

**RULES AND REGULATIONS
OF THE
BOARD OF POLICE COMMISSIONERS**

Village of Fox Lake

State of Illinois

Adopted: April 16, 2019

Revised: February 1, 2022

Published: February 10, 2022

TABLE OF CONTENTS

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE NUMBER</u>
I	ADMINISTRATION	3
II	APPLICATION	6
III	EXAMINATIONS	8
IV	POLICE PROMOTIONAL EXAMINATIONS	13
V	ORDER OF RANK, CLASSIFICATION AND OATH OF OFFICE	15
VI	HEARINGS OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES	16
VII	GENERAL	21

**RULES AND REGULATIONS OF THE
BOARD OF POLICE COMMISSIONERS
OF THE VILLAGE OF FOX LAKE
STATE OF ILLINOIS**

As adopted by the Board of Police Commissioners of the Village of Fox Lake, Illinois, effective April 22, 2010 and revised April, 2019.

CHAPTER I – ADMINISTRATION

SECTION 1 – SOURCE OF AUTHORITY

The Board of Police Commissioners of the Village of Fox Lake, Illinois derives its power and authority from an Act of the General Assembly entitled “Division 2.1 Board of Fire and Police Commissioners,” of Chapter 65 of the Illinois Compiled Statutes.

SECTION 2 – DEFINITIONS

The word *Commission* and/or *Board* wherever used shall mean the Board of Police Commissioners of the Village of Fox Lake, Illinois. The word *Officer* shall mean any person holding a permanent office in the Police Department of the Village of Fox Lake, Illinois. The singular includes the plural, and the plural the singular.

SECTION 3 – OFFICERS OF BOARD AND THEIR DUTIES

The Board shall annually elect a Chairman and a Secretary. The Chairman and Secretary shall be elected in April of each year and hold office until the end of the fiscal year of the municipality and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all the meetings. The Secretary shall be responsible for maintaining a permanent record of all minutes and other documents of the Board. The Secretary shall also be the custodian of all the forms, papers, books, records and completed examinations of the Board and said records shall be held in a secured location provided by the Village of Fox Lake. (65 ILCS §5/10-2.1-2, 65 ILCS §5/10-2.1-20). Certain administrative duties of the Secretary may be delegated to a member of City staff.

SECTION 4 – MEETINGS

a) Regular meetings are scheduled to be held on a monthly basis or at such other times as the Board may determine. Notice shall be posted and meetings shall be open to the public in accordance with the Open Meetings Act.

b) Special meetings shall be open, notice thereof to be posted at least forty-eight (48) hours prior to convening, called by the filing of a notice in writing with the Secretary of the Board and signed by the Chairman of the Board or any two members. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meeting, and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Board.

c) During any regular or special meeting, a closed session may be held upon a proper motion made by any single member of the Board for any lawful reason as authorized by

the Open Meetings Act. Closed sessions may be limited to Board members and such invited persons as the Board may deem necessary. The Secretary will record the motion to close the meeting, the reason for the closed session, record the roll call vote of the members on said motion and keep minutes of the closed session. An audio or video record of each closed session will be maintained by the Secretary of the Board and, after a minimum of 18 months, shall be disposed of in accordance with the provisions of the Open Meetings Act.

d) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, §§120/1-120/6.

e) If a member is unable to be physically present at a meeting of the Board, whether it be for health-related reasons, the need to conduct personal business or the business of the Board, or due to a personal or family emergency, that member may attend and participate at a Board Meeting by telephonic or other electronic means provided that a quorum of the Board's members are physically present at the meeting and vote to approve the attendance of the missing member by telephonic or electronic means. The minutes of the meeting shall reflect, by name, those members who were physically present as well as those attending by telephonic or electronic means. Notice that a Board member will be in attendance and participating at a Board meeting, not in person but electronically, shall be provided to the Board's recording secretary or the municipal clerk at least 48 hours prior to the scheduled meeting.

f) The agenda for a "Regular Meeting" shall allow for a Public Comment period to permit individuals to appear before and address their concerns to the members of the Board. The commission may limit those individuals appearing during the Public Comment to a presentation not to exceed three (3) minutes and may require an individual to be seated if the individual addresses those present in a disrespectful or discourteous manner or the subject matter being presented is not relevant to the duties and responsibilities of the Police Commission.

SECTION 5 – QUORUM

A majority of the members of the Board shall constitute a quorum for the conduct of all business (65 ILCS §5/10-2.1-2).

SECTION 6 – ORDER OF BUSINESS

The order of business at any meeting shall be:

- a) Call to Order
- b) Roll Call
- c) Approval of Agenda
- d) Public Comment (Citizen's Comments)
- e) Approval of the Minutes
- f) Unfinished Business
- g) New Business
- h) Closed Session, for any lawful purpose, if necessary
- i) Possible Action on Closed Session discussions
- j) Adjournment

SECTION 7 – PROCEDURE

The parliamentary procedure prescribed in *Robert's Rules of Order* shall be followed as far as applicable.

SECTION 8 – ADDRESSING THE BOARD

Except during the public comment portion of the regular Board agenda, or as stated in this rule, no person other than the Police Chief or his/her designee, or the Board's attorney may address the Board.

The purpose of public comment is to allow the public the opportunity to make a statement to the Board. The purpose of public comment is not to provoke a debate with the Board. Once an individual has spoken, that individual may not speak on the same issue again. Any limitation regarding addressing the Board may be waived by a majority vote of the Board. Under special circumstances, the Chair may recognize employees or agents of the Village of Fox Lake on specific agenda items during the discussion of those items.

SECTION 9 – AMENDMENTS

Amendments to the rules of the Board may be made at any meeting of the Board. All amendments shall forthwith be printed for distribution and notice shall be given of the place or places where said rules may be obtained. Such notice shall be published in a newspaper of general circulation in the Village. The notice shall specify the date, not less than 10 days subsequent to the date of such publication, when rules shall go into effect (*65 ILCS §5/10-2.1-5*).

SECTION 10 – ANNUAL REPORT AND BUDGET REQUEST

The Board shall submit an Annual Report of its activities, and a Budget Request for the ensuing year (*65 ILCS §5/10-2.1-19*).

CHAPTER II- APPLICATIONS

SECTION 1 - RESIDENCE

Applicants for examination must be citizens of the United States and/or an alien admitted for permanent residence or lawfully admitted for temporary residence and who produces evidence of intention to become a citizen of the United States.

SECTION 2 - APPLICATION BLANKS

Applications for the position of police officer shall be filed upon application forms furnished by the Board, or online at the Village's website. The application must be filed with the Board prior to taking an examination.

Every applicant must be of good moral character, of temperate habits, of sound health and must be physically able to perform the duties of the position applied for. The burden of establishing these facts rests on the applicant.

The applicant shall furnish a copy of his Military Service Record (DD-214), Discharge Papers, Birth Certificate and High School Diploma or G.E.D. Certificate, and College or University diploma, if applicable, and, if requested, a copy of a certified transcript of his course work from an accredited College or University.

A false statement knowingly made by a person in an application for examination, connivance in any false statement or made in any certificate which may accompany such application or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the examination.

SECTION 3 - DISQUALIFICATION

The Board may refuse to examine an applicant or, after examination, to certify him as eligible:

- a) Who is found lacking in any of the established preliminary requirements for the service for which he/she applies;
- b) Who is physically unable to perform the duties of the position to which he or she seeks appointment; (65 ILCS 5/10-2.1-6h)
- c) Who is addicted to the use of intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally; (65 ILCS 5/10-2.1-6j)
- d) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in section 10-2.1-6 of the Board of Fire and Police Commissioners Act;
- e) Who has been dismissed from any public service for good cause;
- f) Who has attempted to practice any deception or fraud in his or her application;

- g) Who may be found disqualified in personal qualifications or health;
- h) Whose character and employment references are unsatisfactory;
- i) Who does not possess a high school education or its equivalent; (65 ILCS 5/10-2.1-6h)
- j) Who has applied for a position of a police officer and is or has been classified by his or her Local Selective Service Draft Board as a conscientious objector.

Any applicant, or eligible, deemed disqualified hereunder, shall be notified by the Board.

SECTION 4 - DEFECTIVE APPLICATIONS

Defective applications may, at the discretion of the Board, be returned to the applicant for minor corrections, provided the applicant is not otherwise disqualified for the position sought. Failure to properly complete the application shall result in disqualification of the candidate.

SECTION 5 - PHYSICAL AND MEDICAL APPLICATIONS

Applicants for original appointment may be subject to a physical aptitude test and shall be required to submit to a thorough medical examination by a licensed physician appointed by the Board of Police Commissioners of the Village of Fox Lake.

SECTION 6 - AGE REQUIREMENTS

Applicants shall be under 35 years of age, at the time of application and at such time as the final eligibility list is posted, unless exempt from such age limitation as provided in Section 5/10-2.1-6 of the Board of Fire and Police Commissioner's Act. Applicants who are 20 years of age and have successfully completed two (2) years of law enforcement studies at an accredited college or university shall be eligible to take the initial examination for Patrol Officer. Any such applicant who is appointed under this provision of the Act shall not have the power of arrest or be permitted to carry firearms until he reaches 21 years of age. Other applicants not having such college education must be 21 years of age. Proof of birth date will be required at time of application. Other statutory age limitations in effect at the time of the application shall be applicable.

SECTION 7 - RELEASE OF LIABILITY

If a physical aptitude test is a requirement, applicants shall execute and deliver to the Board a release of all liability as the result of taking a "Physical Aptitude Test" in favor of the Village of Fox Lake, Illinois, on a form to be prescribed by the Board.

CHAPTER III - EXAMINATIONS

SECTION 1 - NOTICE OF EXAMINATIONS

Examinations shall be held on the dates fixed by the Board and advertised in accordance with State law and these Rules. Examinations may be postponed, however, by order of the Board, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination. The Notice of Examination shall include the following information:

- a) The time and place where such examination will be held.
- b) The location where applications may be obtained and the date by which applications must be returned to the Board.
- c) The position to be filled from the resulting eligibility list.
- d) The amount of any fees that will be charged to cover the application and testing cost.
- e) The general scope and merit criteria for any subjective component of the examination.
- f) The criteria necessary for being awarded preference points.

SECTION 2 - EXAMINATIONS

The Board shall call examinations to fill vacancies in the class of service in which vacancies are likely to occur. A call for such examinations shall be entered in the Minutes of the Board and the Board shall provide notice of the examination as provided in Paragraph A of this Section.

SECTION 3 - TYPE OF EXAMINATIONS

Applicants must attend the orientation program sponsored by the Board. In addition, applicants shall be required to participate in a physical aptitude test, written and oral examinations as determined by the Board and as more particularly set forth in Section 4 below. No examination shall contain questions regarding an applicant's political or religious opinions or affiliations.

SECTION 4 - EXAMINATIONS - MINIMUM GRADES

The following examinations may be conducted by the Board. The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation. Each weighted component of the examinations process shall be based upon a scale of 1 to 100.

Examination	% of Total Grade	Minimum Passing
Orientation	-	Attendance Mandatory
Written Test	60%	70%
Physical Ability Test	-	Pass or Fail
Oral Interview	40%	70%
Polygraph Test	-	Pass or Fail
Background Investigation	-	Pass or Fail

CONDITIONAL OFFER OF EMPLOYMENT

Psychological Examination	-	Pass or Fail
Medical Examination	-	Pass or Fail

NOTE: The Board may alter the weights given to any portion of the examination and the passing score for any individual test prior to conducting any examination and shall announce such changes prior to the conduct of the examination and in the Notice of Examination referenced in Chapter III, Section 1 of these Rules.

Note: To any person who is entitled to military, educational or law enforcement preference points whose name appears on the register of eligibles, the Board shall add five (5) points (Sections 5/10-2.1-8 and 5/10-2.1-9) upon request of the applicant. Such preference points shall not be cumulative.

SECTION 5 - ORIGINAL APPOINTMENT – PHYSICAL APTITUDE TEST

All applicants may be required to submit themselves to a physical aptitude test. If a Physical Aptitude Test is required, only candidates who have passed the "Physical Aptitude Test" shall be permitted to complete the testing process.

SECTION 6 - ORIGINAL APPOINTMENT – WRITTEN EXAMINATIONS

Information as to the type of written examination employed by the Board will be provided as part of the orientation program. The material used in this examination shall be of such a nature that it will adequately outline the candidate's ability to assimilate training as a police officer. All examination papers shall be and remain the property of the Board and the grading thereof by the Board and shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated from further consideration (65 ILCS §5/10-2.1-6h).

SECTION 7 - ORIGINAL APPOINTMENT – ORAL EXAMINATIONS

All Commissioners shall participate in the oral examination, except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his attendance. In no event shall less than a majority of the Commissioners conduct the Oral Examination. The Board will determine the number of applicants that will take part in the oral examination and announce that number at the start of the testing process. A testing agency may be employed by the Board to conduct the Oral Examination. Questions shall be asked of the Candidate that will enable the Commissioners to properly evaluate and grade the candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position. On completion of each Oral Examination the Commissioners will rate the Candidate's abilities using the traits listed above. Candidates who fail to successfully complete the oral examination will be notified and eliminated from all further consideration.

SECTION 8 – ORIGINAL APPOINTMENT – POLICE DEPARTMENT ORAL INTERVIEW

The Board may authorize Police Department and Village staff to conduct interviews of applicants according to a structured process and shall measure criteria as established by the Board of Police Commissioners prior to the Board conducting its Oral Interview. The interview panel shall consist of three (3) Police Department or Village employees designated by the Chief of Police or his designee and approved by the Board. Each participating member of the

interview panel shall independently assess the candidate using the established criteria. The Chief of Police or his designee will provide the panel's results to the Board of Police Commissioners to be used by the Board for its evaluation in determining whether an applicant shall proceed to the Oral Examination phase of the testing process. In order to proceed to the Oral Examination, a candidate must meet all of the Board's established criteria and attain a minimum passing score of seventy-five percent (70%) in the Police Department Oral Interview. Should the Board determine to use the Police Department Oral Interview as part of the testing process, the Board will notify the candidates at the time of orientation.

SECTION 9 - INITIAL ELIGIBILITY REGISTER

a) The Commissioners shall prepare an "Initial Eligibility Register" of the Candidates successfully completing the orientation, written test and physical ability test. The names of the applicants shall be placed upon the Initial Eligibility Register in rank order, highest first. In the event of a tie the Board shall determine rank of the tied applicants by lot.

b) This register is subject to change with the addition of any claimed preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9 (a) and (b) of the Act. Candidates who are eligible for veteran, educational or law enforcement certification preference points shall make a claim in writing with proof thereof within ten (10) days after the date of the first posting of the initial eligibility list or such claim shall be deemed waived.

c) A dated copy of the Eligibility Register, duly adjusted with preference points awarded, shall be sent to each person appearing thereon. The Initial Eligibility Register, as adjusted, shall expire two (2) years after it is first posted.

SECTION 10 – PRIMARY ELIGIBILITY REGISTER

a) Final appointment for the Police Department shall be from the names appearing on the "Primary Eligibility Register."

b) The Board shall select a number of candidates (the number to be determined at the discretion of the Board and announced at orientation) from the top of the Initial Eligibility Register, as adjusted, who shall be required to submit to an oral interview to be conducted by the Board and an oral interview conducted by the Police Department and, if successful, whose names will be included on the Primary Eligibility Register.

c) The names of the applicants shall be placed upon the "Primary Eligibility Register" in rank order, highest first. Rank order shall be based upon the applicant's total cumulative score which shall be calculated as follows:

- 1) Original written test score multiplied by 60%; and,
- 2) Oral interview score multiplied by 40%.

d) In the event a "Primary Eligibility Register" is exhausted prior to the expiration of the "Initial Eligibility Register," the Board may establish another "Primary Eligibility Register" in accordance with subsections a) through c) above. Primary Eligibility Registers shall be posted and the names listed thereon stricken at the time the Initial Eligibility Register used as a basis to create the Primary Eligibility Register expires.

e) Applicants shall be appointed from the Primary Eligibility Register in descending order. Notwithstanding anything to the contrary contained within these rules and regulations, the Board may, at its discretion, choose to appoint an applicant who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the police Training Act, ahead of non-certified applicants.

SECTION 11 - PROFESSIONAL EXAMINATIONS AND TESTS

a) Any applicant for original appointment to the Police Department of the Village of Fox Lake, Illinois may be required to submit to a Polygraph Device Deceptive Test, commonly known as a Lie Detector Test, at such time and place as the Board may designate. Such test shall be given without expense to the applicant. Failure of the applicant to take or successfully complete such test shall disqualify him to enter upon the duties of the office for which the application for examination was filed.

b) Each applicant for original appointment shall submit to a Psychological Examination, by such psychologist or psychiatrist as the Board may designate after a conditional offer of employment. Such examination shall be given without expense to the applicant. Failure of the applicant to take or successfully complete such test shall eliminate him from further consideration.

c) Medical Examinations shall be performed by a licensed physician after a conditional offer of employment.

SECTION 12 - PROBATIONARY APPOINTMENT

a) All vacancies in the Police Department shall be filled by individuals from the Primary Eligibility Register in the order in which their names appear on the register and after having met all requirements previously listed. Pursuant to Section 9 e) above, the Board may choose to appoint certified applicants ahead of non-certified applicants.

b) All original appointments to the police department shall be for a probationary period of eighteen (18) months. The probationary period of a newly-appointed police officer shall commence as of the first date said individual reports for work with the department.

c) Any person whose name appears on the Primary Eligibility Register may decline appointment once. It shall be the option of the Board, should a candidate decline appointment a second time, to strike from or maintain upon the register, the name of such candidate without otherwise altering the candidate's original position on the Primary Eligibility Register.

d) Probationary officers may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers by statute or these rules.

SECTION 13 - CERTIFICATION

a) Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course, as provided by the Illinois Governmental Law Enforcement Officers Training Board, within the prescribed probationary period. Inability to successfully complete this course shall be grounds for dismissal.

SECTION 14-ACCELERATED PROCESS/ LATERAL TRANSFER

In addition to original appointment to the Village of Fox Lake Police Department as set forth herein, the Village of Fox Lake may create a second eligibility list of persons who have previously been full-time sworn officers of a regular police department in any municipality, county, university or State law enforcement agency provided they are certified by the Illinois Law Enforcement Training standards Board and have been with their respective law enforcement agency within the State for at least 2 years.

All accelerated entry process applicants must provide documentation to show their previous responsibilities and duties are similar to those of a Police Officer in the Village of Fox Lake. This will be accomplished through a combination of employee evaluations, past and current assignments, and training certificates. Applicants must provide documentation that they have fulfilled the requirements of the Illinois Police Training Act.

Accelerated entry applicants who meet these requirements and are selected for accelerated entry shall complete the entry process before an offer of employment. This process may include the following components at the discretion of the Board:

- Application and experience verification
- Background examination
- Oral interview by the Board
- Polygraph examination
- Psychological exam
- Medical exam

The Board, in consultation with the Chief of Police may make a conditional offer of employment to any candidate listed on the lateral entry hiring list depending on the needs of the Police Department and the qualifications of the candidates.

After being hired, the applicants will be required to successfully complete a field training program and 18-month probation period.

All other provisions of these rules and regulations including promotions and hearing of charges, removal, suspensions, demotions and discharge shall be applicable to all applicants of the accelerated process who accept an offer of employment and complete the probationary period.

CHAPTER IV – POLICE PROMOTIONAL EXAMINATIONS

SECTION 1 – GENERAL

The Board, by its rules, shall provide for promotion in the Fire and Police Department on the basis of ascertained merit, seniority in service and examination and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to examination. In order to be eligible to test for promotion, members are required to have thirty-six (36) months' experience as a sworn police officer with the Fox Lake Police Department or thirty-six months' experience in combination with the time served from their most recent department if they are a lateral transfer. However, no applicant for promotion shall be promoted from the promotional eligibility roster while they are still on probation. If an opening arises in the promotional rank, anyone on probation due to a lateral transfer would remain in their position on the list but could not be considered for promotion for the current vacancy. All promotions shall be made from the three (3) individuals having the highest rating, and where there are less than three (3) names on the promotional eligibility register, as originally posted, or remaining thereon after appointments have been made there from, appointments to fill existing vacancies shall be made from those names or the name remaining on the promotional register. The method of examination and the rules governing examinations for promotion are specified below. The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register. For the purpose of determining that a vacancy exists, the Board must have received notice from the appropriate corporate authorities to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register. Each weighted component of the examination process shall be based upon a scale of 1 to 100. For each promotional appointment the Board shall post a notice ninety (90) days in advance of the date of examinations providing:

- 1) The date of examinations
 - 2) The study materials for said examinations, and
 - 3) The elements of the promotional process.
- a) The final Promotional Examination score shall be determined as follows:

<u>Examination</u>	<u>Weight</u>	<u>Passing Grade</u>
Written Test	50%	70%
Oral Interview or Assessment Center	40%	70%
Departmental Merit and Efficiency (up to ten (10) points)		
Seniority (maximum of 5 points) (1/2 point per year of service, or part thereof on the Fox Lake Police Department up to a maximum of 5 points.)		

b) In the event no candidate from the immediate next lower rank qualifies for promotion, the Board in determining next in order of rank in promotional examinations herewith determines a policy of extending the examination successively through all the orders of rank in the services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.

c) Candidates, who are otherwise qualified and have timely requested credit for prior military service of at least one year of active military service, shall be granted veteran's preference points of 7/10 of one point for each six (6) months or fraction thereof of military or naval service not exceeding thirty (30) months. No person shall receive the preference for a promotional appointment after he/she has received one promotion from an eligibility list on which he/she was allowed such preference (65 ILCS §5/10-2.1-10, 65 ILCS §5/10-2.1-11).

d) Section 5/10-2.1-4 of the Act provides that a Police Chief and Deputy Police Chief (exempt positions) may take promotional examinations for positions below the rank they currently hold, providing the candidate must have been appointed to the higher, exempt rank, while holding a lower, classified rank with the department. A candidate seeking such a promotion shall not be involved in evaluating the other candidates competing for the same position.

e) The Board reserves the right to delegate the determination of departmental merit and efficiency points to the Chief of Police or their delegate. To maintain integrity of the merit and efficiency points, the Chief or delegate shall submit, in a sealed envelope, the points for each promotional candidate to the Board prior to the commencement of the written examination and oral interview processes. The Board shall open the envelope only when they are tabulating the scores to create the preliminary eligibility roster.

SECTION 2 – TOTAL SCORE

A Candidate's total score shall consist of the combined scores of merit/efficiency rating, written examination, and oral examination plus seniority and veteran's preference points. Candidates shall take rank upon a promotional eligibility register in the order of their relative excellence as determined by their total score. In the event of a tie score, the placement of the tied candidates' names on the eligibility list shall be determined by lot, in the presence of a quorum of the Board in whatever manner the Board deems appropriate.

SECTION 3 – PROMOTIONAL VACANCY

Upon notice from the appropriate corporate authority that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified in Section 1 of this Chapter IV.

**CHAPTER V – ORDER OF RANK, CLASSIFICATION AND
OATH OF OFFICE**

SECTION 1 – RANK

The order of rank in the Police Department shall be as provided by ordinance and municipal budget.

SECTION 2 – CLASSIFICATION

The Board classifies such offices in the Police Department for the purpose of establishing and maintaining standards of examinations and promotions based upon job descriptions and departmental regulations.

SECTION 3 – OATH OF OFFICE

Before entering duty, any person about to become a member of the Police or Fire Department, shall take the following oath, before any person authorized to administer oaths in the State of Illinois:

“I _____, do solemnly swear or affirm that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability.

Signed_____

Subscribed and sworn to be this ____ day of _____, 20__.

NOTARY PUBLIC.”

He shall enter into such bond in such amount as prescribed by the Ordinance.

**CHAPTER VI – HEARING OF CHARGES, REMOVALS,
SUSPENSIONS AND DISCHARGES**

SECTION 1 – HEARING OF CHARGES

a) Hearings before the Board are not common law proceedings. The provisions of the “Code of Civil Procedure” do not apply to hearings before the Board.

b) *Counsel* as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.

c) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.

d) *Cause* is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer no longer occupying his/her position. The right to determine what constitutes cause is in the Board.

e) The complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of a Department, is unwarranted. Should the question of a crime be involved, the rule of *reasonable doubt* shall not control.

f) The phrase *preponderance of evidence* is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighted against the evidence in opposition thereto.

g) Probationary police officers may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers by statute or these rules.

h) All hearings shall be public, in accordance with the Open Meetings Act.

i) At the time and place of hearing, both parties may be represented by counsel, if they so desire.

j) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.

k) The records of all hearings will not be transcribed by the court reporter unless requested to do so by the Board or any party of interest.

l) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.

m) The Board will first hear the witnesses substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended police officer. Thereafter the other party may present and examine those witnesses whom he/she

desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

SECTION 2 – HEARING PROCEDURE

a) **Complaints:** In all cases, written complaints shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based.

b) **Probable Cause:** The Board shall have the right to determine whether there is or is not probable cause for hearing a complaint and may conduct such informal hearings as may be necessary for such purpose.

c) **Notification of Hearing:** Upon the filing of a written complaint in quintuple with the Secretary of the Board, and the determination of the Board of probable cause for entering the said complaint, the Secretary of the Board shall notify both the complainant and the respondent, either by registered or certified mail, return receipt requested, or personally, of the time and place of the hearing of the charges contained in the Complaint. The respondent shall also be served with a copy of the Complaint, and if an Order of Suspension Pending a Hearing is entered by the Board, the respondent, the complainant, the Chief of the Department, the treasurer, comptroller, manager, or other finance officer of the municipality shall be notified of the entry of such Order of Suspension Pending a Hearing, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order.

d) **Continuances:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.

e) **Stipulations:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidenced guilt. The facts so stipulated shall be considered as evidence in the proceeding.

In the event a respondent has been suspended pending a hearing and desires a continuance, it shall also be stipulated and agreed that in the event said respondent is to be retained in his/her position as a result of a decision of the Board following a hearing of the cause, then no compensation shall be paid to said respondent during the period of said continuance.

f) **Sufficiency of Charges-Objections:** Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Board.

SECTION 3 – SUBPOENAS

a) Any party to an administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board as relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person twenty-one (21) years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone outside the State of Illinois (65 ILCS §5/10-2.1-17).

Subpoenas shall be issued pursuant to the applicable Rules of the Supreme Court and Rules of Civil Procedure in the State of Illinois.

b) Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least three (3) days before the date set for such hearing, provided, however, that the Board in its discretion may waive this rule.

SECTION 4 – SERVICE

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated or mailed, by United States mail in an envelope properly addressed with postage prepaid, to the designated party at his/her last known residence as reflected by the complaint filed with the Board, except as herein otherwise provided. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party.

SECTION 5 – FILING

All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board, or their designee at the Village of Fox Lake, Illinois. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the Board's Office, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope of such paper.

SECTION 6 – FORMS OF PAPER

a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.

b) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.

c) All papers shall be no larger than 8 ½" by 11" with inside margins not less than one inch.

d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof and copies thereof provided to the opposing party or his/her counsel.

e) If papers are filed by an attorney, his name and address shall appear thereon.

SECTION 7 – COMPUTATION OF TIME

That time within which any act under these Rules is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday then such succeeding day shall also be excluded.

SECTION 8 – SUSPENSION

a) The Board may suspend any member of the Police Department against whom charges have been filed, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time *(65 ILCS §5/10-2.1-17)*.

b) The Chief of the Police Department shall have the right to suspend any officer under his/her command for a period not to exceed five (5) calendar days, providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing within 24 hours of the time of such suspension. Any policeman so suspended may appeal to the Board for a review of the suspension within five (5) days after receiving notice of such suspension by filing notice of such appeal in writing with the Secretary of the Board of Fire and Police Commissioners. A hearing shall be had upon such appeal and due notice given to the Chief of the Department who suspended such officer, and to the officer so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal *(65 ILCS §5/10-2.1-17)*.

c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive his/her pay for the period involved, may suspend the officer for a period of not more than thirty (30) days, or discharge him/her, depending on the evidence presented *(65 ILCS §5/10-2.1-17)*.

SECTION 9 – DISCHARGE, DEMOTION OR SUSPENSION AFTER HEARING

a) Discharge from office or suspension from service in the Police Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois, being Division 2, Sections 5/10-2.1-1 through 5/10-2.1-30, inclusive, of Chapter 65 of the Illinois Compiled Statutes.

b) The Board shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Board.

SECTION 10 – DATE OF HEARING

The time for the hearing of charges shall be set by the Board, within thirty (30) days of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceeding, by order of the Board. The time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by the Chief of the Department on one of its members *(65 ILCS §5/10-2.1-17, Ord. 95-52)*.

SECTION 11 – FINDINGS AND DECISION

In the event that any member of the Police Department shall be found guilty of the charges filed against him after a hearing by the Board, he/she may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay. Upon an appeal, the Board may sustain the action of the Chief, may reverse it, in whole or part, or may suspend the officer for an additional period of not more than thirty (30) days, or discharge him/her depending on the facts presented *(65 ILCS §5/10-2.1-17)*.

The findings and decision of the Board, following a hearing of the charges, shall be preserved by the Secretary, and notice of said findings and decisions sent to the officer involved and the

department head for enforcement. If the finding or decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order or removal or discharge shall become effective forthwith.

SECTION 12 – RULES – CONFLICT

The personnel of the Police Department shall be governed by these Rules as adopted by the Board and the Rules and Regulations of the Police Department as adopted by ordinance or authority of the Department. In case of conflict, the Rules of the Board shall govern.

SECTION 13 – VIOLATION OF RULES

All members of the Police Department shall be subject to the regulations of such Departments and the Rules of the Board, and a violation of such rules or regulations may be cause for filing of charges before the Board, a subsequent hearing and action by the Board on such charges.

SECTION 14 – VIOLATION OF LAW

Any violation of the laws of the municipality or state or federal law, by any member of the Police Departments of such municipality may be cause for the filing of charges against said officer, except as herein otherwise provided.

CHAPTER VII – GENERAL

SECTION 1 – POWERS OF THE BOARD

The Board shall have such other powers and duties as are given it by the Statutes of the State of Illinois or by ordinance.

SECTION 2 – CONFLICTS; COLLECTIVE BARGAINING AGREEMENTS

Any Chapters, Sections and/or Subsections of the foregoing Rules for the operation of the Board that are in conflict with State Statute or with any amendments thereto that may hereafter be enacted are null and void. This, however, does not invalidate any other Chapters, Sections and/or Subsections of said Rules. In the event of any conflict between any Board Rule and the terms of an applicable collective bargaining agreement covering the Village's Police Department personnel, the two shall be read together and deemed complimentary to each other wherever possible, but the collective bargaining agreement's provisions shall prevail if there is a direct conflict and the agreement and Rule cannot be read together.

SECTION 3 - AMENDMENTS

Amendments to the Rules of the Board may be made at any meeting of the Board. A notice shall be published, in a newspaper of general circulation or website of the municipality, specifying where such Rules are available for inspection. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication when said Rules shall become effective (*65 ILCS §5/10-2.1-5*).

SECTION 4 – LEAVE OF ABSENCE

Leaves of Absence shall be granted by reason of military service or duty-related disability as specified in Illinois Compiled Statutes, Chapter 65, Section 5/10-2.1-23. If a Leave of Absence is granted by the Board during a probationary period, such probationary period shall be tolled under the probationary employee returns from his/her leave of absence.

SECTION 5 – POLITICAL CONTRIBUTIONS

No person in the Police Department of the Village of Fox Lake, Illinois, shall be under any obligation to contribute any funds to render any political service and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the Police Department of the Village of Fox Lake, Illinois, shall discharge or promote or reduce, or in any manner change the official rank or compensation of any other person in such service, or promise or threaten to do so, for withholding or refusing to make any contribution of money or service of any other valuable thing for any political purpose, or in any other manner, directly or indirectly, use his official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution, or service.

SECTION 6 – NOTICE AND PUBLICATION

Any notices or publications required by law or these Rules must be given by publication at least two (2) weeks preceding the date of the required notice either on the Village's internet website or in one or more newspapers published in the Village in accordance with the statutes of the

State of Illinois, or both, except notice for a promotional rank may be waived in writing by all members of the Department eligible for that examination.

PASSED and APPROVED this 16th day of April, 2019.

Board of Police Commissioners of the Village of Fox Lake, Illinois

Michael Trinski, Chairperson

Secretary

Commissioner