

PROCEDURAL RULES

THE CITIZENS POLICE OVERSIGHT COMMITTEE

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I. SCOPE

The following operating procedures are to be followed by the Village Board, Village and Police Department staffs, the Fire and Police Commission (hereinafter the "Commission") and the members of the Citizens Police Oversight Committee in regard to the intake, referral, and processing of citizen and Department member complaints and the reporting of information from the Police Department, Village staff and/or the Commission to the Citizens Police Oversight Committee to the Village Board of Trustees.

II. THE COMPLAINT PROCESS

A. Citizen Complaints

1. Intake and Referral

a. The Citizens Police

Oversight Committee (hereinafter "CPOC"), the Village Manager's Office, the Community Relations Division and the Police Department shall be responsible for receiving any citizen complaints which may be presented to them.

b. CPOC, Village Manager's Office, the

Community Relations Division and the Police Department shall assign an identifying number to the citizen's complaint at the time of receiving the complaint. For example, if the Manager's Office receives a complaint, it would be identified as VMO-91-1, indicating that it was the first complaint received by the Manager's Office in 1991.

c. The Citizen Complaint Form, attached hereto as Exhibit A, shall be available for both written and verbal complaints, including complaints taken by telephone. In those cases in which the Complaint Form is prepared by an individual receiving a verbal complaint in person or by the telephone, the individual preparing the complaint shall identify him or herself on the Complaint Form as the preparer and shall also indicate that the complaint was given verbally in person or by telephone. In those cases where a citizen wishes to file a written complaint, or where a citizen is requesting information about the complaint process; a letter from the Chief of Police, in substantial compliance with the letter attached hereto as Exhibit B, shall be provided to the citizen. A citizen complainant filing a complaint will sign the complaint as complainant, and the individual receiving the complaint will sign the complaint as the "intake person"

d. Anonymous complaints shall be processed in the same manner as all other complaints. Citizens shall, however, be encouraged to provide firsthand information with regard to complaints and shall be informed that the lack of full citizen cooperation in the case of anonymous complaints may impede the progress of an investigation of the complaint.

e. Once a complaint has been received and identified by the, CPOC, the Village Manager's Office, or the Community Relations Division, it shall be forwarded immediately to the Police Chief of the Oak Park Police Department for investigation, except under extraordinary circumstances in which (1) further basic information is needed to

determine the most appropriate handling of a complaint, (2) and outside investigation of a complaint is warranted or (3) in those situations in which the citizen communication is more in nature of an inquiry than a complaint.

- f. In those extraordinary circumstances in which further information is needed to appropriately process a complaint, the recipient may attempt to obtain the missing information. If the information is not complete within two (2) days of the filing of the complaint, and the original recipient of the complaint was not the CPOC, the complaint will be referred to CPOC for further determination or appropriate handling. The CPOC shall have two (2) additional working days from the date of its receipt of the complaint to complete basic information needed to process complaint. At the end of the two (2) day period, or at such time as the CPOC determines that it has sufficient information upon which to base a decision, whichever occurs first, the CPOC shall, based upon the information available to it, either refer the complaint to the Police Department or, if in the CPOC's best judgement an outside Investigation may be warranted, shall refer the complaint to the President and Board or Trustees, along with its recommendation on same.
- g. In those extraordinary circumstances in which an outside investigation of a complaint appears to be clearly warranted, based upon the information available, the recipient of the complaint shall refer such complaint to the President and Board of Trustees with a recommendation that the investigation be conducted by a designated Village agent or agency outside of Village government.
- h. In those situations in which a citizen appears to be making an inquiry or seeking information with regard to some Police Department activity, policy or procedure, that inquiry will be referred to the Community Relations Division.
 - (1) The Community Relations Division will make every effort to obtain the requested information and convey same to the citizen as soon as possible.
 - (2) If the Community Relations Division is unable to provide the citizen with a satisfactory response, or, if the inquiry is transformed into a specific complaint while the inquiry is in process, the Community Relations Division shall receive and refer said complaint to the Police Department in the same manner as any other citizen complaint or inquiry.
- i. Citizen complaints presented directly to the Police Department shall be received by a Supervisor of the rank of Sergeant or above.

2. Processing of Citizen Complaints

- a. In the case of citizen complaints referred to the Police Chief by the, CPOC, the Village Manager's Office or the Community Relations Division, the Police Chief or his designee will determine whether the complaint is to be processed initially as a formal or informal complaint.
- b. In the case of a citizen complaint presented directly to the Police Department and received by a Supervisor in the Police Department, the Supervisor shall complete the complaint form or accept a complaint form completed by a citizen, assign the complaint a number (e.g., PD-91-1), attach any accompanying documentation to the form and immediately forward the complaint to the Watch Commander on duty at the time. The Watch Commander shall then determine whether the citizen complaint shall be processed initially as a formal or informal complaint.
- c. The determination as to whether a complaint will be processed as a formal or informal complaint will depend upon the seriousness of the allegation. Any allegation which may result in a discipline order of suspension for three (3) or more days shall be considered a formal complaint requiring a formal investigation. The letter "F" will be added to the assigned identification number for all formal complaints. The letter "I" will be added to the identification number for all informal complaints.
- d. Informal Investigation

In those cases in which a determination is made by the Watch Commander that the complaint does not warrant a formal investigation. The letter "I" will be added to the assigned identification number.

 - (1) In conducting an informal investigation, the Watch Commander shall review the complaint for the purpose of determining whether or not a Police Department rule violation has taken place.
 - (2) If the Watch Commander determines that a violation of departmental rules or regulations has, in fact, occurred, he may (a) recommend discipline to the Chief of Police which shall not exceed a suspension of two (2) days in duration or (b) initiate a formal investigation of the complaint if the Watch Commander determines, after reviewing the facts in the informal investigation of the complaint, that the alleged actions of the accused police officer may warrant a suspension of three (3) or more days.
 - (3) If the Watch Commander determines that an officer has committed a technical violation of departmental rules or regulations, but also determines that the officer acted in good faith and that the officer's

conduct was not unreasonable under the circumstances, then the Watch Commander may recommend the initiation of an educational process for the officer, such as coaching and counseling, rather than the institution of discipline.

- (4) If at the conclusion of the informal investigation the Watch Commander finds that the police officer's actions were proper, he shall terminate the investigation process, complete the appropriate reports documenting the complaint and forward the reports with his recommendation to the Chief of Police.
- (5) Any departmental action proposed by the Watch Commander in response to any informal complaint must have the concurrence of the Chief of Police before it can be considered as a final action by the department. The recommendation of the Watch Commander shall be in the form of a "TO-FROM" report, which shall proceed through the chain of command to the Chief of Police. If the Chief of Police does not concur with the recommendation of the Watch Commander, the Chief may (a) return the "TO-FROM" report to the Watch Commander with the Chief's recommendations and the Chief's request for further investigation or (b) may overturn the recommendation of the Watch Commander and authorize some other action with regard to same.
- (6) Once a final determination has been made with regard to a complaint, the report and investigation file shall be logged and filed in the Internal Affairs office and an Internal Affairs number shall be assigned.
- (7) The Department shall notify the citizen complainant of any action taken or determination made by the Department with regard to the citizen's complaint. The citizen shall also be notified of his/her right to express his/her dissatisfaction with any action taken by the Department with regard to his/her complaint to CPOC. The Committee will review the circumstances surrounding the citizen's complaint and the Department's actions thereon and will thereafter provide the Village Board with a written statement of the citizen's dissatisfaction with the Department's handling of the citizen's complaint, the investigation report upon which the Department decision was based and any recommendation the Committee may have with regard to same. Names and addresses shall be deleted from reports and information delivered to the Committee to protect individual privacy rights, where appropriate.
- (8) The informal investigation process shall not exceed sixty (60) days from the date of filing the initial complaint to the making of a final

determination thereon. If an informal investigation exceeds sixty (60) days, the investigation file shall contain a written explanation by the Chief of Police stating the reasons necessitating additional investigation time.

e. Formal Investigation

A formal investigation of a citizen complaint shall be undertaken (1) if it appears that the action of the police officer alleged in the complaint may warrant a suspension of three (3) or more days or (2) if the informal investigation process is inadequate to resolve the citizen's complaint.

- (1) Any Department Supervisor of the rank of Sergeant or above may receive a citizen's complaint. The complaint must, however, be immediately referred to the Watch Commander on duty at the time.
- (2) If the Watch Commander determines that a formal investigation of the complaint is required, the complaint shall be immediately referred to Internal Affairs or, if no Internal Affairs officer is available on the duty shift in question, then to the next available on duty shift Internal Affairs officer for investigation and an Internal Affairs number shall be immediately assigned. This requirement will not preempt any immediate, limited investigation of any incident which may now, or may in the future, be required of immediate supervisors in response to such occurrences, but shall rather be considered as a required procedural step prior to the Watch Commander's determination.
- (3) The complaint will be filed in the Formal Complaint Log and will contain the following information:
 - (a) Internal Affairs number and citizen's complaint number (e.g., PD-91-1F)
 - (b) Date of complaint
 - (c) Name of individual taking the complaint and the receiving unit with which the receiver is associated (i.e., , CPOC, Village Manager's Office, the Community Relations Division, or Police Department)
 - (d) Manner in which complaint was received (i.e., in person, by phone, or by letter)
 - (e) Complainant's name and address, if applicable
 - (f) To whom the complaint was assigned for investigation
 - (g) Dates of progress reports and notifications and the identities of those who prepared and received same
 - (h) Final action taken by the Department

- (i) Date upon which the complainant was apprised of the final action taken by the Department
- (4) The investigation report on the complaint, prepared at the conclusion of the investigation, shall include the following information:
 - (a) A summary sheet of the Formal Complaint Log information required in Section IIA 2e(3) above
 - (b) The statement of the allegations made by the complainant
 - (c) Factual statement by the police officer involved in response to the allegations that have been made
 - (d) Evidence supporting or rebutting the allegations made in the complaint
 - (e) Findings and recommendations of the investigating officer, based upon an analysis of the evidence. Each finding shall be stated in accordance with the following classification system:
 - (i) “sustained”, which indicates that the investigation disclosed sufficient evidence to justify disciplinary action;
 - (ii) “exonerated”, which indicates the incident did occur but was lawful and proper;
 - (iii) “not sustained”, which indicates that insufficient evidence exists to either prove or disprove the allegations; or
 - (iv) “unfounded”, which indicates the allegation is false or not factual
- (5) All investigations will be conducted in accordance with the labor agreement then in effect for the Department member’s bargaining unit and/or the Police Officers Bill of Rights.
- (6) At the conclusion of the investigation, the completed investigation report will be forwarded through the chain of command to the Police Chief. Each level of the chain of command shall review the report and shall indicate either concurrence or nonconcurrence with same. Nonconcurrence shall be accompanied by written alternative findings and/or recommendations and shall be conveyed to the next higher rank in the chain of command.
- (7) The Chief of Police will ultimately review the investigation report, the concurrence or nonconcurrence of the Supervisors in the chain of command and any written alternate findings or recommendations accompanying any statement of nonconcurrence with the report. The investigation shall not become final until such

time as the Chief either concurs with or overrules the findings and recommendations of the report and takes action with regard to the ultimate findings and the discipline to be imposed by the Department based thereon.

- (8) The ultimate finding of the Department with regard to each allegation in each complaint so investigated must be classified in one of the following four categories: (i) sustained, (ii) exonerated, (iii) not sustained or (iv) unfounded.
- (9) If as a result of the formal investigation any of the allegations of the complaint are “sustained” and the Chief of Police determines that a suspension of greater than five (5) days is warranted, the Chief shall then file charges with the Board of Fire and Police Commissioners of the Village of Oak Park and shall request a hearing on same.
- (10) The formal investigation process shall not exceed one hundred twenty (120) days from the date of the filing of the citizen’s complaint to the date upon which a final determination is made on the complaint. The Chief of Police shall provide a written explanation in the formal investigation report indicating the reasons necessitating additional investigation time for any formal investigation which exceeds one hundred twenty (120) days.
- (11) Both the police officer or officers involved and the citizen complainant or complainants shall be notified of the results of the investigation. Citizens shall also be notified of their right to express their dissatisfaction with the result of any such Departmental investigation with the CPOC. The Committee shall review the police investigation and its findings and any new information and the citizen’s reasons for dissatisfaction with the results of the police investigation and shall, except where significant new information has come to the Committee’s attention, forward same to the of the Village Board, along with any recommendations it may have. In cases where significant new information has come to the Committee’s attention, the new information shall be given to the Police Department for Police Department consideration and investigation as a part of the original investigation. The Police Department will then be responsible for communicating the results of its reopened investigation in the same manner as the initial investigation. In cases where information appears to be incomplete or contradictory, the CPOC may request that the Police Department provide additional information or clarification with regard to same and the Department shall respond promptly to such

Committee requests. If the CPOC, after requesting further information of the Police Department, determines that the information remains inadequate, it shall so inform the Village Board in its report to the Village Board regarding same. Individual names and addresses will be deleted from reports and information provided to the Committee to protect individual privacy rights. The complainant and parties to the complaint will be identified by race, sex, status and sexual orientation if relevant to the complaint, i.e., “a white male citizen”, or “a white female officer”. When the complainant is a juvenile that will also be noted.

III. REPORTING OF INFORMATION TO THE CITIZENS POLICE OVERSIGHT COMMITTEE

A. General Statement

The reporting of information from the Police Department to the CPOC on a quarterly basis and then from the CPOC to the Village Board on a semi-annual basis shall be in such a manner and to such a degree as to enable the President and Board of Trustees to have a complete, accurate and current picture of Police Department member internal relations, Department/community relations and the functioning of the Department complaint processing and discipline systems.

B. Citizen Complaint Reporting by the Department to the CPOC

1. The Police Department shall report information to the CPOC which is of sufficient breadth and frequency to insure thorough and comprehensive reporting by the Committee to the Village Board on at least a quarterly basis. The information reported by the Department to the Committee shall include copies of all complaint forms with all supporting documentation, “TO-FROM” reports from the Watch Commander to the Chief, progress reports and notifications, and investigation reports with names, addresses and other identifying information replaced by generic identifiers, i.e., “a white female citizen”, “a black male officer”. Where the complainant is a juvenile or if sexual orientation is relevant to the complaint that will also be noted. Each complaint form will indicate the current stage of investigation or resolution of same. **Video and audio recordings related to a complaint shall be made available to the Committee by the Police Department. Identifying information regarding a complainant or a police officer that is the subject of a complaint shall be removed to the extent possible. Committee members shall maintain the confidentiality of identifying information of a complainant or a police officer that is the subject of a complaint.**

In the event of a second or subsequent complaint against an individual officer, the complaint form submitted to the Committee shall record the complaint form numbers of all previous complaints against the individual officer, as well as an indication of previous findings, i.e., sustaining, exonerating, not sustaining, or declaring unfounded the allegations of previous complaints.

2. The Department shall provide the Committee with a monthly status report of each citizen complaint then under formal and informal investigation. The citizen complaints will be identified by Internal Affairs number and the original citizen's complaint number and will state the nature of the complaint, the stage of the investigation and the officer or officers currently conducting the investigation.
 3. The Department shall provide the Committee with a quarterly report containing all formal and informal investigations completed during the immediate preceding quarter. Each complaint shall be identified by both the assigned complaint and Internal Affairs numbers, date of complaint, and nature of complaint, and shall contain a summary of relevant evidence—both supporting and rebutting the complaint, conclusions drawn and recommendations made based upon an analysis of the evidence which finding shall indicate whether an individual allegation has been sustained, exonerated, not sustained or declared unfounded. The report shall also indicate the concurrence and nonconcurrence of Supervisors in the chain of command and any written alternative findings or recommendations provided by Supervisors not in concurrence with the report. The report shall finally contain the findings and action taken by the Police Chief based upon the information provided above.
- C. Department Member Complaint Reporting by Village Staff to the CPOC
1. Both the Police Department and the Human Resources Department shall provide a written quarterly report to the Village Manager and the Village Manager shall provide an annual report to the CPOC of all Department member complaints resolved within each respective department during the immediately preceding year. These reports shall contain the following information:
 - a. An identification number indicating the department or division in which the complaint process was initiated
 - b. The employment category of the employee initiating the complaint
 - c. The nature of the complaint in general terms only
 - d. A general statement of the evidence in support of an opposition the complaint
 - e. Any conclusions and/or recommendations made as a result of the investigation of the complaint and the facts develop therefrom

- f. Identification of the levels of appeal through which the employee complaint was processed and the finding, recommendations or decisions made at each level of appeal
 - g. The final determination of facts and actions taken by the Village based thereon
2. Such reports will not disclose the specific identities of complainants or individual employees complained of but will indicate such demographic information as race, sex, sexual orientation, when relevant, of the complainant and parties to the complaint. The report will, however, identify multiple complaints made by one employee or multiple complaints against any one given employee by listing the identification numbers of previous complaints filed by or against such employees.

IV. ADDITIONAL POWERS AND RESPONSIBILITIES OF THE CITIZENS POLICE OVERSIGHT COMMITTEE

- A. Monitoring and evaluating racial and gender diversity in Police Department training, recruitment, and promotions.
- 1. The Director of Human Resources/Secretary to the Fire and Police Commission of the Village shall report to the Committee the following information, including the race, sex, and age of applicants at the stages of the process set forth in c through l below, semi-annually, and on an anonymous basis:
 - a. A list of media and other methods used to announce the creation of a police officer eligibility list, including sample ad
 - b. Other recruiting efforts
 - c. Orientation participants (by race, sex, and age)
 - d. Physical agility test participants
 - e. Testees by score
 - f. Recruits passing written test by score, presented by bands which each contain a number of recruits within a test score range
 - g. Recruits passing physical exam by score
 - h. Recruits passing psychological tests by score
 - i. Results on oral examination
 - j. Recruits sworn in and Academy to which each is sent
 - k. Graduation from the Academy
 - l. Graduation from the Field Training Officers Program
 - 2. The Chief of Police will annually report to the Committee a list of officers who have received additional training by training type, rank, race, sex, age, and years of service.

3. The Chief of Police will annually report to the Committee a list of officers by race, sex, age, rank, and years of service
 - a. eligible for promotion to the next highest rank;
 - b. who applied to take qualifying exams for promotion;
 - c. who passed qualifying exams for promotion including the rank of each officer on the list;
 - d. officers who passed the examination who were promoted to the next higher rank.

V. INVESTIGATING COMPLAINTS OF SYSTEMIC PROBLEMS, INCLUDING PATTERNS OF RACIAL OR GENDER DISCRIMINATION OR OTHER DISCRIMINATORY PRACTICES NOT SPECIFYING INDIVIDUALS

When a complaint is received by the the Village Board, CPOC, the Village Manager's Office, the Community Relations Division or the Police Department that alleges any pattern of discriminatory practices of the Police Department or other systemic problems involving practices or policies of the Department that does not name specific individuals and that is not directly covered by a collective bargaining agreement, it shall be referred to the Board for investigation.

The Village Board may

- a. investigate the complaint;
- b. refer complaint to CPOC;
- c. empanel a special joint committee to investigate and report findings to the Board as a whole.
- d. Refer the complaint to the Police Department for investigation.

VI. INFORMATION REPORTING BY THE CITIZENS POLICE OVERSIGHT COMMITTEE TO THE PRESIDENT AND BOARD OF TRUSTEES

- A. The CPOC shall meet with and provide written reports to the Village Board of Trustees, or such standing or ad hoc committee of the Village Board as the Village Board may designate, on a semi-annual basis concerning the Committee's activities and any information and analysis of such information which the Committee may have compiled as a result of its activities during the preceding six (6) months. In addition to the required semi-annual meetings and reports, the Committee may report to the Village Board on special items of concern within its purview at any time or with any degree of frequency which the Committee deems appropriate or necessary.

1. The Committee's report to the Village Board regarding the intake, referral, and processing of both citizen and Department member complaints shall not identify individual complainants or employees by name or address. Individual citizen or Department member complaints shall be identified by complaint number, and individual complainants and employees shall be identified by race and sex, and status as a juvenile or by sexual orientation when relevant.
2. It shall be the responsibility of the Committee to analyze the statistical information provided in its reports and to make recommendations based upon this analysis. These processes shall also be part of the semi-annual report of the Committee to the Village Board.
3. At no time shall the Committee request or report on the specific identities of any citizen or Department member complainants or any individual employee or employees complained of.
4. If the President and Board of Trustees, or any designated Committee thereof, wishes to obtain and review the specific factual data supporting the statistical report from the CPOC, such requests will be made directly to the Village Manager and will not involve the CPOC.

VII. DISCLOSURE OF THE IDENTITY OF INDIVIDUAL CITIZEN OR DEPARTMENT MEMBER COMPLAINANTS OR VILLAGE STAFF OR DEPARTMENT MEMBERS COMPLAINED OF

- A. The identity of individual citizen complainants or individual Department member complainants shall not be disclosed to Department members or Village employees complained of unless: (1) the complaint results in disciplinary action against a Department member or Village employee; and (2) the basis of that disciplinary action is the firsthand knowledge of the citizen complainant or Police Department member.
- B. No member of the public shall be entitled to obtain the identities of any citizen or Department member complainant or any Department member or Village employee complained of unless such complaint results in discipline and such discipline is appealed in a public forum in which the identity of the citizen or Department member complainants or the disciplined Department member or Village employee is therein disclosed **subject to applicable law and unless otherwise provided by these Rules.**

VIII. COMMITTEE MEMBERS ARE REQUIRED TO ABIDE BY THE ORDINANCE CREATING THE COMMITTEE AND THE OPERATING PROCEDURES ESTABLISHED IN ACCORDANCE THEREWITH

The members of the Citizens Police Oversight Committee are obligated to abide by the terms and provisions of the ordinance establishing the Committee and the operating procedures established as a result thereof. Members of the Committee who refuse to abide by the ordinance or the operating procedures established thereunder shall subject themselves to removal from the Committee for cause. Removal must be initiated by written charges and the Committee member shall have an opportunity to be heard thereon in an open meeting before the President and Board of Trustees. A majority vote of the President and Board of Trustees shall be required to remove any such member from the committee.

IX. COLLECTIVE BARGAINING AGREEMENT TAKES PRECEDENCE OVER OPERATING PROCEDURES

Nothing contained in these operating procedures shall be construed as overriding or negating any provision of any collective bargaining agreement presently in effect between the Village of Oak Park and any collective bargaining unit within the Police Department. In the event that the language of these operating procedures conflicts with the language of any collective bargaining agreement presently in effect with regard to any bargaining unit within the Police Department, the language of the collective bargaining agreement shall prevail.

