

ILLINOIS STATE POLICE DIRECTIVE PER-030, COMPLAINT AND DISCIPLINARY INVESTIGATIONS

RESCINDS: PER-030, 2021-014, revised 07-01-2021.	REVISED: 01-24-2023 2023-139
RELATED DOCUMENTS: PER-103, ROC-002	RELATED CALEA STANDARDS (6th Edition): 26.1.4, 26.1.5, 26.1.8, 26.2.1, 26.2.2, 26.2.3, 26.2.4, 26.2.5

I. POLICY

- I.A. The Illinois State Police (ISP) will conduct internal investigations under the authority of the Director.
- I.B. All employees will comply with department rules, regulations, directives, and orders.
- I.C. Sworn employees will be held strictly accountable for properly exercising the authority they have been given to protect the rights, lives, and property of all individuals.
- I.D. At the same time, department employees must be protected against false allegations of misconduct.
 - I.D.1. This can only be accomplished through a consistently thorough investigative process.
 - I.D.2. Thorough investigations will be conducted into allegations of misconduct to establish facts that can absolve the innocent and identify the guilty.
 - I.D.3. An anonymous complaint shall not be the sole basis for taking disciplinary action against an officer.
 - I.D.4. No affidavit will be required in support of anonymous complaints of criminal conduct.
 - I.D.5. Insofar as Illinois law allows, applicable collective bargaining agreements may provide additional procedures and exceptions for the sworn affidavit requirement.

NOTE: An amendment to the State Police Act effective May 13, 2022 no longer requires the public filing a complaint against a state police officer to have the complaint supported by a sworn affidavit. However, some current collective bargaining agreements may still require a sworn affidavit.

II. DEFINITIONS

- II.A. Acceptable performance – the satisfactory completion of tasks or duties required of an individual in the respective position or job.
- II.B. Complaint – an allegation of a criminal or policy violation provided either in writing or orally to an employee of the ISP.
- II.C. Exonerated – incident occurred, but the employee's conduct was lawful and in accordance with policy. No further action necessary and the case is closed.
- II.D. Less serious transgression – improper act or omission that lends itself to prompt, corrective action and the discipline for which, if the allegation were true as reported, would not exceed a two-day suspension.
- II.E. Not sustained – there was insufficient evidence to support the allegation. The allegation may have occurred but could not be supported through the investigation process.
- II.F. Policy Procedure Failure – noted that the alleged act did occur, however, the officer was acting in accordance with the established Department policy and procedure that had a weakness regarding the specifics of the case, or there was a lack of policy regarding the specifics of the case.
- II.G. Summary punishment – discipline issued consisting of an oral or written reprimand or a suspension of one or two days. Summary punishment applies to officers only. See the personnel code and collective bargaining contracts for discipline that applies to code personnel.

A list of conduct that typically will result in summary punishment is in Addendum 2.

- II.G.1. The list is not exhaustive.
- II.G.2. The inclusion of conduct on the list does not preclude the imposition of more severe punishment in any case.
- II.H. Sustained – evidence was sufficient to prove the allegation. Criminal and/or administrative charges are identified and the disciplinary process is initiated.
- II.I. Unfounded complaint – an allegation that was demonstrably false. The investigation revealed an incident did not occur.

III. RESPONSIBILITIES

III.A. Department Responsibility

- III.A.1. The Director is charged with the responsibility and has the authority to maintain discipline within the ISP.
- III.A.2. The Director delegates authority as specified in this directive.
- III.A.3. The Department shall determine and apply disciplinary decisions in accordance with valid and effective Collective Bargaining Agreements.

III.B. Individual Responsibility

- III.B.1. Each employee of the Department will perform his/her duties and assume the obligations of his/her rank and/or position in the investigation of complaints or allegations of misconduct against any employee of the Department.
- III.B.2. Each employee will cooperate fully with personnel of the Division of Internal Investigation (DII) or any other personnel conducting such an investigation.
- III.B.3. When misconduct is observed or complaints/information about misconduct are received by any employee, such employee will immediately notify his/her supervisor and prepare a written report to be forwarded through the chain-of-command containing the information received, observations, and/or action taken.
- III.B.4. Any employee who has, or is purported to have, knowledge of circumstances surrounding a complaint investigation will submit to his/her immediate supervisor a written report before reporting off duty.
 - III.B.4.a. The report will be accurate and will include all facts relating to the incident known or reported to the employee.
 - III.B.4.b. The immediate supervisor will forward the report via the chain-of-command to the investigator conducting the investigation.
- III.B.5. When reports of alleged or suspected violations are received, the supervisor or command officer who first receives information about the alleged violation will record all information available at the time the complaint was received, prepare a written report, and forward it to the respective Bureau Chief/Lab Director/Commander.
 - III.B.5.a. All complaints against sworn employees do not require a sworn affidavit unless otherwise specified in the applicable collective bargaining agreements.
 - III.B.5.b. When a supervisor receives an allegation of misconduct from a citizen, the supervisor shall notify the citizen that the allegations must be in writing and notarized for the report to proceed.
 - III.B.5.c. A complaint against an officer that is supported by an affidavit will not require additional affidavits in support of additional allegations within the same complaint. Complaints against additional officers not named in the original complaint/affidavit

that arise during the course of the initial investigation, **will require** additional complaint forms and must conform to the guidelines.

- III.B.5.d. A complaint against a bargaining unit member, as well as the Department's handling thereof, must comply with the Illinois State Police Act and the terms of the appropriate collective bargaining agreement.
- III.B.5.e. When a department employee makes an allegation(s) against another department employee and/or is contacted by DII to submit to a witness interview and/or provide support to the investigation, it is considered confidential. Disclosure of case information by the Department employee is strictly prohibited unless authorized by DII.

NOTE: Command officers and supervisors have an obligation to report all allegations of possible criminal and/or policy violations against a sworn officer through their chain-of-command.

- III.B.6. The original form and report are to be forwarded immediately to:

Illinois State Police
 Division of Internal Investigation
 Attention: Deputy Director (DII)
 801 South 7th Street, 100-N
 Springfield, Illinois 62703-2487

- III.B.6.a. A copy should be forwarded to the Division's Deputy Director through the chain-of-command. If the accused is from another Division, it will be forwarded to the Deputy Director of the accused's Division.
- III.B.6.b. During office hours, the respective Commander will report the information to the appropriate DII Area Commander or designee as soon as possible after the information is received. Complaints received after hours requiring immediate attention (shooting incidents, criminal activity, etc.), will be reported by calling 217-786-6677 to contact the DII Duty Agent.
- III.B.6.c. The DII Deputy Director or his/her designee will determine who will be responsible for conducting an investigation and will assign a case number to the complaint.
- III.B.6.d. The DII Deputy Director or his/her designee will convey significant information about personnel investigations to the Director of the ISP.

- III.B.7. Allegations deemed "less serious transgressions" will be handled as follows:

- III.B.7.a. The Bureau Chief/Lab Director/Commander will contact the DII and provide the information needed to complete the File Initiation Report, form ISP 4-1. The 4-1 will be completed by DII.
- III.B.7.b. The DII will refer allegations deemed to be "less serious transgressions" back to the referring unit after assignment of a case tracking number.
- III.B.7.c. When the case is referred back to the Bureau Chief/Lab Director/Commander, the Bureau Chief/Lab Director/Commander will:
 - III.B.7.c.1) Prepare an acknowledgment to the complainant, if appropriate.
 - III.B.7.c.2) Ensure that a thorough investigation of the complaint is conducted, properly documented, and filed in a secure area that will ensure the confidentiality of its content.
 - III.B.7.c.3) Review the investigative reports for accuracy and completeness.
 - III.B.7.c.4) Review the officer's file for summary punishment in the last two years or other disciplinary action within the last five years, or review the code employee's files.
 - III.B.7.c.5) Impose the appropriate summary punishment or discipline for officers and route a copy of all related documents through the chain-of-command to the Deputy Director for transmittal to the DII.
 - III.B.7.c.6) Recommend, through the chain-of-command, the appropriate discipline for code employees and route a copy of all related documents along with the recommended discipline to the DII.

- III.B.7.d. At the conclusion of a case involving a "less serious transgression," and after appropriate summary punishment or discipline has been issued, the Bureau Chief/Lab Director/Commander will forward a copy of the investigative reports through his/her respective chain-of-command to the DII.

III.C. Overall Responsibilities

- III.C.1. In general, the DII will investigate allegations that, if true, would result in discipline greater than summary punishment (two-day suspension). The Bureau Chief/Lab Director/Commander will contact the DII and provide the information needed to complete the ISP 4-1 and will forward any other relevant information or documentation to the DII.
- III.C.2. Employees are reminded that failure to cooperate with an internal investigation can result in discipline up to and including termination from the Department.
- III.C.3. In general, allegations of discrimination, harassment (including but not limited to sexual harassment), and retaliation will be investigated by the Equal Employment Opportunity (EEO) Office, either independently or in cooperation with the DII.
 - III.C.3.a. Upon receipt of discrimination, harassment, and/or retaliation allegations that may result in discipline, the EEO Office will confer with DII to make a decision regarding which entity (or both) will be responsible for the investigation.
 - III.C.3.b. In any case, the investigation will be conducted in accordance with applicable DII procedures.

IV. PROCEDURES

NOTE: See Addendum 1 for complaints involving allegations of impairment due to alcohol abuse.

NOTE: Refer to ISP Directive ROC-002, "Rules of Conduct," Addendum 1, for discipline schedule/matrix.

NOTE: All investigations will be conducted in accordance with the procedures set forth by the DII.

IV.A. Investigating complaints against officers under the ISP Merit Board

- IV.A.1. Cases investigated in which summary punishment has not been imposed by the Bureau Chief/Lab Director/Commander and he/she believes discipline in excess of summary punishment is warranted, are to be handled as follows:
 - IV.A.1.a. The completed investigation will be routed to the appropriate Deputy Director through the chain-of-command.
 - IV.A.1.b. The Deputy Director or his/her designee, acting as designee of the Director, will review the investigative file and may:
 - IV.A.1.b.1) Impose punishment not to exceed a three-day suspension.
 - IV.A.1.b.2) Require further investigation.
 - IV.A.1.b.3) Recommend the DII close the case file with no further action merited.
 - IV.A.1.b.4) May provide a discipline recommendation for the Director's consideration.
 - IV.A.1.c. The Deputy Director of the Division that conducted the investigation will:
 - IV.A.1.c.1) Ensure the complainant is informed of the final status of the complaint.
 - IV.A.1.c.2) Forward a copy of the correspondence and any other documentation not previously submitted to the DII.

IV.A.2. Sworn discipline pre-disciplinary processes

- IV.A.2.a. The Misconduct Allegation Settlement Agreement (MASA) is an opportunity for an officer and the Department to resolve open discipline cases ranging from Level 1 through Level 4, 1st offense, by agreeing to a lesser level of discipline than what is originally identified in a complaint. Procedures for a MASA are outlined in Addendum 3 of this directive.
 - IV.A.2.b. Sworn officers with sustained allegations of a Level 4 second charge or MASA declined and above may request a pre-disciplinary meeting. Procedures for the pre-disciplinary meeting are outlined in Addendum 4 of this directive.
- IV.A.3. Summary punishment/suspension options and limitations
- IV.A.3.a. For all suspension periods, one day of suspension shall be equivalent of eight hours. Officers who do not use accumulated time off to satisfy the period of any suspension shall be placed on a 5-day/8-hour work schedule for the week including the suspension period.
 - IV.A.3.b. All officers who do not appeal summary punishment to the Internal Review Panel (IRP) will be permitted to use accumulated time off, except sick time, to satisfy the period of any suspension of two days or less in lieu of days off without pay.
 - IV.A.3.c. Loss of wages as a result of being absent without permission will not be considered summary punishment served.
 - IV.A.3.d. A summary punishment recommendation by an immediate supervisor will not bar imposition of a more severe penalty by a higher authority.
 - IV.A.3.e. All officers may also use up to 30 days of accumulated time off, except sick time, to satisfy the period of any suspension of three or more days, in lieu of days off without pay provided the suspension is not appealed to the ISP Merit Board or through grievance or arbitration procedures.
 - IV.A.3.f. Officers appealing a second or subsequent IRP within a two-year period resulting in a "sustained" finding will result in a loss of seniority for all suspensions after the first sustained IRP.
 - IV.A.3.g. The appealing officer shall utilize accumulated time off to attend the IRP. If the summary punishment is rescinded, the accumulated time used by the officer to attend the IRP will be restored. Officers with the permanent rank of Master Sergeant or above will not be suspended for periods of less than a full week (five working days or 40 hours equivalence).
- IV.A.4. Appeal of summary punishment
- IV.A.4.a. Oral and written reprimands may not be appealed. One- and two-day suspensions may be appealed to the IRP.
 - IV.A.4.b. For discipline greater than summary punishment, appeal rights are outlined in the State Police Act and/or the applicable collective bargaining agreement.
 - IV.A.4.c. Only the officer being punished may appeal the punishment.
 - IV.A.4.d. An officer who desires review of summary punishment (one- or two-day suspensions) must make the request within 10 calendar days of the receipt of the written discipline in question. Such request for review will be submitted in writing to the Director's office, to the attention of the Office of Labor Relations and Special Projects (OLR), and will clearly state that an internal review pursuant to this policy is being requested.
 - IV.A.4.e. Upon notification of the review request, the OLR will oversee the selection of, and convene an IRP in accordance with Section IV.8. of this directive, arrange for clerical support, and notify the officer of the date, time, and place for the hearing. The hearing will be held within 60 days of the date filed with the OLR.
 - IV.A.4.f. The officer will have a period of 14 calendar days from the date on which he/she requests review, to submit a written statement to the panel through the OLR.
 - IV.A.4.f.1) This written statement must set forth why the officer believes the summary punishment was unjust.
 - IV.A.4.f.2) The officer should set forth in this memorandum all relevant facts and circumstances that the officer wishes the panel to take into consideration.

- IV.A.4.f.3) The officer should include a memorandum from each witness (if applicable) stating the relevant facts that the officer wishes the panel to consider.

In summary suspension cases only, the officer will be allowed to ask the IRP to hear one eye-witness or one witness with relevant information at the hearing. The Department will, based on operational need, make an effort to adjust the witness' schedule to allow attendance on work time.

- IV.A.4.g. The OLR will request the supervisor who imposed the summary punishment submit any additional written information to the panel explaining why the punishment that was decided upon was appropriate. A copy of this information and the investigative file, if any, will be provided to the officer as soon as practical before the hearing.
- IV.A.4.h. The officer may ask a representative to prepare and submit written statements, and a representative may be present, upon the officer's request, at the hearing. The representative is there for the limited purpose of counseling the officer and may address the panel only when permitted.
- IV.A.4.i. The panel will review the information provided and will convene a hearing at which the officer seeking review may appear and give testimony.
- IV.A.4.j. The panel will appoint one of its members to record its action and prepare a written decision on the propriety of the summary punishment. The panel may sustain, reduce, or reverse the summary punishment but may not increase the severity of the punishment initially issued.
 - IV.A.4.j.1) Decisions of the panel will require a majority of the three-member panel, with each member of the panel having an equal vote. If the decision is not unanimous, the dissenting member may submit his/her opinion along with the majority decision.
 - IV.A.4.j.2) Such written majority decision will be issued within 30 calendar days of the hearing date. A copy will be provided to the officer and to the Director through the OLR.
 - IV.A.4.j.3) In the event the review panel upholds any period of suspension without pay, the officer will not be permitted to use accumulated time off to satisfy the summary punishment for a second or subsequent sustained finding within a two-year period. In the event of a reduction or reversal of discipline, the officer will receive appropriate pay for any period of suspension actually served and not upheld by the panel.
- IV.A.5. After summary punishment has been administered three times within a 12-month period, an officer who wishes to contest the application of summary punishment on a fourth occasion within the last 12 months may contest the fourth and/or succeeding applications of summary punishment by timely challenge through either the IRP or Merit Board review.
- IV.A.6. Retention of records
 - IV.A.6.a. Material relating to summary punishment will be retained in the affected officer's Troop or unit personnel file for a period of two years after the date the punishment was administered. At that time the material will be destroyed and will not be considered in any subsequent disciplinary or adverse personnel matter.
 - IV.A.6.b. Material relating to summary punishment will be retained by the DII for five (5) years after the close of the incident investigation.
- IV.A.7. Seniority date
 - IV.A.7.a. The seniority date will not be adjusted for any period of suspension of 30 days or less.
 - IV.A.7.b. The seniority date will be adjusted for the number of days any disciplinary suspension exceeds 30 days.

IV.A.7.c. The seniority date will be adjusted for the second or subsequent sustained findings by the IRP within a two-year period.

IV.A.8. Internal Review Panel (IRP)

IV.A.8.a. The members of the IRP assigned to an appeal will be randomly selected by the OLR from officers available on the hearing date as provided by the Regional Commander in the DOP, or an equivalent officer from other divisions.

IV.A.8.b. All members of the panel must be assigned to the same division as the appealing officer. No member of the panel may be from the same lab/zone/troop/bureau/unit of assignment as that of the appealing officer, nor may any two panelists be from the same lab/zone/troop/bureau/unit of assignment.

IV.A.8.c. The panel will consist of one officer of equal rank and one officer from each of the next two highest ranks. A pool of available officers will be identified by the appropriate Regional Commander and the OLR will randomly select the panel.

IV.A.9. In cases where a Policy Procedure Failure is a factor, the Commander of the Unit making that determination will advise the Director of the failure through the chain-of-command.

IV.B. Investigating complaints against code employees

IV.B.1. Managers and investigators must remember that the rights of code employees are defined and protected by the jurisdiction of the Department of Central Management Services (CMS) and the distinctions of various collective bargaining agreements. The procedures set forth by the DII will be followed unless a specific provision of an applicable collective bargaining agreement provides otherwise.

IV.B.2. Collective bargaining

IV.B.2.a. The ISP employees are represented by six different employee unions:

- IV.B.2.a.1) The Teamsters
- IV.B.2.a.2) The Illinois Federation of Public Employees
- IV.B.2.a.3) The American Federation of State, County, and Municipal Employees
- IV.B.2.a.4) The International Union of Operating Engineers
- IV.B.2.a.5) The Laborers' International Union of North America – VR704
- IV.B.2.a.6) The International Brotherhood of Electrical Workers

IV.B.2.b. All potential code employee disciplinary matters must be handled in a manner that will protect the employee's contractual rights yet preserve as many department options as possible.

IV.B.2.c. The OLR should be contacted to ascertain the proper interpretation of applicable union contract provisions.

IV.B.3. Investigatory interviews and representation

IV.B.3.a. Investigatory interviews of code employees are divided into two categories.

IV.B.3.a.1) The first category covers situations where the employee is not the subject of the investigation, but instead may be a witness or possess pertinent information.

IV.B.3.a.2) The second category covers cases where the employee is the subject of the investigation.

IV.B.3.b. Code employees who are not the subject of an investigation are not entitled to representation during interviews.

IV.B.3.b.1) In such circumstances, requests for representation can be denied; however, in cases where representation is requested and denied,

statements made by the employee cannot be used for disciplinary purposes.

IV.B.3.b.2) Employees in such situations must cooperate fully and cannot refuse to answer questions or provide written statements.

IV.B.3.c. Employees who are the subject of an investigation might eventually:

IV.B.3.c.1) Be arrested and charged with a crime in court.

IV.B.3.c.2) Be charged with policy, procedure, rule, or regulation violations.

IV.B.3.c.2)a) Code bargaining unit employees who are the subject of an investigation shall be afforded union representation whether the interview involves alleged criminal or administrative violations.

IV.B.3.c.2)b) Any denial of such a request for union representation during the interview will violate the employee's union rights and will prevent the Department from successfully defending a union protest of any discipline that might be imposed.

IV.B.4. Delays for union representation

IV.B.4.a. If an employee's request for union representation is granted, the interview may be postponed temporarily - normally not more than three days - to make arrangements for the presence of a union representative.

IV.B.4.b. Union employees desiring representation may have either a union steward, union officer, or a union employee present pursuant to the relevant collective bargaining agreement.

IV.B.4.c. The OLR can be contacted to help expedite arrangements for union representation at interviews.

IV.B.5. Request for representation by non-bargaining unit code employees

IV.B.5.a. The State of Illinois Personnel Code and Rules, that are statutorily administered by CMS, cover code employees not in collective bargaining unit positions. These employees are not entitled to representation at investigatory interviews.

IV.B.5.b. Occasionally, a non-bargaining unit employee will ask that an attorney or other representative be present during an interview. Requests should normally be granted if:

IV.B.5.b.1) The delay needed to obtain the attorney or representative is not detrimental to the case.

IV.B.5.b.2) The attorney or representative clearly understands that his/her role in the interview is only that of a silent observer.

IV.B.5.b.3) The employee is the subject of the investigation.

IV.B.6. Pre-disciplinary meetings with code union employees

IV.B.6.a. With the exception of oral reprimands, a pre-disciplinary meeting must be held with every code union employee prior to the implementation of discipline.

IV.B.6.b. Code employee union contracts normally require that pertinent documentation, names of witnesses, and a statement of charges be furnished to the subject and the union representative prior to the pre-disciplinary meeting.

IV.B.6.b.1) In most cases, the investigative summary will be the primary document furnished.

IV.B.6.b.2) This summary must:

IV.B.6.b.2)a) Include a list of all pertinent witnesses.

IV.B.6.b.2)b) Identify all key information used in determining the outcome of the case.

| IV.B.6.b.2)c) List all ISP Directives violated.

IV.C. Closure of investigatory files

IV.C.1. Investigatory files are considered closed when:

IV.C.1.a. The employee is exonerated because the employee's conduct was proper.

IV.C.1.b. The complaint is determined to be unfounded.

IV.C.1.c. The complaint is not sustained.

| IV.C.1.d. Discipline is affected.

IV.C.2. The DII will notify employees and the appropriate union, when applicable, upon closure of investigatory files. In cases where discipline is imposed, the official disciplinary action will serve as notification that an investigatory file is closed.

IV.D. Maintenance of records

IV.D.1. All records of investigations of ISP employees will be forwarded to, and filed by, the DII. These records will be maintained by the DII in a secure area that will ensure the confidentiality of their content.

IV.D.2. The DII will retain and destroy the original records of ISP employee investigations in compliance with the Illinois Records Commission's rules, regulations, and approval, as well as applicable state statutes.

IV.D.3. The DII will microfilm or image-disc copy at a minimum all original case opening/closing forms, investigation summaries and discipline action letters. The DII will maintain a continuing record of these copies in case number order.

IV.D.4. Personnel Counseling forms (ISP 2-183) are not considered discipline and shall be removed in accordance with the applicable Bargaining agreements.

| Indicates new or revised items.

-End of Directive-

**ILLINOIS STATE POLICE DIRECTIVE
PER-030, COMPLAINT AND DISCIPLINARY INVESTIGATIONS
ADDENDUM 1, ALCOHOL TESTING**

RESCINDS: PER-030, Addendum 1, 2021-014, revised 07-01-2021.	REVISED: 01-24-2023 2023-139
RELATED DOCUMENTS: PER-103, ROC-002	RELATED CALEA STANDARDS (6th Edition): 26.1.4, 26.1.5, 26.1.8, 26.2.1, 26.2.2, 26.2.3, 26.2.4, 26.2.5

1. Complaints involving allegations of impairment due to alcohol abuse

No employee will be required to submit to a blood test, a breath analyzer test, or any other test to determine the presence of alcohol in the blood, or any other test to determine the presence of drugs, or other chemical substances, unless the Department has reasonable cause to believe that the employee is under the influence of alcohol, or is a current user of non-prescribed controlled substances, or upon proposed changes in personnel status or permanent changes in assignment.

2. Testing procedures

- a. When a supervisor observes an employee exhibit conduct while on duty that indicates the individual is noticeably under the influence of alcohol or is in receipt of information that creates reasonable cause to believe an employee is abusing alcohol, the supervisor will request the employee to submit to the appropriate test to determine the presence of alcohol in the blood.
- b. Alcohol testing by breath
 - i. Breath testing will be conducted only on breath analyzers controlled and maintained by the Department.
 - ii. The breath test will be administered by a Department employee who is currently certified and licensed by the ISP.
 - iii. The breath test will be administered according to the standards and procedures established in the operation of breath analysis instruments by the Illinois State Police (ISP).
 - iv. The results of a breath test will be made available to the subject of the test and the appropriate supervisor in the Department.
- c. Testing for drugs will be conducted in accordance with ISP Directive PER-057, "Drug Testing and Awareness."

| Indicates new or revised items.

-End of Addendum-

**ILLINOIS STATE POLICE DIRECTIVE
PER-030, COMPLAINT AND DISCIPLINARY INVESTIGATIONS
ADDENDUM 2, SUMMARY PUNISHMENT**

RESCINDS: PER-030, Addendum 2, 2021-014, revised 07-01-2021.	REVISED: 01-24-2023 2023-139
RELATED DOCUMENTS: PER-103, ROC-002	RELATED CALEA STANDARDS (6th Edition): 26.1.4, 26.1.5, 26.1.8, 26.2.1, 26.2.2, 26.2.3, 26.2.4, 26.2.5

Summary punishment may be imposed for any violation of Illinois State Police (ISP) policies, procedures, rules, regulations, or its generally recognized standards and practices, where the officer's superiors consider the conduct to be of a nature, or to have occurred in circumstances, that may not warrant more severe discipline.

Examples of conduct that may result in summary punishment include, but are not limited to:

1. failure to comply with personal hygiene and grooming standards of the ISP.
2. failure to comply with the dress and uniform standards of the ISP.
3. periodic absenteeism or tardiness.
4. failure to give adequate attention to duties.
5. failure of an officer to appear in court or to notify superiors of his inability to appear.
6. failure to wear or properly maintain official equipment.
7. failure to comply with weapon regulations under conditions which do not justify action under other policies.
8. failure to report back in service immediately upon completion of an assignment or to notify the telecommunicator when leaving the location of assignment for any reason.
9. taking excessive time for meals or personal reasons.
10. failure to provide prompt, correct, and courteous service.
11. transporting persons in a department vehicle, except for a proper police purpose or on department business.
12. being absent from or leaving an assigned post or area without proper authorization or before the prescribed time at the end of the tour of duty.
13. failure to perform assigned tasks.
14. reading commercial publications in public view while on duty.
15. holding a cigarette, cigar, or pipe in mouth while in uniform and in official contact with the public.
16. failure of a supervisory officer to take appropriate action upon observing a less serious transgression.
17. failure to wear a properly adjusted and fastened seat safety belt when either operating a department motor vehicle or riding as a front seat passenger in such vehicle.

Inclusion of conduct on the foregoing list does not preclude the imposition of more severe discipline by an officer's supervisor or by higher authority where such further or greater discipline is deemed warranted. More severe discipline will generally be warranted where an officer develops a history or pattern of such conduct.

| Indicates new or revised items.

-End of Addendum-

**ILLINOIS STATE POLICE DIRECTIVE
PER-030, COMPLAINT AND DISCIPLINARY INVESTIGATIONS
ADDENDUM 3, MISCONDUCT ALLEGATION SETTLEMENT AGREEMENT
(MASA)**

RESCINDS: New Addendum	REVISED: 01-24-2023 2023-139
RELATED DOCUMENTS: ROC-002	RELATED CALEA STANDARDS (6th Edition): 26.1.4, 26.1.5, 26.1.8, 26.2.1, 26.2.2, 26.2.3, 26.2.4, 26.2.5

Purpose: The Misconduct Allegation Settlement Agreement (MASA) is an opportunity for an officer and the Department to resolve open discipline cases by agreeing to a lesser level of discipline than what is originally identified in a complaint. The MASA is intended to benefit the accused officer by allowing the officer to avoid an investigation and discipline process by admitting to wrongdoing and accepting discipline. The MASA benefits the ISP by resolving minor discipline cases from Level 1 to Level 4. All questions regarding MASA should be directed to the Office of Labor Relations and Special Projects (OLR).

Upon the agreement of the work unit Commander and the accused officer, the level of discipline will be reduced one level.

1. The MASA is not eligible for criminal allegations and is only eligible for allegations of misconduct punishable by suspensions of less than 30 days (See ISP Directive ROC-002, "Rules of Conduct," Addendum 1, Discipline Schedule). Refer to the Matrix on page one of the MASA, form ISP 1-204.
 - A. Level 1, 1st, 2nd and 3rd offenses eligible for the MASA Process, 4th offense eligible if discipline is between 15-30 days. (Note: A Level 1, 1st Offense should be negotiated between Reprimand to 3 days. Example, start in the middle at 1 day, and negotiate up or down depending on mitigating/aggravating factors.)
 - B. Level 2, 1st, 2nd, and 3rd offenses eligible for the MASA Process. (Negotiate 1st offense to Level 1, 1st offense.)
 - C. Level 3, 1st and 2nd offenses eligible for the MASA Process. (Negotiate 1st offense to Level 2, 1st offense.)
 - D. Level 4, 1st offense eligible for the MASA Process. (Negotiate to Level 3, 1st offense.)
 - E. MASA is not available for Level 5 and above or any/all offenses, regardless of level, with a possible suspension of more than 45 days.
2. If it is determined an allegation of misconduct is eligible for the MASA Process, DII will contact the affected officer's chain-of-command with the appropriate ROC violations.
3. Within 10 days of receiving notification that a case is suitable for a MASA, the work unit Commander or designee will advise DII if a MASA will be completed and copy the Division Chief of Staff (DCOS).
4. The work unit Commander will ensure the negotiation with the officer is completed within 30 days after notification to DII that a MASA will be completed (See MASA Step-By-Step Instructions attached to MASA form ISP 1-204).
5. A MASA will be completed within 30 days following an officer's acceptance to participate in the process.
6. Upon the request of the accused officer, he/she will be allowed to have union representatives present during the deliberation MASA Process. The union representative will be allowed to act as an advisor to the officer only.
7. The MASA will be sent through the chain-of-command to the DCOS within 10 days after the officer has signed or declined the agreement. The officer will receive a signed copy of the MASA.
8. After receiving the MASA, the DCOS will process the MASA according to ISP Directive PER-030, "Complaint and Disciplinary Investigation," Sections III.B.7 and IV.
9. The officer will be served with the discipline within 14 days of the officer's signature of agreement.
10. The closing documents will be prepared within 15 days after receipt of discipline documentation. All MASAs must be completed within 180 days of case opening.
11. The ISP Document Library contains example MASA letters that can be used for this process.

-End of Addendum-

**ILLINOIS STATE POLICE DIRECTIVE
PER-030, COMPLAINT AND DISCIPLINARY INVESTIGATIONS
ADDENDUM 4, SWORN DISCIPLINE REVIEW PROCEDURE**

RESCINDS: New Addendum	REVISED: 01-24-2023 2023-139
RELATED DOCUMENTS: ROC-002	RELATED CALEA STANDARDS (6th Edition): 26.1.4, 26.1.5, 26.1.8, 26.2.1, 26.2.2, 26.2.3, 26.2.4, 26.2.5

Purpose: The Sworn Discipline Review Procedure is an opportunity for an officer and the Department to review and recommend discipline levels for any case in which allegations of a Level 4, second charge or the Misconduct Allegation Settlement Agreement (MASA) declined, or higher offense have been sustained against a sworn officer. The Sworn Discipline Review Procedure is intended to benefit the accused officer by allowing the opportunity to present a written rebuttal statement to the charges as well as mitigating factors. The Sworn Discipline Review Procedure may further benefit the accused officer by potentially preventing a case from being presented to the Illinois State Police Merit Board for the purpose of imposing discipline. The Sworn Discipline Review Procedure benefits both the Illinois State Police (ISP) and the accused officer by establishing a formal discipline review process that requires a written documentation of all material and statements presented in the review process. All questions regarding MASA should be directed to the Office of Labor Relations and Special Projects (OLR).

A sworn discipline review will be conducted upon the request of an officer in any case in which allegations of a Level 4, second charge or MASA declined, or higher offense have been sustained.

1. DII will conduct a complete investigation upon the filing of a CADMF.
2. Once the investigation is completed, charges will be submitted to Legal for Review (Level 4 second charge or MASA declined and above).
3. Sustained charges will be hand-delivered to the accused by superior officer with *Giglio* Notice if applicable.
4. A pre-disciplinary meeting will be scheduled by the Legal Office not later than 10 business-days after charges have been served unless mutually agreed upon by the parties.
5. A representative from the Legal Office, the OLR, and the Union (or counsel if the accused is represented) will be present at the pre-disciplinary meeting along with the accused. The time spent by an accused to attend the pre-disciplinary meeting will be considered hours of work. The accused will be advised of the nature of the discipline, the facts and evidence supporting the charges (including a written summary), *Giglio* implications if applicable, and disciplinary exposure pursuant to the Department's disciplinary matrix. The accused will also be advised in writing of the opportunity to present a written rebuttal statement to the charges. If the accused opts to provide a written rebuttal statement, the statement will only be considered in determining the appropriate level of discipline and cannot be used as evidence by the Department in any future disciplinary proceedings or be used as the sole reason to support a new investigation against the officer. A Union representative or counsel may assist the accused in drafting the written rebuttal statement to provide input for the Director's consideration. The accused will initial the appropriate sections of the pre-disciplinary meeting checklist and sign acknowledging Legal reviewed the process with them.
6. If a written rebuttal statement is to be provided, it must be submitted to Legal via hand-delivery, inter-office mail, or via email to the Chief or Deputy Chief Legal Counsel no later than seven business-days after the pre-disciplinary meeting. One extension of no more than five business-days will be granted if requested in writing and good cause is shown.
7. The accused's work unit Commander (or above) will provide a written performance history and any aggravation/mitigation related to the accused based on prior discipline and/or performance to Legal within seven business-days of the pre-disciplinary meeting. All submissions should include information that can be properly disclosed pursuant to the relevant collective bargaining agreement and ISP Directive PER-030, "Complaint and Disciplinary Investigations."

8. When all documents are collected (charges, evidence summary, rebuttal if applicable, performance history and aggravation/mitigation materials), the materials will be disseminated to the Director, First Deputy Director, Deputy Director of the Division where the accused is assigned, the Union Representative, the officer, Legal, the OLR, and the EEO if necessary.
9. Once all necessary documents are collected, a meeting will be scheduled with the Director, First Deputy Director, the Deputy Director of the Division where the accused is assigned, the Chief or Deputy Chief Legal Counsel, and a representative from the OLR to discuss the relevant materials.
10. Legal will outline each charge, its elements, and the facts that demonstrate that the elements have been proven. Legal will then outline the Level of each charge, the disciplinary parameters based on the Matrix, and the factors that can be considered in aggravation and mitigation. The fact the accused declined the MASA will not be a factor in determining the appropriate level of discipline.
11. The Director will seek input from the First Deputy and relevant Deputy Director. The First Deputy and relevant Deputy Director will provide recommendations as to whether the evidence supports the charges and the appropriate level of discipline. Discipline recommendations will be limited to: less than 30 days, 30 days or more, or termination. No recommendations for additional charges will be made.
12. The Deputy Director of DII will participate in the meeting if requested by the Director's Office but will not make any recommendation as to charges, level, or discipline.
13. Any Deputy Director that has a conflict of interest will abstain from making a recommendation as to charges or level of discipline but will still be present at the meeting to answer any questions. A Deputy Director has a conflict of interest if:
 - a. He/she has a personal bias or prejudice against the accused party or opinion of the accused party that he/she cannot remain impartial;
 - b. He/she has personal knowledge of disputed evidentiary facts related to the discipline;
 - c. He/she is a material witness to the matter in controversy;
 - d. The accused is a member of the Deputy Director's family, defined as a spouse, parent, child, spouse of a child, grandchild, or any other member of the Deputy Director's family residing in the Deputy Director's household, or if any family member of the Deputy Director, defined as a spouse, parent, child, child's spouse, or any other member of the family residing in the Deputy Director's household is:
 1. a party to the proceeding
 2. known to have a more than *de minimis* interest that could be substantially affected by the proceeding; or,
 3. likely to be a material witness in the proceeding.
 - e. Any circumstance where a Deputy Director's impartiality may be reasonably questioned due to the appearance of a conflict of interest.

The Chief or Deputy Chief of the Legal Office will provide guidance as to whether recusal is warranted when questions regarding the necessity for recusal arise.

14. After the meeting is completed, the Director may further confer with Legal to finalize the charges and appropriate discipline. Legal and/or the OLR may take steps to reach an agreement that may include reduction of charges, dismissal of charges, and specific suspension terms (agreements related to the accused obtaining mental health, substance abuse, or other services are appropriate as part of a mutually agreed upon settlement) within the range of discipline recommended by the Director.
15. Matters that must be referred to the Merit Board (discipline based on a second Level 4 charge or higher) will be referred through established procedure.
16. Following the conclusion of the disciplinary process in a particular case, all Deputy Directors and the officer will be notified of the final disciplinary determination.

-End of Addendum-