



# GENERAL ORDER

## OAK BROOK POLICE DEPARTMENT

### OAK BROOK, ILLINOIS

Title: INTERNAL AFFAIRS		Number: ADM-111
Author: Deputy Chief Jason Cates		Page: 1 of 8
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#### 111.1 Policy

It is the policy of the Oak Police Department to investigate all complaints against members of the department regardless of the source of such complaints. Investigation of these complaints through standardized procedures demonstrates the department's desire to provide honest, efficient police service and inspire public confidence in its personnel as well as protecting officers against any false allegations. A regulated program of complaint review also ensures the fair and impartial treatment of all department members who become subject to the administrative investigation procedure.

#### 111.2 Purpose

The purpose of this policy is to define the manner in which complaints will be received, documented and investigated.

#### 111.3 Complaints Against Employees

52.1.1

All alleged or suspected violations of laws, ordinances, department policies or orders shall be investigated. This includes:

- a. Alleged violations reported to department Supervisors by members of the department either verbally or in writing
- b. Alleged violations reported to department Supervisors by citizens, including prisoners, in person, by telephone, or by correspondence either signed or anonymous
- c. Violations observed or suspected by supervisory personnel
- d. All special occurrences deemed necessary by the Chief of Police

#### 111.4 Authority and Responsibility

Each supervising or commanding employee shall assume the duties and obligations of their rank during the investigation of a complaint against a department employee.

Each supervising or commanding employee shall continually examine all areas of police action under their purview in an effort to discover misconduct at its earliest stages.

A Supervisor shall not look to a higher authority to initiate an investigation when the complaint is within the scope of their own authority and responsibility, except when complex investigations deem such assistance necessary.

52.2.7 A Supervisor shall have the authority to temporarily relieve any employee from duty without the approval of a higher authority if that Supervisor believes the employee is unfit for duty or would pose a safety hazard if not immediately relieved.

- a. Such relief will occur without loss of pay or benefits
- b. The Supervisor shall ensure prompt notification of the Chief of Police through the chain of command
- c. The Supervisor shall initiate the appropriate complaint procedure

52.1.3 A Supervisor conducting an investigation has the authority to report directly to the Chief of Police any and all pertinent information regarding the investigation.

#### 111.5 Complaint Register

The Complaint Register (Attachment A) is a ledger designed to provide the department with a control device to track complaints.

The Deputy Chief will maintain the Complaint Register. Entries in the register shall contain sufficient information to provide an accurate record of both the allegation and the results of the investigation.

52.1.5 The Deputy Chief shall complete an annual inspection of the Complaint Register and submit an annual report to the Chief of Police. The report will include a summary of the previous year's incidents. The purpose of the report is to identify any trends or patterns that may adversely affect the operation of the department. The statistical information contained within that report will be made available to department employees and the public through the Village of Oak Brook Website.

#### 111.6 Receiving Citizen Complaints

52.1.4 A citizen complaint is a complaint filed by someone other than a member of the department regarding the violation of a law, ordinance, department policy or order by an employee. An information brochure is made available to the public detailing the procedures to be followed in registering complaints against the department or its employees.

52.2.1a Citizen complaints should be taken, whenever possible, by an on-duty Supervisor and appropriate action on the complaint should be initiated promptly. In the case of a complaint against a Supervisor, the complaint will be taken by the most available Supervisor of equal or higher rank.

Citizens wishing to file a complaint against an Officer shall be asked to complete a

Complaint Form/Sworn Affidavit (Attachment B) citing the incident. Should a citizen refuse or be unable to complete the form but still wish to file a complaint, the Supervisor taking the complaint will read the opening paragraph of the Complaint Form to the complainant, complete “nature of complaint” and sign the complaint form affidavit on the Supervisor’s Signature line. If a complaint is received other than by in person, the Supervisor taking the complaint shall record the information on the Complaint Form and indicate on the form how the complaint was received.

A disagreement regarding the validity of a local ordinance or traffic citation shall not be grounds for the initiation of a Citizen Complaint. The complainant shall be referred to the appropriate judiciary venue.

If a Supervisor receives a complaint regarding an employee that is not under that Supervisor’s authority, the Supervisor shall take the initial complaint and forward it to the Supervisor that had responsibility for the employee at the time of the complaint. If the complaint involves a situation requiring immediate investigation, the Supervisor taking the complaint shall initiate an investigation into the incident.

It is the responsibility of the Supervisor receiving a complaint to obtain a complaint register number from the Deputy Chief as soon as practical and complete the Complaint Register Form.

If the Supervisor receiving the complaint is able to resolve the issue (disciplinary action up to and including a documented verbal reprimand), the recommended resolution will be documented in the narrative section of the Complaint Register Form (page 2 of Attachment A). The completed form will then be forwarded to the Deputy Chief through the Chain of Command for approval.

52.2.1b If the issue cannot be resolved or the disposition of which requires authorization from a higher authority, the complaint shall be recorded on the Internal Investigation Form (Attachment C) and an internal investigation into the matter shall be initiated.

When an employee is the subject of a citizen complaint that is resolved at the immediate supervisory level, said employee shall be notified of the complaint and disposition by providing the employee with a copy of the completed complaint form. For citizen complaints that are not resolved at the immediate supervisory level, notification will be made to the employee as provided under the internal investigation procedures.

52.2.2 All citizen complaints involving an allegation of a criminal law violation, or when the allegation states the Officer placed another department employee or citizen in unreasonable risk of harm, the investigating Supervisor will immediately notify the appropriate Division Commander and Chief of Police.

Citizen complaints of a minor nature shall be reported to the proper Division Commander the next business day by the investigating Supervisor.

With the exception of anonymous complaints and those of a minor nature that are resolved at the time of filing, every person making a complaint shall receive:

52.2.4a a. Verification that their complaint is being processed by the department (Attachment D)

52.2.4b b. If the investigation is extended beyond thirty (30) days, a status report of the progress; and

52.2.4c

c. Notification of the investigation's final disposition (Attachments E and F)

Anonymous complaints should not be dismissed automatically. The Supervisor receiving the complaint should attempt to discover the identity of the person giving the information, but reason should govern the amount of time and manpower expended on such complaints. An anonymous complaint may be the only clue to the discovery of employee misconduct. The degree of investigative response to anonymous complaints should be the responsibility of the person in charge of the investigation process.

It is mandatory that on all complaints of excessive force or misuse of force photographs be taken of the alleged injury by an evidence technician. A body chart shall also be used to document the area of injury. Refusal to submit to the photographs shall be noted in the report. The time, date, and place of the photograph and the relationship to the incident shall also be included in the report.

Police employees must be protected from malicious and false complaints. If a police employee is falsely accused of misconduct in a concerted, malicious effort, the police department's best defense is to disclose the investigative results publicly. If deemed appropriate by the Chief of Police, criminal charges may be pursued against a person filing a false complaint against an employee.

52.2.1a

111.7 Receiving Internal Complaints

All complaints against an employee by another employee will be made to the complaining employee's immediate Supervisor. In cases where the complaint involves the employee's immediate Supervisor, the employee will report the complaint to the next Supervisor in the complaining employee's chain of command.

Supervisors receiving complaints shall do one the following:

- a. If the complaint involves an employee under that Supervisor's direct supervision, the Supervisor will determine if the complaint will be handled at that level.
- b. If the complaint is resolved at the immediate supervisor level no further action will be taken.
- c. If the complaint cannot be resolved at the immediate supervisory level, the Supervisor will obtain a complaint register number from the Deputy Chief, fill out the Complaint Form/Sworn Affidavit, document the complaint using the Complaint Register Form (Attachment A) and follow the procedures as outlined under conducting an internal investigation.
- d. If a Supervisor receives a complaint regarding an employee that is not under that Supervisor's authority, the complaint will be referred to the Supervisor that had responsibility for the employee at the time the incident occurred. That Supervisor will handle the complaint as outlined above.
- e. If the complaint requires more immediate attention, the Supervisor shall contact the appropriate Division Commander to determine a course of action.

52.2.1b

111.8 Internal Investigation Procedures

Internal investigations shall be performed with the greatest possible skill. Officers

conducting such investigations shall use all available procedures to determine the facts and secure necessary evidence.

The Deputy Chief shall assign all Internal Investigations.

52.2.5 Whenever practical, department employees shall receive notification either verbally or in writing when they become the subject of an internal investigation. In cases where verbal notice is given, such notice shall be followed up with a written notice at the earliest convenience using the Internal Investigation Notification Form (Attachment G). The notice shall include the nature and the date of the allegation(s) made against them and sufficient detail of the accusation in order for the Officer to properly respond. The employee shall also be provided written notice of the employee's rights and responsibilities relative to the investigation. This may be accomplished by giving the employee a copy of this directive.

52.2.3 All internal investigations should be concluded no more than thirty (30) days from the date the complaint is made unless an extension is granted by the Chief of Police. The accused employee shall be notified of any delay in the investigation.

Investigations of a complaint against a department member should be conducted in a manner that best reveals the facts while preserving the rights and dignity of all persons involved and maintaining the confidential nature of the investigation.

It is the responsibility of all department members involved in an internal investigation to assure that such investigation is conducted fairly and impartially. It is the responsibility of all members to assist and expedite such investigations and, when requested by investigating employees, furnish information or give statements as witnesses. It is the responsibility of any member who is the subject of the investigation to give a responsive accounting of their public trust.

At an early stage of any internal investigation, it is necessary to decide whether the evidence and the allegation warrant criminal prosecution of the employee. If it appears that a criminal charge may be brought, the investigation must adhere to all of the restrictions of a normal criminal investigation. Search and seizure restrictions apply, and Miranda warnings must be given. An employee may face both criminal and internal charges, but evidence gathered for internal discipline that violates criminal investigative standards may not be used in the criminal prosecution. Therefore, careful consideration must be given to the method by which the department will proceed against the employee.

One of the most efficient methods of investigating a complaint against an employee is to question the employee. The questions asked of employees must be narrowly and directly related to the performance of their duties and the ongoing investigation. In other words, employees may not be forced to answer questions having little to do with their performance as police employees or unrelated to the matter under investigation. Police employees do not have the right to refuse to answer questions that are directly and narrowly related to their official duties. An employee who refuses to answer such questions may be ordered to do so. If an employee refuses to answer questions after being ordered to do so, the employee will be advised that failure to answer said questions may be the basis for the filing of charges against the employee and disciplinary action, including discharge, may result. If the employee still refuses to answer questions, the investigating Officer shall read the Oak Brook Police Department Administrative Warning (Attachment H) to the employee and proceed with a "Formal Investigation."

When an employee is being questioned about conduct that is, or could be criminal, they

should be advised of their Miranda Rights prior to the interview. Any incriminating statements by an employee obtained under direct order will not be admissible in a criminal prosecution unless the employee has been advised of their Miranda Rights and has voluntarily waived them. Incriminating statements obtained under direct order will, however, be admissible in an administrative hearing arising out of the alleged misconduct. Employees may not be forced to waive their privilege against self-incrimination under threat of losing their job. Such coercion makes the waiver involuntary.

When questioning sworn employees, all investigating personnel shall follow the provisions of the Illinois Compiled Statutes 50 ILCS 725/1, et. seq. known as the “Uniform Peace Officers Disciplinary Act” which is detailed in Attachment I of this directive for reference. The provisions of this act are not applicable to ordinary supervisory inquires into the official duties and responsibilities of the department employee.

In the course of a member’s duties, occasions will arise when there is need for an “Informal Inquiry” into a member’s official actions or activities, either as a principal or as a witness, so that there is a recording of facts for the protection of the member of the department. This inquiry is to refute, explain, or clarify any allegations or complaints made against a member of the department. Under such circumstances, employees may be requested and are expected to properly respond and, if requested, submit a written memorandum detailing all necessary facts. See Attachment I for the definition of “informal inquiry.”

When a “Formal Investigation” has been initiated the following provisions shall apply. See Attachment I for the definition of “formal investigation” and the statutory requirements for the questioning of Officers.

- a. If an employee is under arrest or is likely to be (i.e., if they are a suspect or the target of a criminal investigation), they shall be advised of their constitutional rights
- b. The refusal by an employee to answer pertinent questions concerning any non-criminal matter may result in disciplinary action
- c. 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 their behalf during any interrogation except at a public administrative hearing (Attachment J)
- 52.2.6e d. No employee shall be ordered or asked to submit to a polygraph (lie detector) test. Such test may be given if requested by the member
- 52.2.6b e. Photographs of employees shall be taken by an Evidence Technician or other qualified person to document injuries. A body chart shall also be completed to document the area of injury
- 52.2.6c f. Employees may be directed to participate in a physical line-up when the identification of the employee accused of misconduct cannot be determined through other investigative means
- 52.2.6d g. Employees shall not be directed to submit any financial disclosure statements unless the investigating employee has served the employee with a valid court order directing them to do so. An employee may voluntarily submit financial disclosure statements

- h. Any other conditions that may be required as a result of a collective bargaining agreement

52.2.6a

When an employee is being accused of being under the influence of alcohol and/or drugs, the most available Supervisor will immediately conduct a visual and field sobriety test. The results of said tests will be recorded on the Oak Brook Police Alcohol and/or Drug Influence Report Form. If, in the opinion of the Supervisor conducting the tests, there is reasonable suspicion of impairment, the employee will be requested to submit to a breath, blood, and/or urine test for the detection of any alcohol or drugs. The lapse of time, expressed in minutes, between the initial reports, the Supervisor's observations, and any tests will be accurately recorded in the narrative section of the Alcohol and /or Drug Influence Report Form. A formal investigation will be conducted in all cases where there is reasonable suspicion of an employee being under the influence of alcohol and/or drugs.

#### 111.9 Disposition

52.2.8

Investigations of an employee accused of misconduct will conclude with one (1) of the following findings:

- a. Exonerated: The act did occur but was justified, lawful, and proper
- b. Unfounded: The investigation indicated that the act(s) complained of did not occur or failed to involve police personnel
- c. Not Sustained: The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint
- d. Misconduct Not Based on Original Complaint: The investigation revealed acts of misconduct that were not alleged in the original complaint.
- e. Policy Failure: The investigation revealed that the alleged act(s) did occur, however the conduct was in accordance with department policy.
- f. Sustained: The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint

In sustained or misconduct not based on the original complaint cases, the investigating Supervisor, when directed to do so, will make a recommendation of disciplinary action to be taken in accordance with department policy PER-204, Disciplinary Procedures.

The entire investigative report, along with the recommendation, will be forwarded to the employee's Division Commander. The Commander will review the file, along with any prior disciplinary action and outstanding performance on the part of the employee and either concur with the recommended discipline or recommend other action. The completed file will then be forwarded to the Chief of Police for review and final disposition.

The accused employee will review the Internal Investigation Report (Attachment K) and the Internal Investigation Form (Attachment C). The employee will sign the Internal Investigation Form as a record of them reviewing the Internal Investigation Report and disposition. After signing, the employee will be given a copy of the last page of the Internal Investigation Form as receipt of the final disposition.

When applicable, the final disposition will also be recorded on the appropriate register form and in the employee's personnel and/or disciplinary file.

When applicable, the employee may file a written appeal of the finding through the chain of command to the Board of Fire and Police Commission or other higher authority as may be provided by law.

52.1.2

All internal investigation files will be maintained by the Chief of Police in a secure area.

#### 111.10 Issuing Authority

This General Order will supersede any directives or understandings in conflict.

By order of:



James R. Kruger, Chief of Police



**OAK BROOK  
POLICE DEPARTMENT**



**COMPLAINT REGISTER REPORT**

Complaint Register No. \_\_\_\_\_

COMPLAINANT	
Name	
Home Address	
Home Telephone	
Business Address	
Business Telephone	
ACCUSED EMPLOYEE	
Name	
I.D. No.	
Date/Time Occurred	
NATURE OF COMPLAINT/ALLEGATION	
Received By	Date/Time Received

CLASSIFICATION & DISPOSITION			
<input type="checkbox"/> Unfounded	<input type="checkbox"/> Exonerated	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Sustained
ACTION		ORDER BY	





OAK BROOK POLICE DEPARTMENT



Complaint Form/ Sworn Affidavit

It is the policy of the Oak Brook Police Department to thoroughly investigate all complaints against members of the Department. Illinois law requires that all complaints be supported by a sworn affidavit. As such, you will be required to sign this complaint under oath or affirmation. If the results of the investigation reveal that you knowingly provided false information regarding the complaint, you may be subject to prosecution as provided under Illinois law.

Nature of complaint (please be as detailed as possible. Should more space be needed you may use the back of the form or additional paper).

Multiple horizontal lines for writing the nature of the complaint.

(select one box only)

- Checkbox: The complainant, being first duly sworn on oath, deposes and says that he/she has read the foregoing complaint by him/her subscribed and that the same is true.

Complainant's Signature

- Checkbox: I, being first sworn on oath, depose and say that I have documented the facts alleged in this complaint as they were related to me, to the best of my ability.

Supervisor's Signature

Signed and sworn to before me as a notary public of DuPage County, Illinois this \_\_\_ day of \_\_\_, 20\_\_

Notary



**OAK BROOK  
POLICE DEPARTMENT  
INTERNAL INVESTIGATION  
FORM**



Internal Investigation Register No. \_\_\_\_\_

Complaint Register No. \_\_\_\_\_

1. Complaint received by \_\_\_\_\_

Date \_\_\_\_\_

Time \_\_\_\_\_

Complaint received:     In person                       By letter                       By phone

2. Complainant

Name \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

- |                     |                              |                             |                                      |
|---------------------|------------------------------|-----------------------------|--------------------------------------|
| a. Arrested         | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Victim      |
| b. Drinking         | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Witness     |
| c. Injured          | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Offender    |
| d. Verbally abusive | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Other _____ |

3. Victim (if other than complainant)

Name \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

Relationship with complainant \_\_\_\_\_

4. Type of complaint

- |  |                          |
|--|--------------------------|
| a. Departmental employee against departmental employee | <input type="checkbox"/> |
| b. Civilian against department                         | <input type="checkbox"/> |
| c. Civilian against police employee(s)                 | <input type="checkbox"/> |
| e. Other (specify) _____                               | <input type="checkbox"/> |

5. Charge(s) – Alleged act was in violation of:

- |                        |                             |
|------------------------|-----------------------------|
| a. Federal law         | Act _____                   |
| b. State statute       | Chapter _____ Section _____ |
| c. City ordinance      | Article _____ Section _____ |
| d. Rules & Regulations | No. _____                   |
| e. General Order       | No. _____                   |
| f. Directive/Memo      | Specify _____               |
| g. Other               | Specify _____               |

6. Synopsis of occurrence

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7. Accused employee(s)

a. Name \_\_\_\_\_ I.D. # \_\_\_\_\_

b. Name \_\_\_\_\_ I.D.# \_\_\_\_\_

c. Name \_\_\_\_\_ I.D. # \_\_\_\_\_

d. Date of alleged act \_\_\_\_\_ Time \_\_\_\_\_

e. Where act was committed \_\_\_\_\_  
\_\_\_\_\_

f. Offense Report No. (if any) \_\_\_\_\_

9. Witnesses

a. Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

b. Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

c. Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

d. Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

10. Evidence (including photographs)

Type	Entered By	Time	Date

11. Supervisor assigned to investigation

Name \_\_\_\_\_ Rank \_\_\_\_\_

12. Analysis of investigation (attach complete investigation report)

- Unfounded  
The investigation indicated that the act(s) complained of did not occur or failed to involve police personnel.
- Exonerated  
The act(s) did occur but was justified, lawful, and proper.
- Not Sustained  
The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
- Sustained  
The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.
- Policy Failure  
The investigation revealed that the alleged act(s) did occur, however, the conduct was in accordance with department policy.
- Not Sustained  
The investigation revealed acts of misconduct that were not alleged in the original complaint.

13. Recommendations of supervisor in charge of investigation

- Oral reprimand
- Written reprimand (subject to approval by Chief of Police)
- Suspension by Chief of Police
- Recommendation for other penalties

\_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

14. Division Commander – I have read and evaluated this complaint and:

- Concur with the findings of the investigator.
- Do not concur with the findings of the investigator. Recommendation: \_\_\_\_\_

\_\_\_\_\_

- Concur with the findings of the investigator and further recommend:

- Additional disciplinary action, specifically \_\_\_\_\_
- File criminal charges
- Immediate suspension
- Termination
- Other action, specifically \_\_\_\_\_

Signed \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**THE REMAINDER OF THIS FORM IS TO BE COMPLETED BY THE CHIEF OF POLICE.**

15. Disposition of investigation

- Unfounded  
The investigation indicated that the act(s) complained of did not occur or failed to involve police personnel.
- Exonerated  
The act(s) did occur but was justified, lawful, and proper.
- Not Sustained  
The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
- Sustained  
The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.
- Policy Failure  
The investigation revealed that the alleged act(s) did occur, however the conduct was in accordance with department policy
- Misconduct Not Based on original Complaint  
The investigation revealed acts of misconduct that were not alleged in the original complaint

16. Action taken

- Oral reprimand by \_\_\_\_\_ Date \_\_\_\_\_
- Written reprimand (copy attached)
- Suspension – Dates \_\_\_\_\_  
Terms \_\_\_\_\_
- Referred to BFPC \_\_\_\_\_
- Criminal charges filed and disposition \_\_\_\_\_
- Other action taken \_\_\_\_\_
- Termination by Chief of Police

17. a. Accused employee(s) notified of disposition

By \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

b. Complaining party notified of disposition

By \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Chief of Police

18. I acknowledge having an opportunity to review the Internal Investigation report and Internal Investigation form including the final disposition.

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Employee Signature

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Date



**OAK BROOK  
POLICE DEPARTMENT  
VERIFICATION FORM**



[Date]

[Name  
Address  
City, State, Zip]

[Salutation]:

This will acknowledge receipt of the complaint made by you on [date] concerning the actions of a member of this department. An investigation will be conducted into the allegations contained in your complaint. You will be advised of the results of the investigation in approximately 30 days.

Sincerely,

James R. Kruger Jr.  
**Chief of Police**



**OAK BROOK  
POLICE DEPARTMENT**



**FINAL DISPOSITION  
FORM**

[Date]

[Name  
Address  
City, State, Zip]

[Salutation]:

Your report of misconduct by a member of this department prompted a thorough investigation of the incident you described. Careful examination and evaluation of the evidence established that the actions of the concerned employee were in accordance with the high standards of performance demanded of members of this department. Please be assured that we desire to provide the best possible police service and are appreciative when given the opportunity to clarify such matters.

If you desire further information in regard to the investigation or disposition, please contact me.

Sincerely,

James R. Kruger  
**Chief of Police**



**OAK BROOK  
POLICE DEPARTMENT**



**FINAL DISPOSITION  
FORM**

[Date]

[Name  
Address  
City, State, Zip]

[Salutation]:

An investigation has been conducted into your report of misconduct by a member of this department. The investigation established that the conduct of the concerned employee was contrary to the Rules and Regulations of this department. You may be assured that this department does not tolerate such conduct and that appropriate disciplinary action has been administered.

Thank you for bringing this matter to our attention. If you desire further information in regard to the investigation or disposition, please contact me.

Sincerely,

James R. Kruger  
**Chief of Police**





OAK BROOK POLICE DEPARTMENT



ADMINISTRATIVE WARNING

- 1. This interrogation is pursuant to conducting a formal investigation to determine if disciplinary action is warranted for any violation of this Department's rules, regulations, policies, procedures, or directives, which may be the basis for filing charges seeking your removal, discharge, or suspension in excess of 3 days.
2. All questions relating to the performance of official duties must be answered fully and truthfully; and disciplinary action, including dismissal, may be undertaken if you refuse to answer said questions.
3. Any answers given may not be used in any criminal proceedings against you.
4. You have the right to request and be represented by counsel of your choosing who may be present to advise you at any stage of any interrogation.
5. If counsel is requested, you will be given reasonable time and opportunity to obtain counsel.
6. A complete transcript or copy of this interrogation will be made available to you without charge and without undue delay.
7. A copy of this warning will be given to you as soon as this interrogation has ended.
8. Sign one of the statements below:

a. I do not wish counsel at this time but know I can at any time during this interrogation request counsel and have counsel present.

Signed \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

b. I do wish counsel at this time and will be given reasonable time to obtain counsel.

Signed \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

c. I have counsel at this time and know that counsel may be present.

Signed \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

ACKNOWLEDGEMENT

I have read this administrative warning and understand it. I know the name and rank of the employee in charge of this investigation, the name and rank of the employee(s) conducting this interrogation, and the identification of all persons present. I have been informed in writing of the nature of this investigation. .

Signed \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Witness \_\_\_\_\_ Witness \_\_\_\_\_

Witness \_\_\_\_\_ Witness \_\_\_\_\_



**OAK BROOK  
POLICE DEPARTMENT**



**UNIFORM PEACE OFFICERS'  
BILL OF RIGHTS**

(50 ILCS 725/1) Sec. 1. This Act shall be known and may be cited as the "Uniform Peace Officers' Disciplinary Act". (Source: P.A. 83-981.)

(50 ILCS 725/2) Sec. 2. For the purposes of this Act, unless clearly required otherwise, the terms defined in this Section have the meaning ascribed herein:

- (a) "Officer" means any peace officer, as defined by Section 2-13 of the Criminal Code of 1961, 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, and any pay-grade investigator for the Secretary of State as defined in Section 14-110 of the Illinois Pension Code, not including Secretary of State sergeants, lieutenants, commanders or investigator trainees. The term does not include crossing guards, parking enforcement personnel, traffic wardens or employees of any State's Attorney's office.
- (b) "Informal inquiry" means 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.
- (c) "Formal investigation" means the process of investigation ordered by a commanding officer during which the questioning of an officer is intended to gather evidence of misconduct which may be the basis for filing charges seeking his or her removal, discharge or suspension in excess of 3 days.
- (d) "Interrogation" means 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 3 days.
- (e) "Administrative proceeding" means any non-judicial hearing which is authorized to recommend, approve or order the suspension, removal, or discharge of an officer. (Source: P.A. 90-577, eff. 1-1-99.)

(50 ILCS 725/3) Sec. 3. 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. (Source: P.A. 83-981.)

(50 ILCS 725/3.1) Sec. 3.1. 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 investigating officer. (Source: P.A. 83-981.)

(50 ILCS 725/3.2) Sec. 3.2. 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. (Source: P.A. 83-981.)

(50 ILCS 725/3.3) Sec. 3.3. 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. (Source: P.A. 83-981.)

(50 ILCS 725/3.4) Sec. 3.4. 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. (Source: P.A. 94-344, eff. 1-1-06.)

(50 ILCS 725/3.5) Sec. 3.5. Interrogation sessions shall be of reasonable duration and shall permit the officer interrogated reasonable periods for rest and personal necessities. (Source: P.A. 83-981.)

(50 ILCS 725/3.6) Sec. 3.6. The officer being interrogated shall not be subjected to professional or personal abuse, including offensive language. (Source: P.A. 83-981.)

(50 ILCS 725/3.7) Sec. 3.7. 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. (Source: P.A. 83-981.)

(50 ILCS 725/3.8) (from Ch. 85, par. 2561) Sec. 3.8. Admissions; counsel, verified complaint.

(a) 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.

(b) Anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit. (Source: P.A. 93-592, eff. 1-1-04.)

(50 ILCS 725/3.9) Sec. 3.9. 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. (Source: P.A. 83-981.)

(50 ILCS 725/3.10) Sec. 3.10. 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. (Source: P.A. 83-981.)

(50 ILCS 725/3.11) Sec. 3.11. 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. (Source: P.A. 83-981.)

(50 ILCS 725/4) Sec. 4. 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. (Source: P.A. 83-981.)

(50 ILCS 725/5) Sec. 5. This 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. (Source: P.A. 83-981.)

(50 ILCS 725/6) Sec. 6. The provisions of this Act apply only to the extent there is no collective bargaining agreement currently in effect dealing with the subject matter of this Act. (Source: P.A. 83-981.)

(50 ILCS 725/7) Sec. 7. 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. (Source: P.A. 83-981.)



OAK BROOK POLICE DEPARTMENT Interrogation Notification Form



Internal Investigation Register No. \_\_\_\_\_

Complaint Register No. \_\_\_\_\_

1. Employee Name \_\_\_\_\_ Star No. \_\_\_\_\_

2. Nature of Complaint \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

3. Name and rank of employee in charge of investigation \_\_\_\_\_

4. Name and rank of employee(s) conducting interrogation \_\_\_\_\_
\_\_\_\_\_

5. Person(s) present on behalf of employer: Person(s) present on behalf of the employee:
a. \_\_\_\_\_ a. \_\_\_\_\_
b. \_\_\_\_\_ b. \_\_\_\_\_
c. \_\_\_\_\_ c. \_\_\_\_\_
d. \_\_\_\_\_ d. \_\_\_\_\_
e. \_\_\_\_\_ e. \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_
(Employee's Signature)

By: \_\_\_\_\_ Date: \_\_\_\_\_
(Issuer's Signature)

