this will be noted in the report. If the complainant is belligerent and uncooperative, he/she will be advised to come back the next day to file the complaint.
- B. The Supervisor shall make a determination as to the seriousness of the complaint. The procedure to follow will be based on the assessment of the seriousness of the allegation.
- C. Minor Complaints: Minor complaints are those regarding a personality conflict, discourtesy or poor service which are not criminal in nature and are not major violations of Departmental policies or procedures. These may be handled by the Supervisor receiving the complaint if the Supervisor is able to resolve the matter at that level. If the Supervisor is unable to resolve the matter, the Supervisor will forward the complaint to the next highest-ranking officer,

who will assign an employee to investigate the complaint.

The Supervisor receiving or initiating the complaint will comply with all departmental requirements regarding the investigation of citizen complaints.

- D. Major Complaints: Upon receipt of a major complaint (a direct violation of criminal law or a serious violation of Department policy) the following process will be followed. The Supervisor will log the complaint using the appropriate Department form listing the names and addresses of complainants and witnesses, along with a summary of the alleged events. The form will be forwarded to the divisional Deputy Chief for assignment of personnel to conduct an investigation into the complaint. All parties involved will be interviewed and all evidence will be collected and examined in accordance with court- approved procedures. The results of the investigation are forwarded to the officer's Divisional Deputy Chief for review to ensure proper procedures were adhered to. The results of the investigation are then forwarded to the Chief of Police for final review and approval of the disposition of the investigation, which may include exoneration or disciplinary action.

What You Will Be Told:

City, state and federal laws govern an employee's privacy rights. You will be notified of the findings of the investigation.

Other Agencies You May Contact:

Kendall County State's Attorney's Office

YORKVILLE POLICE DEPARTMENT

How to File Good Service Recognition Letters and Complaints



We, the members of the Yorkville Police Department, in partnership with the community, are dedicated to providing professional police services. We are committed to serve with integrity and compassion and strive to improve the quality of life with the United City of Yorkville.

James H. Jensen
Chief of Police
Yorkville Police Department
804 Game Farm Road
Yorkville, IL 60560
(630)553-4340

