

Chapter 4
POLICE DEPARTMENT

- 4.01 Creation
- 4.02 Chief of Police
- 4.03 Deputy Chief
- 4.04 Police Officers
- 4.05 Assisting Police
- 4.06 Resisting Officers
- 4.07 Auxiliary Police
- 4.08 Police Commission
- 4.09 Police Pension Fund and Police Pension Board
- 4.10 Community Service Officers

4.01 CREATION

There is hereby established for the Village a Police Department which shall consist of the Marshal (“Chief of Police” or “Chief”) and as many police officers as deemed necessary by the Village Board as reflected in the annual budget.

4.02 CHIEF OF POLICE

A. Appointment: Notwithstanding the provisions of Section 4.09 and pursuant to 65 ILCS 5/10-2.1-4, the Chief shall be appointed by the Manager for an indefinite term.

B. Compensation: The Chief shall receive such compensation as is set from time to time by the Manager and approved by the President and Village Board as part of the annual Village budget.

C. Oath, Bond: The Chief shall, before assuming the duties of the office, take and subscribe to the oath prescribed by law and shall enter into a bond payable to the Village in the penal sum that appears in Appendix B, with sureties to be approved by the President and Village Board. The cost of the bond shall be borne by the Village.

D. Duties of Chief: The duties of the Chief shall be as follows:

1. To wear or have in his/her possession at all times when on duty a star or badge showing his authority.
2. To perform all the duties imposed upon him/her by law and the ordinances of the Village, and such other duties as the Manager or the President and Village Board may, from time to time, require.
3. To at all times conserve the peace within the Village and to enforce the ordinances thereof.
4. To serve summons and warrants in all cases arising under the ordinances thereof.

5. To serve and execute without delay any and all notices and writs which may be placed in his/her hands for service and obey all orders issued by the Manager.
6. To promptly arrest all persons who in his/her presence violate any ordinance and to file complaints against such parties before a court having jurisdiction of the matters involved.
7. To assist in enforcing the ordinances and other measures pertaining to the health of the Village.
8. To regulate and direct, when necessary, the travel and movement of all persons and vehicles traveling or going in the public streets or other thoroughfares of the Village for the purpose of preventing injury to persons or property and of preserving peace and public order.
9. To attend meetings of the Village Board when directed by the Manager and to preserve order therein under the direction of the President.
10. To have control and supervision of the Village Jail and to keep the same in a clean and sanitary condition, and to attend to and have custody and charge of all persons imprisoned therein.
11. To render a complete report on any matter or matters coming under his/her supervision when so required by the Manager or the President or the Village Board.
12. The Chief shall report to the Manager.

4.03 **DEPUTY CHIEF**

The position of Deputy Chief is hereby established for the Police Department of the Village. The Deputy Chief, who shall be appointed by the Chief with the approval of the Manager, shall be an exempt rank immediately below that of the Chief and shall be appointed to the position pursuant to 65 ILCS 5/10-2.1-4. The appointment shall be from the rank of sworn, full-time officers of the Village. The Deputy Chief shall serve at the discretion of the Chief and, if removed from the position, shall revert to the rank held immediately prior to appointment to the Deputy Chief position.

4.04 **POLICE OFFICERS, INCLUDING SERGEANTS**

A. Powers: Police officers shall have and possess all the powers conferred upon them by law and by the ordinances of the Village, particularly:

1. To serve warrants and summons in the Village in all cases arising under the ordinances of the Village.
2. To make arrests and detain persons as provided by law.
3. To at all times conserve the peace within the corporate limits of the Village,

and when necessary in the performance of such duty or in the enforcement of the ordinances of this Village, to call for their assistance any and all able-bodied citizens thereof.

B. Duties: The duties of all police officers shall be:

1. To wear at all times when on duty a star or badge showing their authority.
2. To perform such duties as may be enjoined upon them by law and by the ordinances of the Village.
3. To perform such other duties as may be assigned them by the Chief or Deputy Chief.

C. Compensation: Police officers shall receive such compensation as is set from time to time by the Manager and approved by the President and Village Board as part of the annual Village budget.

4.05 **ASSISTING POLICE**

It shall be unlawful for any citizen to refuse to assist the Chief, Deputy Chief or any police officer when called upon by such officer to do so.

4.06 **RESISTING OFFICERS**

It shall be unlawful for any person to resist any member of the Police Department in the discharge of his/her duties, or in any way interfere with or hinder or prevent him/her from discharging his/her duty as such officer, or to prevent or endeavor to do so, and it shall be unlawful to assist any person in the custody of the Police Department to escape or attempt to escape from such custody, or to attempt to rescue any person in custody.

4.07 **AUXILIARY POLICE**

A. Appointment: The President is hereby authorized to appoint such auxiliary police as deemed necessary from time to time as employees, subject to the advice and consent of the Village Board. Prior to appointment, all proposed auxiliary police shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Investigation, Washington, D.C., for any possible criminal record. No person shall be appointed as an auxiliary police if he has been convicted of a felony or other crime involving moral turpitude.

The appointment of any or all auxiliary police may be terminated by the President, subject to the advice and consent of the Village Board.

B. Requirements: Auxiliary police shall not be members of the regular Algonquin Police Department. Auxiliary police need not be residents of the Village. Identification symbols worn by such auxiliary police shall be different and distinct from those used by the regular Police Department and shall be selected by the Chief. Auxiliary police shall, at all times during the performance of their duties, be subject to the direction and control of the Chief.

C. Powers and Duties: Auxiliary police shall have the following powers and duties, when properly assigned and on duty:

1. To aid or direct traffic in the Village;
2. To aid in control of natural or manmade disasters;
3. To aid in case of civil disorder;
4. To perform normal and regular police duties when assigned by the Chief on occasions when it is impractical for members of the regular Police Department to perform normal and regular police duties;
5. To arrest or cause to be arrested, with or without process, all persons who break the peace, or are found violating any municipal ordinance or any criminal law of the state;
6. To commit arrested persons for examination;
7. To exercise all other powers as conservators of the peace that the corporate authorities may prescribe;
8. To serve and execute all warrants for the violation of municipal ordinances, or the state criminal law, within the limits of the Village, and for this purpose, to have all the common law and statutory power of sheriffs.

D. Firearms: Auxiliary police shall not carry firearms except with the permission of the Chief and then only when in uniform and in the performance of their duties.

E. Training: Auxiliary police, prior to entering upon any of their duties, shall receive a training course in the use of weapons and other police procedures by the Chief. Such course of training shall be not less than 20 hours in duration. Upon completion of the course of training, a certificate attesting to the auxiliary police's completion of such course shall be filed with the Chief.

F. Compensation: Auxiliary police shall receive such compensation for services performed as established from time to time by the Village.

4.08 **POLICE COMMISSION** *Amended, 07-O-13*

A. Adoption of Division 2.1: The Village adopts the following provisions of Division 2.1, Board of Fire and Police Commissioners, of the Illinois Municipal Code (Chapter 65 of the Illinois Compiled Statutes): 5/10-2.1-1, 5/10-2.1-2, 5/10-2.1-3, 5/10-2.1-10, 5/10-2.1-11, 5/10-2.1-15, 5/10-2.1-16, 5/10-2.1-17, 5/10-2.1-18, 5/10-2.1-19, 5/10-2.1-20, 5/10-2.1-21, 5/10-2.1-22, 5/10-2.1-23, 5/10-2.1-24, 5/10-2.1-25, 5/10-2.1-26 (as applicable to this Chapter) and 5/10-2.1-29. In addition, 5/10-2.1-5, Rules-Publications, is adopted except that such section shall only apply to promotions and the conduct of hearings or charges brought against members of the Police Department and not to the conduct of examinations for original appointments

B. Exceptions: The Village adopts the regulations, provisions, penalties, conditions

and terms in each section of Division 2.1 as provided in Section 4.08-A, except as follows:

1. Section 5/10-2.1-15: Sworn police officers on the promotional eligible register selected for a supervisory position shall serve on a probationary basis for a period of 12 months. If the sworn police officer does not meet the qualifications or fails to perform the functions of the supervisory position during the probationary period, the Chief may demote the sworn police officer to the rank previously held without loss of seniority. If warranted, the Village has the right to seek the sworn police officer's dismissal from the Department as provided in Division 2.1.
2. Section 5/10-2.1-17: When a sworn police officer is found guilty of charges, the Police Commission may discharge, demote or suspend such police officer not exceeding 30 days without pay. The Chief may suspend, without pay, a sworn police officer up to 10 calendar days. The Police Commission shall be notified in writing of any such suspension. Any sworn police officer so suspended may appeal the suspension to the Police Commission within five calendar days after such suspension order has been issued.

C. Commission Membership: Those persons appointed to the Police Commission shall be Village residents.

4.09 **POLICE PENSION FUND and POLICE PENSION BOARD**

Pursuant to Article III of the Illinois Pension Code (40 ILCS 5/3-101 *et seq.*) the provisions of Article III are hereby adopted and all applicable provisions therein (or as amended by the State Legislature in the future) are incorporated herein by reference as if fully set forth herein. Of those persons appointed to the Police Pension Board by the President with the advice and consent of the Village Board, 1 shall be a resident of the Village.

4.10 **COMMUNITY SERVICE OFFICERS**

A. Employment and Qualifications: After an offer of employment has been made, all proposed Community Service Officers shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Investigation, Washington, D.C., for possible criminal record. No person shall be hired as a Community Service Officer if that person has been convicted of a felony or other crime involving moral turpitude. The employment of any Community Service Officer may be recommended for termination by the Police Chief with the approval of the Manager.

B. Requirements: Community Service Officers are civilian members of the regular Police Department of the Village. Community Service Officers need not be residents of the Village. Identification symbols worn by such Community Service Officer shall be different and distinct from those used by the regular Police Department and shall be selected and chosen by the Chief. Community Service Officers shall at all times be under the direction and control of the Chief.

C. Duties and Responsibilities: Community Service Officers shall have the following powers and duties when properly assigned and on duty:

1. To investigate and enforce the ordinances of the Village;
2. To aid or direct traffic in the Village;
3. To represent the Algonquin Police Department in various public relations events;
4. To perform other duties as directed by the Chief.

D. Firearms: Community Service Officers shall not carry firearms.

E. Compensation: Community Service Officers shall receive such compensation for services performed as established from time to time by the Manager and approved by the Village Board under the Merit Compensation Plan.