

A G E N D A

REGULAR MEETING OF THE BOARD OF POLICE COMMISSIONERS OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON FRIDAY, APRIL 17, 2015, AT 7:00 A.M. AT THE VILLAGE POLICE STATION BUILDING, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

1. CALL TO ORDER
2. ROLL CALL
3. VISITORS' BUSINESS - Public comment is limited to three minutes per person
4. REVIEW AND APPROVE MINUTES - Regular BOPC Meeting - March 20, 2015 (APPROVE)
5. COMMUNICATIONS
6. UNFINISHED BUSINESS
7. NEW BUSINESS
  - a. Review - Board of Police Commissioners Rules and Regulations - BOPC Attorney John Broihier
  - b. Update - Probationary Officers
  - c. Update - Completion of Probation - Officer Jose Lopez
8. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE BOARD OF POLICE COMMISSIONERS HELD ON MARCH 20, 2015 AT THE VILLAGE HALL OF THE VILLAGE OF WILLOWBROOK, 7760 QUINCY STREET, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

1. CALL TO ORDER

The meeting was called to order by Chairman Schuler at the hour of 7:00 a.m.

2. ROLL CALL

Those present at roll call were Chairman William Schuler, Secretary Stephen Landsman, and Commissioner Joseph Heery. Also present were Chief of Police Mark Shelton, Village Administrator Tim Halik, and Recording Secretary Cindy Stuchl.

ABSENT: None.

A QUORUM WAS DECLARED

3. VISITORS' BUSINESS

None presented.

4. REVIEW AND APPROVE MINUTES

Minutes - Special BOPC Meeting - January 23, 2015 (APPROVE)

MOTION: Made by Commissioner Heery, seconded by Secretary Landsman, to approve the Omnibus Vote Agenda as presented.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

5. COMMUNICATIONS

Administrator Halik advised that the move to the new Village Hall offices occurred on February 13, 2015. An Open House should be scheduled sometime in April.

Administrator Halik stated that John Broihier is no longer the attorney for the Willowbrook Police Pension Fund. It was confirmed that Mr. Broihier does still represent the Willowbrook Board of Police Commissioners. Chairman Schuler recommended that the BOPC Rules and Regulations be sent to Mr. Broihier for review. After discussion, the consensus of the Commission was to forward the Rules and Regulations for review.

6. UNFINISHED BUSINESS

None presented.

7. NEW BUSINESS

a. Review and Approve Final Patrol Eligibility List

Chairman Schuler related that this testing cycle was the most successful testing process for new patrol officer candidates. Chief Shelton advised that 169 applications were purchased, 130 applications were completed and returned, 91 applicants took the patrol test, and the final eligibility list has 77 individuals.

Chief Shelton advised that the goals set by the Commission on Accreditation for Law Enforcement Agencies, Inc. is to have 20% of the applicants in a protected class. The results (derived from voluntarily self reported data) suggest our list is well above the goal.

MOTION: Made by Commissioner Heery, seconded by Secretary Landsman, to approve the Final Patrol Eligibility List as presented.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

b. Update - Probationary Officers

Chief Shelton advised that Officer Dylan Trainor has completed his probationary period.

Chief Shelton stated that Officer Eric Babczak and Officer James Martino have two (2) weeks left in their Field Training program. He expects both to complete their training early.

8. ADJOURNMENT

MOTION: Made by Secretary Landsman, seconded by Commissioner Heery, to adjourn the meeting at the hour of 7:11 a.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

April 17, 2015

\_\_\_\_\_  
Chairman

Minutes transcribed by Executive Secretary Cindy Stuchl.

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

**CHAPTER I - ADMINISTRATION**

SECTION 1: SOURCE OF AUTHORITY. The Board of Police Commissioners of the Village of Willowbrook derives its power and authority from 65 ILCS 5/10-2.1-1, et seq.

SECTION 2: DEFINITIONS. The word "Commission" and/or "Board" wherever used shall mean the Board of Police Commissioners of the Village of Willowbrook. The word "Officer" shall mean any person holding a permanent sworn rank in the Police Department of the Village of Willowbrook. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

SECTION 3: OFFICERS OF THE BOARD AND THEIR DUTIES. The Board shall annually, at the first meeting in May, elect a Chairman and a Secretary. They shall hold office for one year and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. The Secretary shall keep the Minutes of all meetings of the Board in a permanent record book and shall be the custodian of all the forms, papers, books, records and completed examinations of the Board. Should any change in the membership of the Board result in a vacancy in one or all offices, the new Board shall, at its next meeting, elect new officers to fill unexpired terms.

SECTION 4: MEETINGS

- (a) Regular meetings of the Board shall be held on the Third Friday of each month at 7:00 a.m. at the Willowbrook Village Hall, 7760 Quincy Street, Willowbrook, Illinois.
- (b) Special meetings of the Board may be called by the Chairman or any two (2) members of the Board, by filing with the Secretary of the Board a written Notice of Special Meeting. This Notice of Special Meeting shall designate the time and place of the special meeting, a brief statement of the business to be conducted at such special meeting, and no other business shall be considered at such special meeting.
- (c) Notice of special meetings shall be given orally or in writing to all Board members at least forty-eight (48) hours in advance of the meeting. Such Notice may be waived in writing.
- (d) 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 purpose permitted under the Open Meetings Act (5 ILCS 120/1, et seq.). 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, record the roll call vote of the members on said motion and keep minutes of the closed session.
- (e) The Board shall at all times comply with the Open Meetings Act.

SECTION 5: QUORUM. Two (2) members of the Board shall constitute a quorum.

SECTION 6: ORDER OF BUSINESS. The order of business at any meeting shall be (1) Visitors' Business, (2) Reading and approval of the Minutes, (3) Communications, (4) Unfinished Business, (5) New Business, and (6) Adjournment.

SECTION 7: RULES FOR CONDUCT OF BUSINESS. The parliamentary procedures prescribed in "Robert's Rules of Order" shall be followed except as otherwise modified herein.

SECTION 8: AMENDMENTS TO THE RULES OF THE BOARD. 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 of Willowbrook. This shall specify the date, not less than ten (10) days subsequent to the date of publication, when said rules shall become effective.

SECTION 9: ANNUAL REPORT AND BUDGET REQUEST. The Board shall submit to the Corporate Authorities an Annual Report of its activities and a Budget Request for the ensuing year, on or before the close of each fiscal municipal year, as required by 65 ILCS 5/10-2.1-19.

## **CHAPTER II - APPLICATION**

SECTION 1: APPLICATION FORMS. The Board shall furnish application forms for positions within the Police Department. Application forms may be obtained on line or through the Board-approved testing agency. Applicants for examination must be citizens of the United States.

SECTION 2: FILING APPLICATIONS. Applications for appointment to the Police Department shall be addressed to the testing agent or agency approved by the Board. All applications shall be completed in their entirety and shall be signed by the applicant, and sworn to before an officer authorized by law to take acknowledgements. The applicant shall furnish with the application a copy of his or her Military Service Record, Discharge Papers, Birth Certificate, High School Diploma or G.E.D. Certificate. In addition, the applicant shall furnish a copy of one of the following:

- (a) Transcript evidencing the award of a bachelor's degree from an accredited college or university; or
- (b) Transcript evidencing sixty (60) hours of accredited college or university credit, a Certificate evidencing successful completion of the Minimum Standards Basic Law Enforcement Training Course as provided by the Illinois Police Training Act, and evidence of full-time employment for two (2) years as a certified Illinois police officer.

Applicants making untruthful answers to questions in said applications may be rejected by the testing agent or the Board and the applicant notified of such action.

The testing agent or Board shall remove persons certified to positions on the Police Department upon learning

that materially false statements have been made or material facts have been misrepresented to the testing agent or Board.

SECTION 3: DISQUALIFICATION. The testing agent or Board may refuse to examine any applicant, or upon examination, to certify him or her to any eligibility list when said applicant:

- (a) is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- (b) is physically unable to perform the essential functions of the position to which he or she seeks appointment.
- (c) is addicted to the use of narcotics or intoxicating beverages.
- (d) has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in 65 ILCS 5/10-2.1-6.
- (e) has been dismissed from any public service for good cause.
- (f) has attempted to practice any deception or fraud in his or her application.
- (g) has been found disqualified in personal qualifications.

- (h) is unable to produce satisfactory character and employment references.
- (i) does not possess a four (4) year bachelor's degree from an accredited college or university OR sixty (60) hours of credit from an accredited college or university and two (2) years as full-time certified Illinois police officer.
- (j) gives false statements or misrepresents material facts to the testing agent or Board.
- (k) is or ever has been classified by a local selective service board as a conscientious objector.

Any applicant determined to be ineligible or disqualified hereunder shall be notified by the testing agent or Board as the case may be.

SECTION 4: DEFECTIVE APPLICATIONS. The applicant shall be given the opportunity to complete or correct defective applications, provided the applicant is qualified for the position he seeks.

SECTION 5: SPECIAL QUALIFICATIONS. If any position requires special qualifications, the Board may require evidence of special training or practical experience.

SECTION 6: PHYSICAL AND MEDICAL EXAMINATIONS. Applicants shall be required to submit to a physical and medical examination by a licensed physician approved by the Board.

SECTION 7: PHYSICAL REQUIREMENTS. No minimum or maximum height or weight limitations may be imposed; however, weight must be proportionate to overall size and body structure. Applicants must have correctable to 20/20 vision in each eye as well as normal depth perception and no color blindness that would prevent an individual from performing the essential functions of the job.

SECTION 8: AGE REQUIREMENTS. To participate in any examination for a position in the police department, all applicants shall be under thirty-five (35) years of age on the last date on which applications may be submitted, except as otherwise provide by statute. Additionally, at the time of original appointment to the police department, individuals must be a minimum of twenty-one (21) years of age, and a maximum of thirty-five (35) years of age, unless already a certified police officer.

SECTION 9: RELEASE OF LIABILITY. Each applicant shall sign the following releases: Character and Background Release authorizing the Board or its agents to conduct such an investigation and such other waivers, releases and consents as may further be required by the Board.

SECTION 10: VALID POLICE OFFICER WELLNESS EVALUATION REPORT (P.O.W.E.R.) TEST COMPLETION. Each applicant shall possess a valid P.O.W.E.R. Test card displaying successful

completion, date within twelve (12) months prior to date of written exam.

### **CHAPTER III - EXAMINATIONS**

#### **A. ORIGINAL APPOINTMENTS - General provisions;**

SECTION 1: NOTICE OF EXAMINATIONS. An orientation meeting must be attended, at which time dates for further examinations will be announced. At the option of the Board, the written examination may be held on the same day as the orientation. Examinations shall be held on the dates fixed by the Board and advertised in a local paper in accordance with the statutes of the State of Illinois. 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.

SECTION 2: VACANCIES. The Board shall call examinations to fill vacancies in the class of service, in which vacancies are liable to occur within the Police Department. A call for such examination shall be entered in the Minutes of the Board and shall include a statement of:

- (a) The time and place where such examination will be held.

(b) The position to be filled from the resulting eligibility list.

(c) The location where applications may be obtained and the date by which applications must be returned to the testing agent.

SECTION 3: TYPE OF EXAMINATIONS. The subject matter for the Written and Situation-Based Styles Assessment examinations shall be such as will fairly test the capacity of the applicant to discharge the duties of the position to which the applicant seeks appointment. No examinations shall contain questions regarding applicant's political or religious opinions or affiliations. All examinations and tests, including the results thereof, are the property of the Board and are deemed to be confidential. Except as otherwise required by law, no applicant shall have the right to review any such examination or test, including the results thereof.

SECTION 4: GRADING OF EXAMINATIONS. Examinations will be held in the following sequence; provided, however, that the Board may, at its option, vary such sequence. Failure to achieve the minimum passing grade in any of the component parts of the examination disqualifies the applicant from any further participation. All grades are based on a maximum of one hundred percent (100%).

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing Grade</u>
Orientation	_____	Pass or Fail
Written Test	2/3	70%
Situation-Based Styles Assessment	1/3	70%
Medical Examination	_____	Pass or Fail
In-depth Psychological	_____	Pass or Fail
Polygraph Examination	_____	Pass or Fail
Background Investigation	_____	Pass or Fail

SECTION 5: VETERANS, EDUCATIONAL OR LAW ENFORCEMENT CERTIFICATION PREFERENCE POINTS. Veterans, Educational or Law Enforcement Certification Preference Points shall be applied in accordance with statute upon the request of the applicant. These preference points shall not be cumulative.

**B. RESERVED**

**C. ORIGINAL APPOINTMENTS - WRITTEN EXAMINATIONS:**

SECTION 1: WRITTEN EXAMINATIONS REQUIRED. Eligible applicants who have attended the required orientation session shall submit themselves to a written examination.

SECTION 2: NATURE OF EXAMINATION. The examination will be structured so as to adequately outline the applicant's mental and mechanical ability to assimilate training as a police officer. Components of this examination include such tests as

"IQ," "Mental Ability," "Mechanical Aptitude," and "Personality Profile."

SECTION 3: TEST PROCEDURE. Directions for taking the written test will be given at the time of the examination. Applicants are required to leave all test materials in the examination room when leaving. Persons violating this rule may be disqualified.

SECTION 4: CONDUCT OF WRITTEN EXAMINATION. Written examinations shall be conducted and graded by the Board or by an agent appointed by the Board. Applicants who receive a mark of less than seventy percent (70%) shall be deemed to have failed the written examination and will be so notified.

SECTION 5: FINALITY. All examinations shall remain the property of the Board and the grading thereof by the Board or its agent shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description.

**D. ORIGINAL APPOINTMENTS - SITUATION-BASED STYLES ASSESSMENT:**

SECTION 1: SITUATION-BASED STYLES ASSESSMENT REQUIRED. Eligible applicants who have successfully completed the "Written Examination" shall at the same time, take the Situation-Based Styles Assessment test. The selected testing agent may customize the scoring of the Situation-Based Styles Assessment.

SECTION 2: SUBJECTS OF EXAMINATION. Questions shall be administered to the applicants that will enable the testing agent to properly evaluate and score the applicants.

SECTION 3: GRADING OF EXAMINATION. On completion of the Situation-Styles Based Assessment, the testing agent will score each applicant's suitability for the position.

**E. ORIGINAL APPOINTMENTS - MISCELLANEOUS PROVISIONS**

SECTION 1: ELIGIBLE REGISTER.

- a. Initial Eligibility Register. The testing agent shall prepare an "Initial Eligibility Register" of the applicants successfully completing the orientation and examinations. Applicants shall be placed on the Initial Eligibility Register in order of their relative excellence as determined by their final score, without reference to priority of time of examination. The Initial Eligibility Register is subject to change with the addition of the Veterans, Educational or Law Enforcement Certification Preference Points as prescribed in 65 ILCS 5/10-2.1-8 and 65 ILCS 5/10-2.1-9. The Initial Eligibility Register shall be posted at the Village Hall and shall be dated as of the date of such posting. The testing agent shall send a dated copy of the Initial Eligibility Register to each person appearing thereon.

Applicants who are eligible for Veterans, Educational or Law Enforcement Certification Preference Points shall make a claim in writing to the testing agent, with proof thereof, within ten (10) days after the date of the Initial Eligibility Register or such claim shall be deemed waived.

- b. Final Eligibility Register. The testing agent will prepare a "Final Eligibility Register" which shall include claimed preference points. In the event of a tie score, applicants shall take rank upon the Final Eligibility Register in order of their relative excellence as determined by their numerical score on their written examination. In the event that the tied applicants have the same numerical score on their written examination, such applicants shall take rank upon the Final Eligibility Register as determined by lot, in the presence of a quorum of the Board in whatever manner of Board deems appropriate. A dated copy of the Final Eligibility Register shall be posted and sent to each person appearing thereon. The Board shall strike off the names of applicants for original appointment after such names have been on the Final Eligibility Register for more than two (2) years. Applicants shall be appointed from the Final

Eligibility Register in descending order to fill a vacancy. 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 by the Illinois Police Training Act, ahead of non-certified applicants.

Appointment from this Final Eligibility Register is subject to satisfactorily passing a thorough medical examination (which may include a test of the applicant's vision, hearing, for the presence of communicable diseases, as well as a test to screen for the presence of drugs and/or narcotics), an in-depth psychological examination, a polygraph examination and a background investigation.

SECTION 2: MEDICAL, IN-DEPTH PSYCHOLOGICAL, POLYGRAPH EXAMINATIONS AND BACKGROUND INVESTIGATION. An applicant on notification of a pending appointment shall submit to a "Medical Examination," an "In-depth Psychological Examination," a "Polygraph Examination" and a "Background Investigation" administered by persons designated by the Board. Failure to take or participate in or pass any of these examinations or

investigation shall result in the elimination of the applicant's name from the "Eligible Register" and from any further consideration for appointment. Any applicant who shall be removed from the "Eligible Register" for failure to take or pass any such examination shall be so notified by the Board.

SECTION 3: INTERVIEW. The Board of Police Commissioners, at its discretion, may interview and accept or reject a candidate prior to job offer.

**F. APPOINTMENT TO POLICE FORCE**

SECTION 1: APPOINTMENT OF PROBATIONARY OFFICERS. Upon confirmation that an applicant has passed the medical, in-depth psychological and polygraph examinations and the background investigation, the Board shall appoint such applicant as a probationary police officer of the Village of Willowbrook. The period of probation shall be eighteen (18) months from the date of appointment. The Board shall notify the Chief of Police and the corporate authorities of all appointments of probationary police officers. Notwithstanding anything contained in these rules and regulations to the contrary, 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 by the Illinois Police Training Act, ahead of non-certified applicants.

SECTION 2: TERMS OF PROBATION. Probationary police officers shall not be permitted to take promotional examinations in accordance with the provisions of Chapter III, G.

Any probationary police officer may be discharged or suspended at any time and for any reason whatsoever within the respective probationary period by the Board, and shall have no right to written charges or a due process hearing in connection therewith. The Board shall give consideration to any written recommendation it may receive from the Chief of Police. Notwithstanding any provision in this Section to the contrary, the Chief of Police may suspend without pay a probationary police officer for a period of not more than five (5) days.

SECTION 3: APPROVED POLICE TRAINING COURSE. All probationary police officers appointed by the Board shall enroll in and successfully complete an approved training course within a period of six (6) months of the date of his initial appointment, and shall be certified by the Illinois Standards and Training Board that he has successfully completed said course.

Said probationary police officer shall enroll in the required training course on such dates and in such places as the Chief of Police shall designate. In assigning said probationary police officers to such courses the Chief of Police shall give due consideration to the manpower requirement of the Police

Department. The failure to take or pass such course shall result in the immediate discharge of said probationary police officer.

SECTION 4: COMPLETION OF PROBATION. Upon the completion of eighteen (18) months of employment by a probationary police officer and the further completion of an approved training course within said six (6) month period, said officer shall cease to be a probationary officer and shall thereafter occupy the position of police officer of the Village of Willowbrook subject to the statutes of the State of Illinois and all ordinances, rules and regulations of the Village of Willowbrook adopted in conformance therewith.

**G. PROMOTIONAL EXAMINATIONS**

SECTION 1: GENERAL. The Board shall provide for promotion in the police service on the basis of ascertained merit and 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, excluding probationary police officers and those who do not have a four year college degree from an accredited college or university, who desire to submit themselves to such examination. The method of examination and the rules governing the same are as provided for applicants for original appointment, except as follows:

All officers who submit themselves to promotional examinations will be graded according to the following schedule:

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing Grade</u>
Written Test	30%	--
Oral Interview	30%	--
Department Merit Efficiency Rating	35%	--
Seniority (1/2% per year to a maximum of ten (10) years)	Up to 5%	--

SECTION 2: MILITARY PREFERENCE. Military credit shall be applied as prescribed by statute.

SECTION 3: DEPARTMENTAL MERIT EFFICIENCY RATING. The Chief of Police shall give to each applicant departmental merit efficiency ratings of from one percent (1%) to thirty five percent (35%) based upon criteria from time to time approved by the Board.

SECTION 4: INJURIES. Persons receiving injuries while on duty or in the discharge of duty shall not be disqualified from promotion. Where such injuries occurred, the Chief of Police shall notify the Board in writing, stating the nature of the injuries and under what circumstances received.

SECTION 5: ELIGIBLE REGISTER. Applicants shall take rank upon the "Eligible Register" in order of their relative

excellence as determined by the written examination, oral interview, departmental merit efficiency rating, seniority point and military preference points, without reference to priority of time of examination. In the event that two (2) or more applicants attain identical numerical scores, said applicants shall take rank upon the "Eligible Register" in the order of their relative excellence as determined by their numerical score on the written examination. In the event that the tied applicants have the same numerical score on their written examination, such applicants shall take rank upon the "Eligible Register" as determined by lot, in the presence of a quorum of the Board in whatever manner the Board deems appropriate.

All promotions shall be made by the Board from the three (3) applicants or candidates having the highest rating. Where there are less than three (3) applicants or candidates named on the "Eligible Register", appointments to fill existing vacancies shall be made from those name or names remaining on the promotional "Eligible Register." The Board shall strike off the names of applicants 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 purposes of determining that a vacancy exists, the Board must have received notice from the corporate authorities to fill an existing vacancy prior to the

date the name(s) are to be stricken from a promotional "Eligible Register."

**H. SCOPE OF APPOINTMENTS - ACCEPT OR DECLINE**

(a) The Board shall make all appointments (original and promotional) to the Police Department except for the Chief of Police who shall, pursuant to the terms of the Village Code, be appointed by the Mayor with the advice and consent of the Board of Trustees.

(b) Any person whose name appears on an "Eligible Register" may decline original appointment or promotion once without any change in his rank on the appropriate "Eligible Register." In the event such a person declines an appointment or promotion for a second time, it shall be optional with the Board to strike the name of such applicant from the appropriate "Eligible Register."

**CHAPTER IV - ORDER OF RANK CLASSIFICATION AND OATH OF OFFICE**

SECTION 1: RANK. The establishment and order of ranks within the Police Department shall be determined from time to time by ordinance adopted by the Mayor and Board of Trustees of the Village.

SECTION 2: CLASSIFICATION. The Board shall fix and maintain standards for the conduct of examinations for original

appointment or promotion to each of the ranks established by ordinance of the Village pursuant to Section 1 hereof.

SECTION 3: OATH OF OFFICE. Before commencing employment as a member of the Police Department of the Village of Willowbrook each such person shall take the following oath before any person authorized to administer oaths in the State of Illinois.

"I, \_\_\_\_\_, having been appointed to the office of \_\_\_\_\_ in the Village of Willowbrook in the County of DuPage aforesaid DO SOLEMNLY SWEAR, 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 before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Signed) \_\_\_\_\_

Each person shall further be required to give an honesty bond in such form and amount as shall from time to time be prescribed by the ordinances of the Village of Willowbrook, unless the Village of Willowbrook provides a blanket bond for all of its offices.

**CHAPTER V**

**HEARING OF CHARGES, REMOVAL, SUSPENSIONS AND DISCHARGES**

SECTION 1: DEFINITIONS. As used herein, the following terms shall be given and be deemed to have the meanings hereinafter provided:

COUNSEL: Any attorney registered and licensed to practice law under the laws of the State of Illinois or any other State with which the State of Illinois has reciprocity.

CAUSE: 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 position. The Board shall have the right and power to determine what constitutes cause.

COMPLAINANT: Any person filing written charges against a police officer of the Village of Willowbrook.

RESPONDENT: Any police officer against whom written charges have been filed, or who is appealing a suspension pursuant to Section 2 (c) of this Chapter V.

PREPONDERANCE OF EVIDENCE: 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 weighed against the evidence in opposition thereto.

BURDEN OF PROOF: That burden which rests upon a Complainant or a Respondent who is appealing a suspension pursuant to Section 2(c) of this Chapter V to establish the affirmative of an issue or the existence of a material fact or facts by the degree or quantum of proof required. A Complainant has the burden of proof to establish that cause does exist by a

preponderance of evidence and a Respondent who is appealing a suspension has the burden of proof to establish that a suspension is unwarranted by a preponderance of evidence. Should the question of a crime be involved, the rule of "reasonable doubt" shall not control.

SECTION 2: CHARGES, PROBABLE CAUSE, APPEALS - HEARING.

- (a) CHARGES: In all cases, written charges shall be filed, in quadruplicate, with the Secretary of the Board, 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 or not probable cause exists with respect to any charges filed. In determining the existence of probable cause, the Board may conduct such informal hearings as may be necessary.
- (c) APPEAL OF SUSPENSION: The Chief of Police shall have the right to suspend any officer under his command for a period not to exceed five (5) days, providing no charges relating to the same offense have been filed and are pending before the Board, and he shall notify the Board in writing within two (2) days of such suspension. Any police officer so suspended may appeal to the Board for a review of the suspension within five (5) calendar days after such suspension by filing a Notice of Appeal, in writing, with the Secretary of the Board. Notwithstanding any provision contained in this Subsection (c) to the contrary, probationary police officers have no right of appeal. A hearing shall be held on such appeal, and due notice given to the Chief of Police who suspended such officer, and to the officer so suspended in the manner as if charges were originally filed before the Board.
- (d) HEARING REQUIRED: Upon the determination that probable cause exists with respect to any charges filed with the Board, or upon the filing of a Notice of Appeal as set forth in Section 2(c) above, the Board shall conduct a hearing with respect thereto.

SECTION 3: CONDUCT OF HEARING.

- (a) RULES OF PROCEDURE - EVIDENCE: Hearings conducted hereunder are not common law proceedings and the technical rules of evidence as well as those rules established under the "Code of Civil Procedure" shall not apply.
- (b) DATE OF HEARING: The date for the hearing of charges or the appeal of a suspension shall be set by the Board within thirty (30) days of time of filing of such charges or Notice of Appeal. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the Board.
- (c) SUSPENSION PENDING HEARING: The Board may suspend any police officer against whom charges have been filed, pending a hearing of the charges by the Board, said suspension not to exceed thirty (30) days without pay at any one (1) time.
- (d) NOTICE OF HEARING - SUSPENSION PENDING HEARING: The Secretary of the Board shall notify both the Complainant and Respondent, by registered or certified mail, return receipt requested, or personally, of the time and place of the hearing of any charges or appeal. Where charges have been filed, the Respondent shall also be served with a copy of said charges; and if an order of suspension is entered by the Board pursuant to Section 3(c) above, it shall be served by registered or certified mail, return receipt requested, or personally, on the Respondent.
- (e) OPEN HEARINGS: All hearings of the Board shall be public hearings conducted in conformance with the requirements of the Open Meetings Act 5 ILCS 120/1 et seq.
- (f) COUNSEL: All parties to any proceeding before the Board may be represented by counsel, if they so desire.
- (g) CONTINUANCES: The granting of continuances requested by any party shall be within the sound discretion of the Board.

Should the Board grant a request for continuance made by a police officer, or counsel on his behalf, said police officer shall not be compensated for the period of such continuation should the police officer eventually be restored to his position as the result of the hearing.

- (h) SUBPOENAS: Either the Complainant or the Respondent may, at any time prior to 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 to be relevant to the hearing. On the filing of such requests, subpoenas will be issued for the named persons. Subpoenas may be served by any person twenty-one (21) years of age and older designated by the party requesting said subpoenas. Requests for subpoenas 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 residing outside of the State of Illinois.
  
- (i) MOTIONS AND OBJECTIONS: Any motion or objection relating to the sufficiency of any charges filed against a police officer must be filed or made not less than seven (7) days prior to the date on which said charges are set for hearing, such motions or objections shall be the first matters considered by the Board. The Board shall enter upon the record its rulings with respect to such motions and objections before the hearing in chief proceeds. During the course of the hearing, any motion made attacking the relevancy of any matter offered into evidence shall be subject to a ruling by the Board which shall be entered upon the record.
  
- (j) STIPULATIONS: Parties may, on their own behalf or by counsel, stipulate, either in writing or on the record, as to any fact or circumstance having evidentiary or probative value to the matters being considered by the Board. The facts so stipulated shall be entered upon the record and shall be considered as evidence in the proceedings.

- (k) TRANSCRIPTS: All proceedings before the Board during the conduct of any hearing shall be recorded by a court reporter to be employed by the Board. The records of any hearing shall not be transcribed by the court reporter unless requested to do so by the Board.
- (l) All witnesses shall be sworn by the Chairman of the Board, or Commissioner acting in his stead, prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- (m) BURDEN OF PROCEEDINGS: The Board will first hear the witnesses substantiating the charges which have been made against the Respondent or, in the case of an appeal, the witnesses substantiating the suspension given by the Chief of Police. Thereafter, the Respondent may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

SECTION 4: FINDINGS AND DECISION - APPEALS, CHARGES.

- (a) FINDINGS AND DECISION: The Board shall, within fifteen (15) days after the conclusion of a hearing, render a decision and make specific findings of fact with respect thereto. Said decision and findings shall be made in written form and shall be incorporated in the Minutes of the Board. The findings of fact and decision of the Board shall be served upon all parties to the proceedings.

Discharge from office, or suspension from service in the Police Department shall be in compliance with 65 ILCS 5/10-2.1-1, et seq.

- (b) APPEALS: In the case of an appeal, the Board may sustain the action of the Chief of Police, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may suspend the officer for an additional period of not more than thirty (30) days, or discharge him, depending on the evidence presented.
- (c) CHARGES: In the event any police officer shall be found guilty of charges preferred against him after a hearing by the Board, he may be removed, discharged or

suspended for a period not exceeding thirty (30) days, without pay.

- (d) FINALITY OF DECISION: Once the Board has rendered a final decision with respect to any matter over which it exercises jurisdiction, no rehearing, reconsideration, modification, vacation or alteration of a decision of the Board shall be allowed.

SECTION 5: HEARINGS - GENERAL PROVISIONS

- (a) FORMS OF PAPER:

1. All papers filed in any proceeding shall be typewritten or printed and shall be one (1) side of the paper only.
2. If typewritten, the lines shall be double-spaced, except that long quotations may be single-spaced and indented.
3. All papers shall not be larger than eight and one-half inches (8-1/2") wide by eleven inches (11") long and shall have inside margins of not less than one inch (1").
4. The original of all papers filed shall be signed in ink by the party filing the paper or by any officer, agent or attorney thereof.
5. If papers are filed by an attorney, his name and address shall appear thereon.

- (b) FILING OF PAPERS: All papers shall be filed with the Board by mailing them or delivering them personally to the Secretary of the Board or his designated agent, at 7760 Quincy Street, Willowbrook, Illinois 60527. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received at the above address, in the event the paper was delivered personally or by messenger. In the event the paper is filed by mail, then the filing date shall be the date which is postmarked on the envelope by which such paper was transmitted.

- (c) SERVICE OF PAPERS: All papers required by these Rules and Regulations to be served upon parties to any

proceeding hereunder shall be delivered personally to said party or mailed by United States mail in a properly addressed envelope with postage prepaid to said party at his last known residence. 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 the paper was mailed, by either registered or certified mail, return receipt requested, to a party's address evidencing receipt by said party.

- (d) COMPUTATION OF TIME: The 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 is a holiday as defined or fixed in any statute or ordinance now or hereafter in force in the Village, 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 6: GENERAL PROVISIONS

- (a) VIOLATION OF RULES: All members of the Police Department of the Village shall be subject to the Rules and Regulations of said Department, and the Rules and Regulations of the Board, and a violation of such Rules or Regulations shall be cause for the filing of charges before the Board, a subsequent hearing and action by the Board on such charges.
- (b) VIOLATION OF LAW: Any violation of the laws of the municipality or State or Federal laws, by any member of the Police Department of the Village shall be cause for filing of charges against such officer.
- (c) SEVERABILITY: The invalidity of any provisions of these Rules and Regulations shall not impair the validity of any other provision. If any provision of these Rules and Regulations is determined by a court of competent jurisdiction to be unenforceable, that provision will be deemed severable and these Rules and Regulations may be enforced with that provision severed or as modified by the court.

## CHAPTER VI - POLICE CADET PROGRAM

SECTION 1: ESTABLISHMENT. A police cadet program is hereby established in and for the Village of Willowbrook.

SECTION 2: ADMINISTRATION. The police cadet program shall be administered in accordance with the Law Enforcement Explorer's Manual, dated September 15, 1998, as it may be amended or updated, copies of which shall be on file in the office of the Chief of Police.

SECTION 3: ELIGIBILITY REQUIREMENTS. No person shall be eligible to participate in the police cadet program unless he or she is between the ages of 14 and 20 years, inclusive, and is enrolled in or has graduated from an accredited high school program.

SECTION 4: RESIDENCY REQUIREMENTS. No person shall be eligible to participate in the police cadet program unless he or she is a resident of DuPage County, Will County or Cook County.

SECTION 5: COMPLETION OF THE CADET PROGRAM. In order to successfully complete the program, a cadet must successfully complete:

- (a) Not less than 2 years of active participation in the program;
- (b) A minimum of 40 hours of academy training classes, including, but not limited to, the following:
  - (1) Crime Prevention - 2 Hours

- (2) Criminal Law - 2 Hours
  - (3) Crisis Intervention - 2 Hours
  - (4) Crime Scene Search/Preservation - 2 Hours
  - (5) Drugs and Alcohol - 2 Hours
  - (6) Firearms Recognition and Safety - 1 Hour
  - (7) History of Law Enforcement - 1 Hour
  - (8) Patrol Procedures - 3 Hours
  - (9) Traffic and Crowd Control - 2 Hours
  - (10) Note Taking and Report Writing - 2 Hours
  - (11) Explorer Safety - 2 Hours
  - (12) First Aid - 2 Hours
  - (13) Ethics - 1 Hour
  - (14) Interpersonal Skills - 2 Hours;
- (c) A minimum of 240 hours of administrative duties; and
  - (d) A minimum of 120 hours in the "ride along" program.