

ORDINANCE No. 2143-22

AN ORDINANCE APPROVING AMENDED RULES AND REGULATIONS OF THE BOARD OF POLICE COMMISSIONERS

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: The Board and Police Commissioners has proposed amended Rules.

SECTION TWO: That it would be in the best interest of the Village to approve said amended Rules.

SECTION THREE: That the amended Rules attached hereto as Exhibit A are hereby approved.

SECTION FOUR: That this Ordinance shall immediately be in full force and effect and shall not be codified.

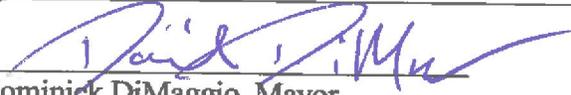
The foregoing Ordinance was adopted by a roll call vote as follows:

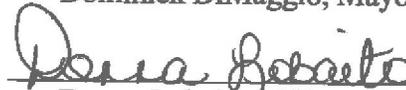
AYES: Kaiser, Press, Bayer, David, McCarthy, Rycheis

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

APPROVED: 
Dominick DiMaggio, Mayor

ATTEST: 
Donna Lobaito, Village Clerk

PASSED: February 28, 2022

APPROVED: February 28, 2022

PUBLISHED: March 2, 2022

Exhibit "A"

Rules and Regulations
of
The Board of Police Commissioners
of the
Village of Hawthorn Woods

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

CHAPTER I – ADMINISTRATION

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

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

SECTION 3: OFFICERS OF THE BOARD AND THEIR DUTIES. The Board shall annually, at the first meeting in May, elect a Chairman and a Secretary. They shall hold office for one year and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. The Secretary shall keep the Minutes of all meetings of the Board in a permanent record book and shall be the custodian of all the forms, papers, books, records, and completed examinations of the Board. Should any change in the membership of the Board result in a vacancy in one or all offices, the new Board shall, at its next meeting, elect new officers to fill unexpired terms. Notwithstanding the foregoing, the Commission may appoint an individual to serve as Secretary who is not also a Commission member.

SECTION 4: MEETINGS

- (a) Regular meetings of the Board shall be held on the second Wednesday of February, May, August, and November at 3:00 p.m. at the Hawthorn Woods Village Hall, 2 Lagoon Drive, Hawthorn Woods, Illinois.

- (b) Special meetings of the Board may be called by the Chairman or any two (2) members of the Board, by filing with the Secretary of the Board a written Notice of Special Meeting. This Notice of Special Meeting shall designate the time and place of the special meeting, a brief statement of the business to be conducted at such special meeting, and no other business shall be considered at such special meeting.
- (c) Notice of special meetings shall be given orally or in writing to all Board members at least forty-eight (48) hours in advance of the meeting. Such notice may be waived in writing.
- (d) During any regular or special meeting a closed session may be held upon a proper motion made by any single member of the Board for any purpose permitted under the Open Meetings Act (5 ILCS 120/1, et seq.). Closed sessions may be limited to Board members and such invited persons, as the Board may deem necessary. The Secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session.
- (e) The Board shall at all times comply with the Open Meetings Act.

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

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

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

SECTION 8: AMENDMENTS TO THE RULES OF THE BOARD. Amendments to the Rules of the Board may be made at any meeting of the Board. All amendments shall forthwith be printed for distribution and notice shall be given of the place or places where said rules may be obtained. Such notice shall be published in a newspaper published in the Village of Hawthorn Woods, or, if no such newspaper is published therein, in a newspaper of general circulation in the Village of Hawthorn Woods. This shall specify the date, not less than ten (10) days after the date of publication when said rules shall become effective.

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

CHAPTER II – APPLICATION

SECTION 1: APPLICATION FORMS. The Board shall furnish application forms for positions within the Police Department. Application forms may be obtained at the Village Hall and/or the Police Department. Applicants for examination must be citizens of the United States.

SECTION 2: FILING APPLICATIONS. Applications for appointment to the Police Department shall be addressed to the Board in care of the Secretary of the Board of Police Commissioners, Village of Hawthorn Woods, or their designee. All applications shall be completed in their entirety and shall be signed by the applicant. The applicant shall furnish with the application a copy of his or her Military Service Record, Discharge Papers, Birth Certificate, High School Diploma, or G.E.D. Certificate.

The Board may reject applicants making inaccurate answers to questions in said applications and the applicant shall be notified of such action.

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

- (a) is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- (b) is physically and/or psychologically unable to perform the essential functions of the position to which he or she seeks appointment.

- (c) has been convicted of a felony or crime involving moral turpitude, as specified in 65 ILCS 5/10-2.1-6.
- (d) has been dismissed from any public service under circumstances that the Board finds unsatisfactory.
- (e) has attempted to practice any deception or fraud in his or her application.
- (f) may be found disqualified in personal qualifications.
- (g) is unable to produce satisfactory character and employment references.
- (h) gives false statements or misrepresents material facts to the Board.
- (i) is or ever has been classified by a local selective service board as a conscientious objector.

The Board shall notify any applicant determined to be ineligible or disqualified hereunder.

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

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

SECTION 6: PHYSICAL AND MEDICAL EXAMINATIONS. Applicants shall be required to submit to a physical and medical examination by a licensed physician approved by the Board of Police Commissioners after a conditional offer of employment has been made.

SECTION 7: PHYSICAL REQUIREMENTS. Applicants must have correctable vision as well as sufficiently normal depth perception and color vision that will allow an individual to perform the essential functions of the job.

SECTION 8: AGE REQUIREMENTS. All applicants for a position in the police department shall be under thirty-five (35) years of age on the last date on which applications may be submitted, to participate in any examination, except as otherwise provided by statute. At the time of original appointment to the police department, individuals must have attained twenty-one (21) years of age.

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

CHAPTER III – EXAMINATIONS

A. ORIGINAL APPOINTMENTS – General provisions;

SECTION 1: NOTICE OF EXAMINATIONS. Except for police lateral candidates an orientation meeting must be attended, at which time dates for further examinations will be announced. At the option of the Board, the written examination may be held on the same day as the orientation. Examinations shall be held on the dates fixed by the Board and advertised at least 2 weeks preceding the examination in a local paper in accordance with the statutes of the State of Illinois. Examinations may be postponed, however, by order of the Board, which order shall state the reason for such postponement and shall designate a new date for the said examination. Applicants shall be notified of the postponement of any examination and the new date fixed for the said examination.

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

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

- (b) The position to be filled from the resulting eligibility list.
- (c) The location where applications may be obtained and the date by which applications must be returned to the Board.

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

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

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing Grade</u>
Orientation	--	Pass or Fail
Written Test	60%	70%
Subjective Component	40%	70%
Background Investigation	--	Pass or Fail

In-depth Psychological	--	Pass or Fail
Medical Examination	--	Pass or Fail

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

B. RESERVED

C. ORIGINAL APPOINTMENTS - WRITTEN EXAMINATIONS:

SECTION 1: WRITTEN EXAMINATIONS REQUIRED. Eligible applicants must submit themselves to a written examination at the time and place designated by the Board. Police lateral candidates are exempt from the written examination requirement.

SECTION 2: TEST PROCEDURE. Directions for taking the written test will be given at the time of the examination. Applicants are required to leave all test materials in the examination room when leaving. Persons violating this rule may be disqualified.

SECTION 3: CONDUCT OF WRITTEN EXAMINATION. Written examinations shall be conducted and graded by the Board or by an agent appointed by the Board. Applicants who receive a mark or less than seventy percent (70%) shall be deemed to have failed the written examination and will be so notified. Applicants who fail the written examination are ineligible to participate in any other components of the testing process.

SECTION 4: FINALITY. All examinations shall remain the property of the Board and the grading thereof by the Board or its agent shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description.

D. ORIGINAL APPOINTMENTS - SUBJECTIVE COMPONENT:

The Written Examination score shall be weighted 60% and the Subjective Component score shall be weighted 40%. The process of creating composite scores shall consist of the following steps:

1. The Written Examination and Subjective Component scores will each be converted to standardized scores (z-scores) based upon the sample mean and standard deviation;
2. The standardized scores will be combined into a single score according to the weights previously described;
3. The composite z-score will then be converted to a scaled score (t-score) on a 100 point scale; and
4. A list shall be created in rank order based upon the resulting scaled scores.

E. ORIGINAL APPOINTMENTS - MISCELLANEOUS PROVISIONS

SECTION 1: ELIGIBLE REGISTER

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

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

- b. Final Eligibility Register. The Board will prepare a "Final Eligibility Register" which shall include claimed preference points. In the event of a tie score, applicants shall take rank upon the Final Eligibility Register in the order of their relative excellence as determined by their numerical score on their written examination. If the tied applicants have the same numerical score on their written examination, such applicants shall take rank upon the Final Eligibility Register as determined by lot, in the presence of a quorum of the Board in whatever manner of Board deems appropriate. A dated copy of the Final Eligibility Register shall be posted and sent to each person appearing thereon. The Final Eligibility List will remain in force for some time as determined by the Commission and can be replaced by the Commission upon request from the Chief of Police. Lateral police candidates will be compiled on a separate Lateral Police Candidate List, that will run concurrently with the traditional Eligibility List. Applicants shall be appointed from the Final Eligibility Register in descending order to fill a vacancy. Notwithstanding anything to the contrary contained within these rules and regulations, the Board may, at its discretion, choose to appoint an applicant from either eligibility list who has been awarded a certificate attesting to his or her successful completion of the Minimum

Standards Basic Law Enforcement Training Course, as provided by the Illinois Police Training Act, ahead of non-certified applicants.

Appointment from this Final Eligibility Register is subject to satisfactorily passing a thorough background investigation (which may include a polygraph examination and an oral interview to assess the applicant's employment history). After the successful completion of the background investigation, and after a conditional offer of employment has been tendered to the applicant, the applicant must successfully pass a medical examination (which may include a test of the applicant's vision and hearing, along with a test to screen for the presence of alcohol and/or illegal drugs), and a psychological examination. Failure to take or participate in or pass any of these examinations or investigations shall result in the elimination of the applicant's name from the "Eligible Register" and any further consideration for appointment. Any applicant who shall be removed from the "Eligible Register" for failure to take or pass any such examination shall be so notified by the Board.

c. Police Lateral Entry Applicants

Lateral entry to the police department shall be open to any full-time police officer who is employed by any municipal, township, county, parish, university, state, commonwealth, federal, or regularly constituted law enforcement agency. In addition to requirements outlined in 65 ILCS 5/10-2.16, applicants must:

- a) Provide documentation of continuous service as a police officer for a minimum of two years, and
- b) Be in good standing in the police department in which the person currently serves, and

1. If currently serving as a police officer within the State of Illinois, certification from the Illinois Training and Standards Board as a certified full-time police officer, or
2. If currently serving as a police officer outside the State of Illinois, be eligible to be granted a waiver of basic training from the Illinois Law Enforcement Training and Standards Board.

F. APPOINTMENT TO POLICE FORCE

SECTION 1: APPOINTMENT OF PROBATIONARY OFFICERS. Offers of employment may be made from either the final Eligibility List or the Lateral Police Candidate List. Upon confirmation that an applicant has passed the medical and psychological examinations, the Board shall appoint such applicant as a probationary police officer of the Village of Hawthorn Woods. The period of probation shall be eighteen (18) months from the date of appointment. The Board shall notify the Chief of Police and the corporate authorities of all appointments of probationary police officers. Notwithstanding anything contained in these rules and regulations to the contrary, the Board may, at its discretion, choose to appoint an applicant who has been awarded a Certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided by the Illinois Police Training Act, ahead of non-certified applicants.

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

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

G. PROMOTIONAL EXAMINATIONS.

SECTION I: GENERAL. The Board shall provide for promotion in the police service based on ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank, excluding probationary police officers, who desire to submit themselves to such examination. The method of examination and the rules governing the same are as provided for applicants for original appointment, except as follows:

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

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing Grade</u>
Written Test	60%	--
Oral Interview	40%	--
Seniority (1/2 per year to a maximum of ten (10) years)	Up to 5 points.	--
Chief's Points (Total of 10 points to be awarded)	Up to 10 points	--

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

SECTION 3: ELIGIBLE REGISTER. Applicants shall take rank upon the "Eligible Register" in order of their relative excellence as determined by the written examination, oral interview, Chief's points if given, seniority points, and military preference points, without reference to priority of time of examination. In the event that two (2) or more applicants attain identical numerical scores, said applicants shall take rank upon the "Eligible Register" in the order of their relative excellence as determined by their numerical score on the written examination. In the event that the tied applicants have the same numerical score on their written examination, such applicants shall take rank upon the "Eligible Register" as determined by lot, in the presence of a quorum of the Board in whatever manner the Board deems appropriate.

The Board shall make all promotions from the three (3) applicants or candidates having the highest rating. Where there are less than three (3) applicants or candidates named on the "Eligible Register", appointments to fill existing vacancies shall be made from those name or names remaining on the promotional "Eligible Register." The Board shall strike off the names of applicants for promotional appointment after they have remained thereon for more than three (3) years provided there is no vacancy existing that can be filled from the promotional register. To determine that a vacancy exists, the Board must have received notice from the corporate authorities to fill an existing vacancy before the date the name(s) are to be stricken from a promotional "Eligible Register."

H. SCOPE OF APPOINTMENTS - ACCEPT OR DECLINE

(a) The Board shall make all appointments (original and promotional) to the Police Department except for the Deputy Police Chief (who is appointed by the Chief of Police)

and Chief of Police who shall, under the terms of the Village Code, be appointed by the Mayor with the advice and consent of the Board of Trustees.

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

CHAPTER IV - ORDER OF RANK CLASSIFICATION AND OATH OF OFFICE

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

SECTION 2: CLASSIFICATION. The Board shall fix and maintain standards for the conduct of examinations for original appointment or promotion to each of the ranks established by ordinance of the Village pursuant to Section 1 hereof.

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

"I, _____, DO SOLEMNLY SWEAR THAT I WILL support the Constitution of the United States, and the Rules of the Hawthorn Woods Police Department, and that I will faithfully discharge the duties of the Office of _____ according to the best of my ability."

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 20____.

(Signed) _____

**CHAPTER V - HEARING OF CHARGES, REMOVAL,
SUSPENSIONS AND DISCHARGES**

SECTION 1: DEFINITIONS. As used herein, the following terms shall be given

and be deemed to have the meanings hereinafter provided:

- COUNSEL:** Any attorney registered and licensed to practice law under the laws of the State of Illinois or any other State with which the State of Illinois has reciprocity.
- CAUSE:** Some substantial shortcoming that renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something that the law and sound public opinion recognize as cause for the officer no longer occupying his position. The Board shall have the right and power to determine what constitutes cause.
- COMPLAINANT:** The Police Chief or Chief Operating Officer who files written charges against a police officer of the Village of Hawthorn Woods.
- RESPONDENT:** Any police officer against whom written charges have been filed, or who is appealing a suspension pursuant to Section 2 (c) of this Chapter V.
- PREPONDERANCE OF EVIDENCE:** The greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered, produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- BURDEN OF PROOF:** That burden which rests upon a Complainant or a Respondent who is appealing a suspension pursuant to Section 2(c) of this Chapter V to establish the affirmative of an issue or the existence of a material fact or facts by the degree or quantum of proof required. A Complainant has the burden of proof to establish that cause does exist by a preponderance of evidence and a Respondent who is appealing a suspension has the burden of proof to establish that a suspension is unwarranted by a preponderance of the evidence. Should the question of a crime be involved, the rule of "reasonable doubt" shall not control.

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

- (a) **CHARGES:** In all cases, written charges shall be filed, in quadruplicate, with the Secretary of the Board, setting forth a plain and concise statement of the facts upon which the complaint is based.

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

SECTION 3: CONDUCT OF HEARING.

- (a) **RULES OF PROCEDURE - EVIDENCE:** Hearings conducted hereunder are not common law proceedings and the technical rules of evidence as well as those rules established under the "Code of Civil Procedure" shall not apply.
- (b) **DATE OF HEARING:** The date for the hearing of charges or the appeal of a suspension shall be set by the Board within thirty (30) days of time of filing of such charges or Notice of Appeal. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the Board.
- (c) **SUSPENSION PENDING HEARING:** The Board may suspend any police officer against whom charges have been filed, pending a hearing of the charges by the Board, said suspension not to exceed thirty (30) days without pay at any one (1) time.
- (d) **NOTICE OF HEARING - SUSPENSION PENDING HEARING:** The Secretary of the Board shall notify both the Complainant and Respondent, by registered or certified mail, return receipt requested, or personally, of the time and place of the hearing of any charges or appeal. Where charges have been filed, the Respondent shall also be served with a copy of said charges; and if an order of suspension is entered by the Board pursuant to Section 3(c) above, it shall be served by registered or certified mail, return receipt requested, or personally, on the Respondent.

- (e) OPEN HEARINGS: All hearings of the Board shall be public hearings conducted in conformance with the requirements of the Open Meetings Act 5 ILCS 120/1 et seq. unless the Board on its own motion or the motion of a party decides to hold some part or all of a disciplinary hearing in closed session pursuant to 5 ILCS 120/2(c)(1).
- (f) COUNSEL: All parties to any proceeding before the Board may be represented by counsel if they so desire.
- (g) CONTINUANCES: The granting of continuances requested by any party shall be within the sole discretion of the Board. A continuance requested by a police officer will be made only if the officer expressly waives any right to backpay in the event the continuance prolongs the officer's temporary unpaid suspension beyond thirty (30) days.

Should the Board grant a request for continuance made by a police officer, or counsel on his behalf, said police officer shall not be compensated for the period of such continuation should the police officer eventually be restored to his position as the result of the hearing.
- (h) SUBPOENAS: Either the Complainant or the Respondent may, at any time before the hearing, make an application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts, and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such requests, subpoenas will be issued for the named persons. Subpoenas may be served by any person twenty-one (21) years of age and older designated by the party requesting said subpoenas. Requests for subpoenas must contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents that they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.
- (i) MOTIONS AND OBJECTIONS: Any motion or objection relating to the sufficiency of any charges filed against a police officer must be filed or made not less than seven (7) days before the date on which said charges are set for hearing, such motions or objections shall be the first matters considered by the Board. The Board shall enter upon the record its rulings with respect to such motions and objections before the hearing in chief proceeds. During the course of the hearing, any motion made attacking the relevancy of any matter offered into evidence shall be subject to a ruling by the Board, which shall be entered upon the record.
- (j) STIPULATIONS: Parties may, on their own behalf or by counsel, stipulate, either in writing or on the record, as to any fact or circumstance having evidentiary or probative value to the matters being considered by the Board. The facts so stipulated shall be entered upon the record and shall be considered as evidence in the proceedings.

(k) **TRANSCRIPTS:** All proceedings before the Board during the conduct of any hearing shall be recorded by a court reporter to be employed by the Board. (1)
All witnesses shall be sworn by the Chairman of the Board, or Commissioner acting in his stead, before testifying and the matter will be decided by the Board solely on the evidence presented at the hearings.

(m) **BURDEN OF PROCEEDINGS:** The Board will first hear the witnesses substantiating the charges which have been made against the Respondent or, in the case of an appeal, the witnesses substantiating the suspension given by the Chief of Police. Thereafter, the Respondent may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

SECTION 4: FINDINGS AND DECISION - APPEALS, CHARGES.

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

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

(b) **APPEALS:** In the case of an appeal, the Board may sustain the action of the Chief of Police, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may suspend the officer for an additional period of not more than thirty (30) days, or discharge him, depending on the evidence presented.

(c) **CHARGES:** In the event, any police officer shall be found guilty of charges preferred against him after a hearing by the Board, he may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay.

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

SECTION 5: HEARINGS - GENERAL PROVISIONS

(a) **FORMS OF PAPER:**

1. All papers filed in any proceeding shall be typewritten or printed and shall be one (1) side of the paper only.
2. If typewritten, the lines shall be double-spaced, except that long quotations may be single-spaced and indented.

3. All papers shall not be larger than eight and one-half inches (8-1/2") wide by eleven inches (11") long and shall have inside margins of not less than one inch (1").
 4. The original of all papers filed shall be signed in ink by the party filing the paper or by any officer, agent, or attorney thereof.
 5. If papers are filed by an attorney, his name and address shall appear thereon.
- (b) **FILING OF PAPERS:** All papers shall be filed with the Board by mailing them or delivering them personally to the Secretary of the Board or his designated agent, at 2 Lagoon Drive, Hawthorn Woods, Illinois 60527. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received at the above address, in the event the paper was delivered personally or by messenger. In the event the paper is filed by mail, then the filing date shall be the date that is postmarked on the envelope by which such paper was transmitted.
- (c) **SERVICE OF PAPERS:** All papers required by these Rules and Regulations to be served upon parties to any proceeding hereunder shall be delivered personally to the said party or mailed by United States mail in a properly addressed envelope with postage prepaid to said party at his last known residence. Alternatively, service on an opposing party will be recognized if sent via electronic mail to the email address of the party or the party's counsel. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally or by filing a return receipt showing that the paper was mailed, by either registered or certified mail, return receipt requested, to a party's address evidencing receipt by said party.
- (d) **COMPUTATION OF TIME:** The time within which any action under these Rules is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute or ordinance now or hereafter in force in the Village, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday, then such a succeeding day shall also be excluded.

SECTION 6: GENERAL PROVISIONS

- (a) **VIOLATION OF RULES:** All members of the Police Department of the Village shall be subject to the Rules and Regulations of said Department, and the Rules and Regulations of the Board, and a violation of such Rules or Regulations shall be cause for the filing of charges before the Board, a subsequent hearing and action by the Board on such charges.
- (b) **VIOLATION OF LAW:** Any violation of the laws of the municipality or State or Federal laws, by any member of the Police Department of the Village shall be cause for the filing of charges against such officer.

- (c) **SEVERABILITY:** The invalidity of any provisions of these Rules and Regulations shall not impair the validity of any other provision. If any provision of these Rules and Regulations is determined by a court of competent jurisdiction to be unenforceable, that provision will be deemed severable and these Rules and Regulations may be enforced with that provision severed or as modified by the court.

Adopted by the Board of Police Commissioners of the Village of Hawthorn Woods, Illinois effective February 23, 2022, and as amended hereafter.

BOARD OF POLICE COMMISSIONERS

VILLAGE OF

HAWTHORN WOODS, ILLINOIS



Commission Chairman

Tom Stevens



Commission Secretary

Joe Blanchette



Commissioner

Harry Mazzone

Adopted: February 23, 2022