

Council Bill/General Ordinance No. 3020-2023

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 26, "POLICE," of the Moline Code of Ordinances, by repealing Chapter 26 in its entirety and enacting in lieu thereof one new Chapter 26 dealing with the same subject matter.

WHEREAS, the City is an Illinois municipal corporation possessing home rule powers under Section 6 of Article VII of the Illinois Constitution; and

WHEREAS, City staff has decided to do a complete review of all chapters of the Moline Code of Ordinances to correct those items that are merely housekeeping in nature; and

WHEREAS, staff finds that a number of housekeeping changes are necessary in Chapter 26 of the Moline Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:


Section 1 – That Chapter 26, "POLICE," of the Moline Code of Ordinances, is hereby amended by repealing Chapter 26 in its entirety and enacting in lieu thereof one new Chapter 26 dealing with the same subject matter, which shall read as attached (additions in underline; deletions in strikethrough):

Section 2 – All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 3 – This ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this Ordinance is found to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this Ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

Section 4 – This Ordinance will be in full force and effect upon passage, approval and publication in pamphlet form in the manner provided by law.

CITY OF MOLINE, ILLINOIS


DocuSigned by:


Mayor
1A0D2384B99E417...

June 20, 2023
Date

Passed: June 20, 2023

Approved: July 11, 2023

Attest: 

1A0D2384B99E417...
City Clerk

CHAPTER 26

POLICE

Art. I. In General, §26-1100 - §26-1103

Art. II. Police Department

Div. 1. In General, §26-2100 - §26-2113

Div. 2. The Chief of Police, §26-2200 - §26-2213

Div. 3. Personnel, §26-2300 - §26-2323

ARTICLE I. IN GENERAL

SEC. 26-1100. POLICE DEPARTMENT BUILDING AND CITY JAIL ESTABLISHED; FACILITIES FOR JUVENILES.

There is hereby created a police department building and City jail, which shall have such location as may be prescribed from time to time by the City Council. The City jail shall contain separate facilities for juveniles, or separate facilities for juveniles may be provided at another location.

SEC. 26-1101. RESISTING OR OBSTRUCTING THE MAYOR OR PEACE OFFICER.

(a) A person commits the offense of resisting or obstructing the mayor or peace officer when said person knowingly restricts or obstructs the performance by one known to the person to be the mayor or a peace officer of any authorized act within an official capacity.

(b) **Penalty** . Any person violating Section 26-1101 shall be subject to a mandatory fine of not less than seventy-five dollars (\$75.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs.

(Ord. No. 2002-08-11; Sec. 26-1101 repealed; new Sec. 26-1101 enacted; 09/10/02)

SEC. 26-1102. OBSTRUCTING SERVICE OF PROCESS.

Whoever knowingly resists or obstructs the authorized service or execution of any civil or criminal process or order of any court shall be subject to a mandatory fine of not less than two hundred fifty dollars (\$250.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs.

(Ord. No. 2002-08-11; Sec. 26-1102 repealed; new Sec. 26-1102 enacted; 09/10/02)

SEC. 26-1103. REFUSING TO AID A PEACE OFFICER.

Whoever upon command refuses or knowingly fails reasonably to aid a person known by him to be a peace officer in:

- (1) Apprehending a person whom the officer is authorized to apprehend; or
- (2) Preventing the commission by another of any offense shall be punished as provided in ~~§~~Section_1-1107 of this Code.

ARTICLE II. POLICE DEPARTMENT

DIVISION 1. IN GENERAL

SEC. 26-2100. ESTABLISHED.

There is hereby created and established within the City the police department.

SEC. 26-2101. COMPOSITION.

(a) The police department shall consist of a chief of police, and such number of deputy chiefs, lieutenants, sergeants, and police officers as are authorized from time to time by resolution of the City Council.

(b) Appointment of Deputy Chief of Police: The chief of the police department shall appoint a deputy chief or deputy chiefs of police as authorized by the ~~e~~City ~~e~~Council.

Applicants for the position of deputy police chief shall have a thorough knowledge of all aspects of law enforcement service and shall have attained a rank of captain, lieutenant or sergeant in the Moline Police Department, or shall have attained an equivalent in knowledge, rank and position in a police department outside of the City of Moline.

The deputy chief of police shall be subject to the direction and control of the chief of police. The deputy chief of police shall serve in such a position until such time as the chief of police determines otherwise.

(c) Removal of the Deputy Chief of Police: If the chief of police determines that it is necessary and desirable to appoint

another person to the position of deputy chief of police, then the previously appointed person shall, to the extent he or she was a sworn officer of the police department prior to being appointed deputy chief of police, automatically return to his or her prior rank, together with all authority, responsibility and compensation commensurate with such prior rank.

(Ord. No. 3013-2021; Sec. 26-2101 repealed; Sec. 26-2101 enacted; 6/15/21; Ord. No. 3024- 2021; Sec. 26-2101 amended; 9/14/21)

SEC. 26-2102. ORDER OF RANKING.

The order of ranking of the members of the police department shall be as follows:

- (1) The chief of police.
- (2) Deputy Chiefs.
- (3) Lieutenants.
- (4) Sergeants.
- (5) Police officers.

(Ord. No. 3013-2021; Sec. 26-2102 repealed; Sec. 26-2102 enacted; 6/15/21; Ord. No. 3024- 2021; Sec. 26-2102 amended; 9/14/21)

SEC. 26-2103. CHIEF OF POLICE TO BE EXECUTIVE HEAD OF THE POLICE DEPARTMENT; OTHER RESPONSIBILITIES.

~~(a)~~ The chief of police shall be the executive head of the police department and in control thereof, and every police officer and other members of the police department, or any person receiving compensation from the City for police duty, shall be under the jurisdiction of the chief of police and subject to the orders and directions of said chief of police at all times.

~~(b) From time to time, as assigned by the City Administrator and consented to by the City Council, the chief of police may also serve as a "Director of Public Safety" as specified by the Administrator and agreed to by the City Council, which service shall include without limitation, acting with all authority and responsibility of the Fire Chief as set forth in this code or state statute.~~

(Ord. No. 2003-11-01; Sec. 26-2103 repealed; new Sec. 26-2103 enacted; 11/04/03)

SEC. 26-2104. DUTIES AND FUNCTIONS OF THE POLICE DEPARTMENT IN GENERAL.

It shall be the duty of the police department, and each member thereof, to preserve the peace, order, safety and cleanliness of the City and to enforce all provisions of this Code and other City ordinances, acting under the general supervision of the city administrator; to execute and enforce all orders and directions of the city administrator or the City Council; to protect every citizen in the right, property, safety and lawful enjoyment of life; to enforce and secure public order and welfare; to prevent obstruction to public travel and intercourse and preserve and secure to every person such person's personal liberty and free and lawful intercourse with others.

SEC. 26-2105. POWERS AND DUTIES OF MEMBERS OF THE POLICE DEPARTMENT IN GENERAL.

Each member of the police department shall have the powers conferred upon police officers and conservators of the peace by law, and such other powers and duties as may from time to time be lawfully provided by the United States or state law, or by the provisions of this Code or other City ordinance. Each police officer shall be a conservator of the peace and aid in the preservation of the public peace and the observance and enforcement of the provisions of this Code or other ordinances of the City and the laws of the state, including specifically but not limited to Articles 107 and 108, Chapter 725 of the Illinois Compiled Statutes. Each police officer shall have power and authority, within the City, to serve and execute warrants and other legal processes for the apprehension and commitment of any person charged with, held for examination or for trial, or taken in the act of committing a crime or misdemeanor, or violating any law or provision of this Code or other ordinance of the City.

SEC. 26-2106. GENERAL DUTIES OF DEPUTY CHIEFS AND LIEUTENANTS OF POLICE.

The several deputy chiefs and lieutenants of the police department shall function effectively within the framework of written policy, in the specific positions as assigned by their commanding officers, and within the chain of command.

(Ord. No. 3013-2021; Sec. 26-2106 repealed; Sec. 26-2106 enacted; 6/15/21; Ord. No. 3024- 2021; Sec. 26-2106 amended; 9/14/21)

SEC. 26-2107. TRANSMITTAL ORDERS.

All orders to the chief of police shall be issued to the chief by the city administrator, and all orders to the police force shall be issued by the chief of police and communicated to the force through the chain of command or in such manner as the

circumstances may require.

SEC. 26-2108. JUVENILE UNIT.

- (a) There is hereby established a juvenile unit within the police department which shall function within the framework of written policy as promulgated by the chief of police and within the chain of command established therein.
- (b) Said juvenile unit shall be under the immediate supervision of a ~~police sergeant assigned thereto~~ Division Commander or Assistant Division Commander.
- (c) All crimes, violations, and offenses committed by a person who is seventeen (17) years or younger shall be coordinated with the juvenile unit.

SEC. 26-2109. DUTY OF POLICE OFFICER; JUVENILE PROBLEMS.

All police officers shall familiarize themselves with the laws, the provisions of the Moline Code of Ordinances, and all other City ordinances pertaining to juveniles. Each officer shall take notice of all juvenile offenders and offenses and any contributory action by adults in all instances coming to the attention of the officer in the performance of the officer's official duties and shall report same to the juvenile unit.

SEC. 26-2110. CUSTODY OF PROPERTY; DEPARTMENT PROPERTY; LOST, STOLEN AND CONFISCATED PROPERTY.

- (a) The chief of police is responsible for the proper care, custody and control of the firearms, property, books and records of the police department and also all property lost and found, or stolen and recovered for which no owner can be found, has come into the possession of any of the officers or members of the police department.
- (b) It shall be the duty of all officers and employees of the City to promptly deliver, to the person designated by the chief of police, all lost or stolen property found by them, or coming in to their possession. The chief of police shall cause a record to be kept of the time of receiving such property and a description thereof in the official files of the police department and shall hold such property or dispose of it in accordance with state law.
- (c) All property confiscated under state law, or the provisions of this Code or other ordinances of the City, shall be delivered to the chief of police, and it shall be the chief's duty to take charge of the same and to carry out the orders and directions of any court of law with reference to such property, or according to state law.

SEC. 26-2111. USE OF EQUIPMENT.

The use of all motorized equipment, radios and other police department property shall be limited to the official business of the City.

SEC. 26-2112. REVIEW OF THE FUNCTIONS AND DUTIES OF THE DEPARTMENT BY THE COMMITTEE-OF-THE-WHOLE OF THE CITY COUNCIL.

Prior to action by the City Council, the Committee-of-the-Whole shall review and study on a continuing basis, the responsibilities, functions, procedures, and activities of the police department; it shall make such recommendations to the city administrator as it believes will improve the efficiency and effectiveness of the police department, and it shall recommend such ordinances or revisions of this Code or other City ordinances as it believes necessary and proper for the preservation of peace and good order, and the enforcement of the provisions of this Code or other ordinances of the City, and the laws of the United States and this state. (Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03)

SEC. 26-2113. MANNER OF AMENDING THIS ARTICLE.

Prior to action by the City Council, the Committee-of-the-Whole shall review any additions to or amendments of this article as are deemed appropriate from time to time. Upon adoption thereof, any such changes, additions or amendments shall be posted on the bulletin board in the headquarters of the police department immediately upon the publication of the amendatory ordinance. The publication shall be made in the form of pamphlets containing the ordinance, changes, additions or amendments, which pamphlets shall be kept in the office of the city clerk, and shall be furnished to any member of the police department or other person on request.

(Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03; Ord. No. 3006-2020; Sec. 26-2113 repealed; Sec. 26-2113 enacted; 03/17/20)

DIVISION 2. THE CHIEF OF POLICE

SEC. 26-2200. RESERVED.

SEC. 26-2201. OFFICE OF CHIEF OF THE POLICE DEPARTMENT CREATED; APPOINTMENT.

There is hereby created the office of chief of the police department who shall be appointed by the city administrator with the advice and consent of the City Council.

SEC. 26-2202. QUALIFICATIONS; FILLING OF VACANCY; REMOVAL.

(a) Applicants for the position of police chief shall have a thorough knowledge of all aspects of law enforcement service and shall have attained a rank of deputy chief, lieutenant or sergeant in the Moline Police Department, or shall have attained an equivalent in knowledge, rank and position in a police department outside of the City of Moline. Sergeants shall be considered only if they possess an Associate Degree in police science or a related field of study.

(b) In the event of a vacancy in the office of the chief of the police department, the board of fire and police commissioners shall examine each applicant from within or from outside the police department to determine each applicant's qualifications for the position. Following examination, the board of fire and police commissioners shall submit a list of the names of the top six applicants in alphabetical order to the city administrator, along with a report of their findings on each applicant prior to the consideration for appointment of any such applicant by the city administrator. After consideration of each applicant and the report on the applicant from the board of fire and police commissioners, the city administrator shall appoint the chief of the police department with the advice and consent of the City Council.

(c) The city administrator shall have the power to remove the chief of the police department from office in accordance with the provisions of this Code for the removal of officers set forth in § 2-3202(c)(3).

(Ord. No. 3024-2021; Sec. 26-2202 amended; 9/14/21)

SEC. 26-2203. POWERS AND DUTIES IN GENERAL.

The chief of police shall be subject to the orders of the city administrator and the ordinances and resolutions adopted by the City Council, and shall be the chief executive officer of the police department. The entire time of the chief shall be devoted to the duties of this office; and said chief shall make certain that all laws of the state and all provisions of this Code or other ordinances of the City, the execution of which depends upon the police force, are enforced, and make certain that all orders are promptly executed and all departmental rules and regulations are complied with fully. The chief of police is the final departmental authority in all matters of policy, operations, administration and discipline.

SEC. 26-2204. ENFORCEMENT OF LAWS; PRESERVATION OF ORDER.

The chief of police shall make certain that the laws of the state and the provisions of this Code and other ordinances of the City and the rules and regulations of the police department are strictly enforced. The chief shall cause public nuisances to be removed, preserve peace and order at elections, provide adequate police force at every fire and at every public assembly of citizens and make such suggestions as said chief may deem advisable for the improvement of the police department and its operation.

SEC. 26-2205. ADMINISTRATIVE RESPONSIBILITIES IN GENERAL.

The chief of police is responsible for planning, directing, coordinating, controlling, and staffing all activities of the police department; for its continued and efficient operation; for the completion and forwarding of such reports as may be required by competent authority; and for the police department's relations with the citizens of the City, the City government, and other municipal, state, and federal law enforcement agencies.

SEC. 26-2206. EQUIPMENT.

The chief of police shall have control and be responsible for all police equipment belonging to the City.

SEC. 26-2207. REGISTER OF MEMBERS.

It shall be the duty of the chief of police, as superintendent of the department, to keep a register of the police department. This record shall contain the names of the officers and members of the department, and their residence, age, date of appointment, and place of birth.

SEC. 26-2208. PROMULGATION OF RULES.

The chief of police shall have the power to promulgate orders to the police force not inconsistent with law or the rules and regulations; such orders shall be written or printed, and all members of the police force shall obey them.

SEC. 26-2209. ASSIGNMENT OF POLICE OFFICERS.

The chief of police shall be held responsible for the preservation of the public peace and the protection of life and property in the City, and is invested with the power to post police officers in such parts of the City and assign them to such duties within the City as deemed appropriate to carry out the responsibilities. In addition thereto, subject to the approval of the city administrator, the chief of police may assign police officers to duties or intercity units for duties outside the City as deemed appropriate for carrying out the mission as herein described.

SEC. 26-2210. DESIGNATION OF ASSISTANT DEPARTMENT HEAD.

The chief of police, with the approval of the city administrator, will designate in writing one of the several deputy chiefs of

the department to act in the chiefs' behalf and in conformance with this article, during any extended absence occasioned by vacation, illness, or any other cause. As a consequence, the chief of police and the deputy chiefs will be designated as the department head and assistants.

(Ord. No. 3013-2021; Sec. 26-2210 repealed; Sec. 26-2210 enacted; 6/15/21; Ord. No. 3024- 2021; Sec. 26-2210 amended; 9/14/21)

SEC. 26-2211. RECORDS.

The chief of police shall cause a record to be kept of all the transactions and affairs of the police department, the arrests made, actions brought by the police department, and the expenditures of all other things pertaining to the department.

SEC. 26-2212. MONTHLY AND ANNUAL REPORTS.

The chief of police shall make a monthly report of the affairs and transactions of the police department to the City Council, and shall annually at the close of the fiscal year, make a detailed report to the City Council of the transactions and affairs of the police department.

SEC. 26-2213. ESTIMATED BUDGET.

The chief of police shall make an estimate of the financial requirements of the police department for the coming fiscal year and file said estimate with the city clerk ~~on or before the first day of May of each year~~ finance director of finance according to the budget calendar.

DIVISION 3. PERSONNEL

SEC. 26-2300. APPOINTMENT AND PROMOTION OF MEMBERS.

(a) The board of fire and police commissioners shall appoint all officers and members of the police department, except the chief of police, and the promotion of such officers and members of the department shall be in accordance with the provisions of 65 ILCS 5/10-2.1-1 to 65 ILCS 5/10-2.1-29 (Illinois Municipal Code.). In accordance with such provisions, the city administrator and the City Council shall retain the power and authority to appoint and remove the chief of police.

(b) No person who has been convicted of a felony or any misdemeanor involving moral turpitude shall be considered for appointment as a member of the Moline Police Department.

SEC. 26-2301. AGE OF PROSPECTIVE APPOINTEES.

Prospective police officers shall be twenty-one (21) years of age or older at the time of their original appointment.

SEC. 26-2302. OATH OF OFFICE.

The chief of police and all police officers, including special police officers shall, before entering upon their duties, take and subscribe to the oath provided by law.

SEC. 26-2303. PHYSICAL EXAMINATIONS.

At the time of offer of appointment to the police department, a police officer candidate shall pass a complete physical examination to be given by a physician selected by the board of fire and police commissioners. A report of the physician's findings shall be on a standard form provided by the board of fire and police commissioners. The physician's examination fee shall be paid for by the City.

(Ord. No. 3024-2013(1); Sec. 3024-2013 repealed; new Sec. 3024-2013 enacted; 09/17/13)

SEC. 26-2304. PROBATIONARY PERIOD.

Newly hired police officers shall serve a probationary period during which there shall be no responsibility on the part of the City for continued employment of the newly hired police officers. Termination of employment during the probationary period is not subject to challenge by newly hired police officers. Probationary periods for newly hired police officers and for promotional ranks shall be determined in the following order:

- (1) Pursuant to any applicable collective bargaining agreement;
- (2) Pursuant to the Rules and Regulations of the Board of Fire and Police Commissioners;
- (3) Pursuant to police department policy.

(Ord. No. 3007-2020; Sec. 26-2304 repealed; Sec. 26-2304 enacted; 03/17/20)

SEC. 26-2305. SALARIES AND COMPENSATION.

- (a) Salaries of all members of the police department shall be established from time to time by the City Council.

(b) Police officers who are required to appear in court or before the coroner during their off-duty time shall be compensated in accordance with the then current Memorandum of Understanding.

SEC. 26-2306. MILITARY LEAVE.

(a) Any member of the police department who is inducted into the armed forces of the United States for training or service, shall, upon written application to the board of fire and police commissioners, be granted a leave of absence without pay for the duration of the time required for such purposes, and for a period of ninety calendar days following the period of actual service. Upon termination of the service, the police officer shall have the right to be reemployed, if said officer makes application for reemployment within the ninety days. One voluntary enlistment shall be considered the same as induction for the purpose of this section, but reenlistment shall not.

(b) Police officers who are members of regular reserve components of the armed forces, or the National Guard, may be granted two weeks leave each year for active duty. Upon presentation of the proper evidence, the difference in pay between the employee's regular pay and the military pay will be allowed.

SEC. 26-2307. SPECIAL LEAVE.

(a) Police officers absent because of official City business, special education, or training, upon authorization of the City Council, shall receive regular pay during the period. It is further provided that the City Council may authorize that all necessary expenses be paid by the City.

(b) A leave of absence, without pay, may be authorized for a period not to exceed thirty days when the granting of such leave is in the mutual interests of the City and the employee. The leave shall require approval of the chief of police and the City Council.

SEC. 26-2308. EMPLOYEES' ORGANIZATION; DUES.

Police officers, as employees, may fully and freely associate themselves in organizations of their own choosing for their mutual benefit, as provided and allowed under state and federal law. No police officer shall be required to join any such organization as a condition of employment or continuation thereof and the right of a police officer, with or without such an organization, to petition the city administrator and the City Council, as provided and allowed under state and federal law, is hereby recognized. Police officers shall have the right to organize and designate representatives of their own choosing from among themselves for the purpose of negotiation and the right of such representatives to meet with the city administrator and the City Council is hereby recognized.

Upon the majority of police officers of the City joining an organization for negotiation or representation, each police officer belonging to the organization may authorize the ~~city clerk~~ director of finance to deduct or check off from said officer's paycheck the amount of the membership dues as may be established from time to time by the organization in accordance with the constitution and bylaws of the said organization. The request must be made in writing on the approved "authorization for checkoff of dues" form. If any police officer desires to revoke said authorization, said officer shall so notify the ~~city clerk~~ director of finance in writing at least thirty days prior to the date said officer wishes to revoke the authorization.

(Ord. No. 200-05-11; Sec. 26-2308 (c) deleted; 05/23/00; Ord. No. 3025-2012; Sec. 26-3208(a) repealed; new Sec. 26-3208 enacted; 09/11/12)

SEC. 26-2309. COLLECTIVE BARGAINING.

Police officers shall have the right to negotiate with the city administrator and the City Council without representation if the police officers see fit to do so. Such negotiation shall be conducted at a designated time and place as is agreed upon by the police officers and their representatives, and the city administrator and the City Council.

SEC. 26-2310. RESIGNATION.

To resign in good standing, a police officer shall submit a resignation in writing one calendar month in advance of the effective date of such resignation.

SEC. 26-2311. SUPERANNUATION.

Police officers shall retire from City duty on the first day of the calendar month next following their sixty-fifth (65) birthday.

SEC. 26-2312. PENSION.

The pension of police officers shall be according to the laws of the state and the United States.

SEC. 26-2313. TERMINAL PAY.

Police officers who leave the service of the City for any reason shall receive all pay which may be due them with the following qualifications:

(1) Police officers shall be paid for all unused accrued vacation provided that the chief of police is notified by the police officer of such leaving one month in advance, or a sufficient reason is given for the absence of such notice.

(2) A police officer who owes any money to the City at the time of said officer's separation shall have said officer's final pay applied against the account in whatever amount may be needed to satisfy it and shall be given a receipt for the amount credited. Partial settlement of an account by application of final pay shall not release a police officer from any balance remaining due.

(3) In case of the death of a police officer, such officer's estate shall be paid for accrued vacation and regular pay then accrued.

SEC. 26-2314. RULES AND REGULATIONS.

The following are hereby established and adopted as regulations of the police department, which shall be in addition to, and not in exclusion of, all other regulations now or hereafter established by the chief of police, or adopted by the laws of the state or by this Code or other ordinances of this City, for governing or regulating the conduct of the members of the police department:

(1) Outside employment is generally incompatible to full-time public service. No police officer shall engage in any outside employment which will impair the performance of such officer's duties or be detrimental to such officer's municipal service. At all times, said officer must be prepared to act immediately on notice that said officer's services are required.

(2) While on duty or in uniform, all members of the police force are strictly prohibited from discussing politics, from engaging in gossip with citizens, from attending any political convention as a delegate, from distributing literature at any election, from connecting said officer directly or in any way with a society, club, committee or organization of any kind the object of which is political advancement of a party, clique or individual, from interfering with the exercise of the elective franchise of any citizen, and from taking any part whatever in political matters otherwise than to exercise the right of suffrage.

(3) No police officer of any rank shall loiter in or patronize any gambling house or disorderly house at any time. No police officer shall loiter in or patronize any tavern during such officer's "on-duty" hours; however, any officer may enter any tavern, gambling house or disorderly house in the discharge of such officer's duties.

(4) Any officer or member of the police force shall be subject to reprimand, suspension from duty, or dismissal, according to the nature and aggravation of the offense, for any of the following causes, or the willful violation of any rule or order, general, special or oral, or any regulation governing the department:

- a. Intoxication.
- b. Drinking intoxicating liquors while on duty.
- c. Asleep while on duty.
- d. Insubordination.
- e. Disobeying orders.
- f. Disrespect to superior officers.
- g. Unnecessary violence to prisoners.
- h. Immorality.
- i. Incompetency.
- j. Inefficiency in service.
- k. Neglect or inattention to duty.
- l. Laziness and lounging on post.
- m. Disorderly conduct.
- n. Conduct unbecoming an officer.
- o. Violation of any criminal law.
- p. Using coarse or insolent language to a superior officer, or to a member of the police force, or to a citizen.
- q. Willful maltreatment of a prisoner or a citizen.
- r. Neglect to wear uniform and equipment according to regulations.
- s. Neglect to appear clean and tidy at all times.
- t. Neglecting or refusing to pay just debts within reasonable time.
- u. Negligent handling or improper use of City property.

v. Reckless or wanton mishandling of a police vehicle or any police department equipment.

(5) No member of the police department shall directly or indirectly be involved in making any compromise or arrangement between criminals and persons who have suffered by their acts, with a view of permitting the criminal to escape the penalties provided by law, and any member who has any knowledge of any violation of this rule and fails to give information thereof to the chief of police shall be subject to dismissal.

(6) Members of the police force must keep themselves informed concerning the provisions of this Code and other City ordinances and the criminal laws of the state which they are required to enforce and whenever they are without information or in doubt as to their duty in any particular, or under unusual circumstances, they shall apply to their superior officer for instructions.

(7) The hours of regular on-duty service shall be specified by the chief of police. Each member must give sufficient notice of said member's inability to report for duty as specified. Any police officer detailed or working in the place of any other member shall be governed by the rules relating to the position of the member in whose place such member is working. No police officer shall leave said member's post, or exchange beats or position or be absent from duty without permission of said member's superior officer or the chief of police.

(8) Every member of the police department shall, unless otherwise engaged or excused, attend roll call every day. Members having their day off or on furlough are excused from attendance. The roll call of members of the police department shall be held every day at the beginning of each shift.

(9) All members of the police department while on leave of absence, on vacation, or off duty, will be held accountable for their conduct, and no member shall accept a special detail when off duty, on vacation or on leave of absence without first obtaining the permission of the chief of police.

(10) No police officer shall grant special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen or group. Police officers shall at all times conscientiously and faithfully perform their duties. They shall be tactful, patient and courteous in answering all calls, requests, and inquiries.

~~(11) All police officers shall note all street and sidewalk obstructions, all defects therein from which accidents may occur and remove them when practicable; all places where openings or excavations are being made, all holes and areaways left exposed or insecure, all signs not properly secured, all public electric lamps out of repair, all traffic control signals not operating properly, or any other dangerous matters affecting the safety and convenience of the public; and shall make report thereon without delay to said officer's superior officer.~~

~~(12) Whenever any police officer learns of any injury to person or property alleged to have been caused by defect or obstruction in the public streets or sidewalks in the vicinity of said officer's beat or cruising area, or of any accident of any kind on the streets or in public places whereby injury to person or property is sustained, said officer will take measures without delay to obtain all information, including names and addresses of witnesses who could be of value in determining the cause of the injury, and reduce such information to writing and make full report thereof to the chief of police or superior officer which information shall be forwarded to the City department responsible for correction. Whenever possible, the police officer shall arrange to have pictures taken of any such defect in such street or alley, and of any other thing or object which in said officer's opinion might aid the city attorney in the defense of the City against any claim or action based on any such accident.~~

~~(13)~~(11) No member of the police department shall make a false official report, or make a false statement or gossip about a member or members of the police department, either concerning personal character or conduct, or the business of the police department to the discredit or detriment of any such member or members of the police department.

~~(14)~~(12) Acceptance or solicitation of property or money.

a. Members and employees of the police department shall not under any circumstances, solicit any gift, gratuity, loan or fee where there is any direct or indirect connection between the solicitation and their departmental membership or employment.

b. Members and employees of the police department shall not accept either directly or indirectly any gift, gratuity, loan, fee or any other thing of value arising from or offered because of police employment or any activity connected with said employment; or which might tend to cast an adverse reflection on the police department or any member or employee thereof. No member or employee of the police department shall receive any gift or gratuity from other members or employees junior in rank without the express permission of the chief of police.

~~(15)~~(13) Members of the police department shall not communicate information to any person which may enable such person to escape arrest, or secure or remove stolen or embezzled goods or other property or money, or give information of any kind in relation to police matters, and members shall not communicate to other members without permission, any information or orders which have been issued by superior officers.

~~(16)~~(14) All requests, complaints, or grievances of members of the police department must first be presented to the chief of police for the chief's decision or action. In case such decision or action of the chief of police is not considered by the person making such request to be right and just, appeal may be had by such person from such decision or action to the board of fire and police commissioners, by notifying the president or secretary thereof in writing of such an appeal.

(Ord. No. 3025-2012; Sec. 26-2314 repealed; new Sec. 26-2314 enacted; 09/11/12)

SEC. 26-2315. COMPLAINTS AGAINST MEMBERS BY THE PUBLIC.

Any citizen of the City shall have the right to make charges of any violation by a member of the police department of the provisions of this Code or other City ordinances, rules and regulations governing the police department, if the complaint is reduced to writing by the complainant and signed by said complainant, and filed with the chief of police or the secretary of the board of fire and police commissioners.

SEC. 26-2316. SERVICE OF CIVIL PROCESS AND OTHER ACTIVITIES INTERFERING WITH DUTIES.

No member of the police department shall serve any civil process or engage in any business or do any service that will interfere with the member's duties as a police officer.

SEC. 26-2317. WORKDAY.

The workday of the members of the police department shall be divided into three eight-hour shifts. ~~The~~ The designation of the hours of such shifts and the assignment of members of the police department to such shifts shall be under the supervision of the chief of police.

SEC. 26-2318. UNIFORMS.

(a) Each police officer shall wear an appropriate uniform or a badge of office.

(b) The chief of police shall appoint and regulate the style and quality of the uniforms to be worn by all members of the police department in accordance with subsection (a). All uniforms shall be alike in style and cut, material used, and in color, to the extent possible consistent with the purpose of the uniform or each component thereof.

(Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03)

(c) All members of the police department, while on duty, shall keep themselves neatly dressed and clean.

(d) A uniform allowance will be paid to each police officer, the amount of which will be set annually by the City Council.

(Ord. No. 3003-2020; Sec. 26-2318(b) repealed; Sec. 26-2318(b) enacted; 02/04/20)

SEC. 26-2319. INSIGNIA OF RANK.

The insignia of rank for the officers of the police department shall be as follows:

(1) For the chief of police, 4 gold stars on each side of the collar of the garment.

(2) For deputy chiefs, 3 gold stars on each side of the collar of the garment.

(3) For lieutenants, one gold bar, identical to those worn in the armed forces of the United States, on each side of the collar of the garment.

(4) For sergeants, three blue chevrons on each sleeve of the garment.

(Ord. No. 3013-2021; Sec. 26-2319 repealed; Sec. 26-2319 enacted; 6/15/21; Ord. No. 3024- 2021; Sec. 26-2319 amended; 9/14/21)

SEC. 26-2320. BADGES.

The official badge of authority worn by each member of the police department shall be furnished by the City, and no other device shall be worn as a badge of authority. A badge shall not be changed, transferred or exchanged, except by order of the chief of police.

SEC. 26-2321. WEAPONS AND OTHER EQUIPMENT.

Each member of the police department shall be ~~furnished with the baton of a police officer and shall be~~ armed while on duty with a firearm of the pattern and caliber approved by the chief of police. All members of the police department shall take good care of the weapons, ~~batons, keys~~ and other property furnished them by the City, or in their possession as members of the police department, and all members will be held responsible for any property furnished to them by the City, and they shall reimburse the City for the loss of any such property.

SEC. 26-2322. RETURN OF BADGE AND EQUIPMENT UPON TERMINATION OF EMPLOYMENT.

Upon the termination of the office or employment of a member of the police department, any badge, weapon or other property belonging to the City shall be returned to the chief of police in as good condition as received, ordinary wear and use expected.

SEC. 26-2323. SPECIAL POLICE.

- (a) Special police officers may be appointed to assist the police department from time to time upon authorization and resolution of the City Council.
- (b) Special police officers shall not be members of the regular police department and shall not possess conservator of the peace powers as defined in Section 3.1-15-25 of the Illinois Municipal Code (65 ILCS 5/3.1-15-25).
- (c) Special police officers will serve and act at the direction and control of the Chief of Police and may perform such duties, other than conservators of the peace, as specified by the Chief of Police.
- (d) Special police officers may carry firearms while on duty only when authorized by the Chief of Police.
- (e) All special police officers shall successfully complete the 40-Hour Mandatory Firearms Training Course before being permitted to carry a firearm, as specified in Section 3.1-30-20 of the Illinois Municipal Code (65 ILCS 5/3.1-30-20). Upon completion of the course of training, the Chief of Police shall file a certificate attesting to the special police officer's successful completion of the required 40-Hour Mandatory Firearms Training Course.
- (f) Special police officers shall receive no compensation for services rendered.
- (g) Special police officers may wear uniforms as specified by the Chief of Police. Uniforms and identification symbols worn by special police officers must be different and distinct from those worn by regular police officers.

(Ord. No. 3024-2007; new Sec. 26-2323 enacted; 08/21/07)