

Disciplinary Policy

340.1 PURPOSE AND SCOPE

To provide employees of this Department with guidelines for their conduct in order that they may participate in meeting the goals of this Department in serving the community. This policy shall apply to all sworn and non-sworn members of this Department (including part time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability, nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the members' supervisors.

340.1.1 DEFINITIONS

Definitions related to this policy include:

Discipline - The correcting of improper conduct or actions by the utilization of counseling, training, or punitive actions.

Formal investigation - The process of an investigation ordered by a commanding officer during which the questioning of an officer is intended to gather evidence of misconduct which may be the basis for filing charges seeking his or her removal, discharge, or suspension in excess of three days (50 ILCS 725/2).

Informal inquiry - A meeting by supervisory or command personnel with an officer upon whom an allegation of misconduct has come to the attention of such supervisory or command personnel, the purpose of which meeting is to mediate a citizen complaint or discuss the facts to determine whether a formal investigation should be commenced.

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

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

(40 ILCS 5/14-110), including Secretary of State sergeants, lieutenants, commanders and investigator trainees. The term does not include crossing guards, parking enforcement personnel, traffic wardens or employees of any State's Attorney's office (50 ILCS 725/2).

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

340.2 DISCIPLINE POLICY

The continued employment of every employee of this Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this Department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 24 hours of any change in residence address, home phone number, or marital status.

340.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
 - (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
 - (c) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
 - (d) Engaging in potentially dangerous "horseplay" resulting in injury or property damage or the reasonable possibility thereof.
 - (e) Unauthorized possession of, loss of, or damage to Department property or the property of others or endangering it through unreasonable carelessness or maliciousness.
 - (f) Failure of any employee to report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
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- (g) Failure of any employee to report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-Departmental business or activity.
- (i) Disclosing or soliciting for financial or personal gain any information, photograph or video obtained or accessed as a result of employment with the Department (720 ILCS 5/33-3).
- (j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.
- (k) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this Department.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

340.3.3 DISCRIMINATION

- (a) Discrimination against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability, or medical condition.

340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- (d) Unauthorized possession, use of, or attempt to bring controlled substance or other illegal drug to any work site.

340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
 - (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
 - (c) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments, or instructions of supervisors without reasonable and bona fide excuse.
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- (d) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
 - (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in position of authority.
 - (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
 - (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency, and discipline of the Department or which would tend to discredit any member thereof.
 - (h) Knowingly making false, misleading, or malicious statements that are reasonably calculated to harm or destroy the reputation, authority, or official standing of the Department or members thereof.
 - (i) The falsification of any work related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper, or document.
 - (j) Wrongfully loaning, selling, giving away, or appropriating any Department property for the personal use of the employee or any unauthorized person(s).
 - (k) The unauthorized use of any badge, uniform, identification card, or other Department equipment or property for personal gain or any other improper purpose.
 - (l) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
 - (m) Any knowing or negligent violation of the provisions of the Department Policy Manual, operating procedures, or other written directive of an authorized supervisor. Employees shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the employees.
 - (n) Work related dishonesty, including attempted or actual theft of Department property, services, or the property of others, or the unauthorized removal or possession of Departmental property or the property of another person.
 - (o) Criminal, dishonest, infamous, or notoriously disgraceful conduct adversely affecting the employee/employer relationship whether on or off-duty.
 - (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
 - (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution, or approved Department practices or procedures.
 - (r) Substantiated, active, continuing association with or membership in organized crime and/or criminal syndicates with knowledge thereof, except as specifically directed and authorized by the Department.
 - (s) Offer or acceptance of a bribe or gratuity.
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- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
- (v) Unlawful gambling or unlawful betting on Department premises or at any work site.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (x) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property, or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
- (y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency, or morale, or which tends to reflect unfavorably upon the Department or its members.
- (bb) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (cc) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any Department-related business.

340.3.6 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within Department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on the job or work related accident, injury, or illness within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating Departmental safety standards or safe working practices.

340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms, or reports.

340.3.8 SUPERVISION RESPONSIBILITY

For the purposes of this subsection, a 'supervisor' consists of a Sergeant, Commander, Deputy Chief, and Chief.

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- (b) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Complaints of misconduct will be investigated in accordance with Personnel Complaint Procedure Policy (Policy 1020).

From minimum to maximum, the levels of disciplinary action are:

- (a) Performance Notification - an oral communication between a supervisor and an employee to discuss an employee's actions that should be modified to better serve the goals and duties of the organization. The performance notification will be condensed into written form where both the supervisor and the employee have their statements reflected. The performance notifications will be placed in the employee's personnel file, and can then be used by all supervisors as a basis for making future disciplinary decisions. The Department will not rely on a performance notification after twelve (12) months from its issuance as the basis for future discipline, unless the employee has engaged in similar misconduct within that twelve month period. Upon request, all supervisors shall have access to an employee's personnel file for purposes of determining an appropriate level of discipline for subordinate employees.
 - (b) Written Reprimand - a written warning from a supervisor that some action, performance or behavior is unacceptable and that more serious discipline will result if the action, performance, or behavior is repeated. The written reprimands will be placed in the employee's personnel file, and can then be used by all supervisors as a basis for making future disciplinary decisions. The Department will not rely on a written reprimand after twelve (12) months from its issuance as the basis for future discipline, unless the employee has engaged in similar misconduct within that twelve month period. Upon request, all supervisors shall have access to an employee's personnel file for purposes of determining an appropriate level of discipline for subordinate employees.
 - (c) Suspension from Duty - a serious disciplinary action resulting in an employee being relieved from duty for a period of between one (1) and thirty (30) days, for misconduct which is serious or which is part of a continuing pattern of behavior involving repeated misconduct. The Chief of Police may suspend employees for a period not to exceed five (5) days. The Chief's may, at his/her discretion, allow the employee a choice of being suspended without pay, or being suspended and in lieu of forfeiting pay, forfeiting equivalent amounts of accrued leave or regular days off.
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- (d) Demotion - a serious disciplinary action resulting in an employee reverting back to a previously held lower rank within the Department, and resulting in a possible loss of monetary compensation associated with the previously held rank.
- (e) Discharge (dismissal from service) - the most serious disciplinary action, discharge may occur when progressive discipline has been taken and there is no change in the employee's behavior, or when the employee's actions or deficient performance is so consequential that continued employment cannot be tolerated.

The Chief of Police has the authority to issue all forms of discipline to Department personnel. Deputy Chiefs, Commanders, Sergeants, and other supervisory personnel have the authority to unilaterally take the following disciplinary measures without first consulting with the Chief of Police or any other superior official: (a) performance notifications; (b) written reprimands; and (c) written recommendations to the Chief of Police for other disciplinary penalties. The Chief of Police, Deputy Chiefs, Commanders, Sergeants, and other supervisors shall rely on their own best judgment, discretion, and supervisory training when deciding on an appropriate level of discipline for a subordinate employee.

340.4.1 APPEALS

Non probationary non-sworn employees may appeal disciplinary actions (excluding performance notifications and written reprimands) in accordance with the Morton Grove personnel policy manual.

Non probationary Sworn officers (sergeants, commanders, and deputy chiefs) may appeal disciplinary actions (excluding performance notifications and written reprimands) instituted by supervisory officers or the Chief of Police by filing a written notice with the secretary of the Fire and Police Commission, no later than five (5) business days after the imposition of the disciplinary penalty.

Non probationary Sworn officers covered under the collective bargaining agreement may appeal disciplinary actions (excluding performance notifications and written reprimands) instituted by supervisory officers or the Chief of Police by filing a written notice with the grievance arbitration process outlined in the Collective Bargaining Agreement.

340.5 POST INVESTIGATION PROCEDURES

Personnel investigation reports shall be submitted via the chain of command to the Chief of Police. As part of any personnel investigation report, supervisory personnel (including Deputy Chiefs, Commanders, and Sergeants) may recommend to the Chief of Police suspensions and discharges for their subordinate personnel. When making such suspension or discharge recommendations, supervisory personnel shall rely on their own best judgment and supervisory training. Supervisory personnel do not need to first consult with a superior official before making such a suspension or discharge recommendation.

340.5.1 ILETSB NOTIFICATION

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

340.6 EMPLOYEE RESPONSE

It is the duty and responsibility of every full-time and part-time police officer to report to ILETSB within 14 days, and the officer's Chief of Police, of his/her arrest or conviction for an offense identified in 50 ILCS 705/6.1. Any full-time or part-time police officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have his or her certificate or waiver immediately decertified or revoked.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file. The tender of a retirement or resignation by itself shall not serve as grounds for the termination of an investigation or of pending discipline.

340.8 POST INVESTIGATION PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, or termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the personnel rules and applicable guidelines, or pursuant to the Collective Bargaining Agreement, or if non home rule, the procedures outlined in 65 ILCS 5/102.1 et seq., or if civil service, the procedures outlined in 65 ILCS 5/101et seq.

340.9 OFFICER PROFESSIONAL CONDUCT DATABASE - MANDATORY NOTIFICATION TO ILETSB

The Chief of Police or the authorized designee shall notify the ILETSB of any final determination of a willful violation of department policy, official misconduct, or violation of law within 10 days when (50 ILCS 705/9.2):

- (a) The determination leads to a suspension of at least 10 days.
- (b) An infraction occurred that triggered a formal investigation as defined by this policy.
- (c) There is an allegation of misconduct regarding truthfulness as to a material fact, bias, or integrity.
- (d) The officer resigns during the course of an investigation and after being served notice that he/she is under investigation.

The notification shall occur within 10 days of a final determination and exhaustion of any appeal, or resignation or retirement, and shall provide information regarding the nature of the violation.

FORMS

- [Letter Of Reprimand](#)
 - [Performance Notification](#)
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