

# **EXHIBIT 68**

# **RULES & REGULATIONS**

**NOTE: FILE ONE OF TWO**

## **CITY OF CHICAGO / DEPARTMENT OF POLICE**

### **RULES AND REGULATIONS**

### **OF THE POLICE DEPARTMENT**

### **CITY OF CHICAGO**

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the City of Chicago, the Police Board hereby publishes the following Rules and Regulations for the control, disposition and governance of the employees of the Chicago Police Department. This Police Board action of 13 December 1973, unless otherwise indicated, continues in effect all previous rules and regulation not inconsistent herewith.

MARLIN W. JOHNSON  
President, Police Board

REV. WILBUR N. DANIEL  
Vice-President, Police Board

PAUL W. GOODRICH  
Member, Police Board

LOUIS F. PEICK  
Member, Police Board

SEBASTIAN RIVERA R.  
Member, Police Board

RAYMOND J. HAUSER  
Secretary, Police Board

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**I. REGULATIONS FOR THE GOVERNANCE OF THE POLICE DEPARTMENT**

**A. General**

The motto "We Serve and Protect" states the essential purpose of the Chicago Police Department. The Department serves the citizens of the City of Chicago by performing the law enforcement function in a professional manner, and it is to these citizens that it is ultimately responsible. The Department protects the right of all persons within its jurisdiction to be free from criminal attack, to be secure in their possessions and to live in peace.

A large urban society free from crime and disorder remains an unachieved ideal, nevertheless, consistent with the values of a free society, it is the primary objective of the Chicago Police department to as closely as possible approach that ideal. In doing so, the Department's role is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons.

**B. Standards of Conduct**

Police officers are frequently required to make decisions affecting human life and liberty in difficult situations where there is little or no opportunity to seek advice and little time for reflection. Law enforcement, therefore, requires an officer to have the stamina, intelligence, moral courage and emotional stability necessary to fairly and impartially deal with the human beings in the many complicated and potentially explosive situations which he encounters. It is incumbent that the department utilize the best recruitment and

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psychological testing techniques available and to thereafter provide training for all personnel in order to ensure that the highest level of professional conduct is achieved. Due to the constant stress which is inherent in police service, the psychological and emotional stability of all members must be assured. Therefore, testing techniques must be available and utilized on a continuing basis for the good of the Department and the community. It must be designed to identify and isolate behavior characteristics of members who have become unsuitable during their tenure in the Department.

It is in the best interests of law enforcement that the Department attract and promote the most qualified individuals available without regard to race, religion, ethnic background or any other such consideration. However, all such policy must be designed to promote and encourage qualified representation from all segments of the community.

The Law Enforcement Code of Ethics is adopted as a general standard of conduct for all sworn members of the Department. It states:

“As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder and to respect the Constitutional rights of all men to liberty, equality and justice.”

“I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.”

“I will never act officially or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.”

“I recognize the badge of my office as a symbol of public faith, and accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.”

The public demands that the integrity of its law enforcement officers be above

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reproach, and the dishonesty of a single officer may impair public confidence and cast suspicion and disrespect upon the entire Department. Succumbing to even minor temptation can be the genesis which will ultimately destroy an individual's effectiveness and contribute to the corruption of countless others. A member must scrupulously avoid any conduct which might compromise the integrity of himself, his fellow members or the Department.

A police officer is the most conspicuous representative of government, and to the majority of the people he is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when his actions are found to be excessive, unwarranted or unjustified he, and the Department, are criticized for more severely than comparable conduct of persons in other walks of life. Since the conduct of a member, on or off duty, does reflect directly upon the Department, a member must at all times conduct himself in a manner which does not bring discredit to himself, the Department or the city.

Effective law enforcement depends upon a high degree of cooperation between the Department and the public it serves. The practice of courtesy in all public contacts encourages understanding and appreciation; courtesy breeds contempt and resistance. The majority of the public are law abiding citizens who rightfully expect fair and courteous treatment by members of the Department. While the urgency of a given situation would demand firm action, courtesy or disrespect shown toward a citizen is indefensible. The practice of courteous and respectful conduct by a member is not a manifestation of weakness; it is, on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional police officer.

Members of the Chicago Police Department are confronted daily with situations where firm control must be exercised to effect arrests and protect the public safety. Control is achieved through advice, persuasion, warnings or the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances involved. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm. The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances.

As one of the world's largest cities, Chicago is composed of many different communities, each with its own lifestyle and customs and each with its own crime problems. The cosmopolitan nature of the City is manifested by the diverse ethnic and sociological background of its people. However, all persons in each area of the city share the common need of protection and service which is afforded by fair and impartial law enforcement. In addition, as a person moves throughout the City, he must be able to expect a similar police response to his behavior wherever it occurs. When the law is not evenly and fairly enforced, there follows a reduction in respect for the law and resistance to its enforcement.

In order to respond to varying law enforcement needs in different parts of the City, the Department must have flexibility in deployment and methods of enforcement; however, enforcement policies should be formulated on a city wide basis and uniformly in all areas of the city and for all groups and individuals. To ensure equal treatment in similar circumstances, a member must be alert and sensitive to situations where, because of a language barrier or for some other reason, he must display patience and understanding with what might otherwise appear to be a lack of response.

A recognition of individual dignity is vital in a free system of law. Just as all persons are subject to the law, all persons have a right to dignified treatment under the law, and the protection of this right is a duty which is as binding on the Department and each of its members, as any other. Every member must treat each person with respect and he must be constantly mindful that the people with whom he is dealing are individuals with human emotions and needs. Such recognition and conduct is not an additional duty imposed to a member's primary responsibilities, it is inherent in them.

The Department must be responsive to the needs and problems of the various communities which it serves. While its task is governed by the law the policies formulated to guide and implement its enforcement must include consideration of the public will. This responsive must be manifested at all levels of the Department by a willingness to listen and by a genuine concern for the problems of individuals and groups. The total needs of the community must become an integral part of the programs designed to carry out the mission of the Department.

Law enforcement operations in a free society must not be shrouded in secrecy. It is necessary that there be public disclosure of policies and programs and an openness in matter of public interest. Consistent with the protection of legal rights of the individuals under investigation or arrest, and with a consideration of the necessity for maintaining the confidentiality of Department records and of other primary Departmental responsibilities, the Department must communicate accurate and factual accounts of occurrences of public interest and make known its objective to serve.

Daily contact with citizens is the level that bears the greatest burden for strengthening community relations. In dealing with people each member must strive to make his contact one which inspires respect for himself as an individual and as a professional. No member can allow his individual feelings and/or prejudices to enter into his public contacts. Every member must constantly be aware of and eliminate any attitudes which might impair his effectiveness and impartiality.

Community relations and citizen contact is based upon the principle that in a democratic society and police are an integral and indivisible element of the public they serve. A System of law and its enforcement is not superimposed upon a unwilling public; the law is created by the people themselves to control the behavior of those who would seek to interfere with the community welfare and existence.

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While the primary responsibility for enforcement of the law lies with the individual citizen, the complexities of society have required the creation of police service to assist in maintaining social order. The police represent only a portion of the total resources expended by the public to this end. However, this effort frequently being restrictive of individual freedom brings the police into contact with citizens under circumstances which have a far reaching impact upon the lives of the affected individuals. A citizen's encounter with the police can be a very frightening experience, and under such circumstances, the risk of misunderstanding is great. The minimization of this risk is a challenge intrinsic in every public contact by the members of this Department. Each member of the Department must strive to establish a climate where he may perform his sworn duties with the acceptance, understanding and approval of the public.

To promote such acceptance, understanding and approval there must be communication between individual citizens and groups and members of the Department at all levels. The Department must encourage productive dialogue with the public to ensure that the unity of the police and the community is preserved.

To this end the professional and private lives of all members must be beyond reproach. There is an immediate lowering of esteem and suspicion of ineffectiveness when there is public contact by a member evidencing the use of intoxicants. Additionally, the stresses of law enforcement require an employee to be mentally alert and physically responsive. The consumption of intoxicants, therefore, cannot be tolerated while a member is on duty, except to the minimum requirements of a specific police assignment. Every member must also be constantly aware that while technically off duty he is subject to respond to any emergency requiring his service. The off duty use of intoxicants must therefore, be moderate in order to allow the mental and physical requirements for immediate response. An off duty member under the influence of any intoxicant represents a danger to himself and to others and cannot, therefore, be permitted.

As most police work is necessarily performed without close individual supervision, the responsibility for the proper performance of a member's duty, whether he be on or off duty, lies primarily with the member himself. A member carries with him, as all times, the responsibility for the safety of the community. He discharges that responsibility by the faithful and dedicated performance of his assigned duty and an immediate and intelligent response to emergency. Anything less violates the trust placed in him by the community, and nothing less qualifies as professional conduct.

It is essential that public confidence be maintained in the ability of the Department to investigate and properly dispose of complaints against its members. Additionally, the Department has the responsibility to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. The rights of the member, as well as those of the public, must be preserved and any investigation arising from a complaint must be conducted fairly, impartially and efficiently, with the truth as its primary objective.

## **II. REGULATIONS ESTABLISHING THE GOALS OF THE DEPARTMENT**

To implement the foregoing regulations of the Chicago Police Department the following goals are hereby established:

- A. Protection of life, limb and property in the City of Chicago.
- B. Prevention of crime.
- C. Preservation of the public peace.
- D. Enforcement of all laws and ordinances.
- E. Arrest of law violators, and assembling competent evidence of the alleged violation.
- F. Promotion of respect and cooperation of all citizens for the law and for those sworn to enforce it.

## **III. REGULATIONS ESTABLISHING THE GOALS OF DEPARTMENT MEMBERS**

The goals of Department members which embody and implement the policy of the Department are:

- A. Maintenance of the highest standards of integrity and ethics.
- B. Excellent in the performance of duty.
- C. Maintenance of private lives which inspire respect and admiration and provide an example for the entire community.

## **IV. REGULATIONS ESTABLISHING THE DUTIES OF MEMBERS**

To attain the Department's goals, the members' goals and to implement the regulations of the Department the following duties are established for the Department:

### **A. Superintendent**

The Superintendent of Police will plan, organize, staff, direct and control the personnel and resources of the Department to attain the goals and implement the

regulations set forth herein.

### **B. Supervisory Members**

Supervisory members will be responsible for adherence to the Department's Rules, Regulations, Policies, Orders and Procedures. They are responsible and accountable for the maintenance of discipline and will provide leadership, supervision and continuing training and example to ensure the efficiency of unit operations. They have the responsibility to influence subordinate members and to motivate them to perform at a high level of efficiency. They have the responsibility for the performance of all subordinates placed under them and while they can delegate authority and functions to subordinates, they cannot delegate responsibility. They remain answerable and accountable for failures or inadequacies on the part of their subordinates.

They will:

1. Lead, direct, train, supervise, and evaluate members in their assigned duties.
2. Provide leadership and guidance in developing loyalty and dedication to the police profession.
3. Perform specific duties and functions as assigned by the Superintendent or a superior officer.
4. Uphold a member who is properly performing his duty, deal fairly and equitably with all members and, when necessary, correct a subordinate in a dignified manner.
5. Cooperate with other units of the Department, other city agencies and other police agencies.
6. Recommend remedial or disciplinary action for inefficient, incompetent or unsuitable members.
7. Ensure that all Policy, Rules, Regulations, Orders and Directives of the Department are enforced and implemented by their subordinates.
8. Remain accountable for the failure, misconduct or omission by their subordinates.

### **C. Sworn Members**

Sworn members will devote themselves fully to the attainment of the letter and spirit of the Department policy and goals, and will conduct themselves at all times in such a manner as will reflect credit upon the Department with emphasis on personal integrity and professional devotion to law enforcement.

They will:

1. Render the highest order of police service to all citizens, whether or not during specifically assigned hours.
2. Obey all laws and promptly execute all lawful orders.
3. Know and conform to the Department's Policy, rules, Regulations, Orders, Procedures and Directives.
4. Receive, record and service immediately all complaints and requests for service in accordance with Department Orders.
5. Provide security and care for all persons and property coming into their custody.
6. Maintain a military bearing and render military courtesy when in uniform.
7. Maintain a courteous and respectful attitude toward all persons.

#### **D. Civilian Members**

Civilian members will perform their assigned duties promptly and efficiently;

They will:

1. Obey all laws and execute all lawful orders.
2. Be bound by the Policy, Rules, Regulations, Orders, Procedures and Directives of the Department.

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## **CITY OF CHICAGO / DEPARTMENT OF POLICE**

### **RULES AND REGULATIONS**

### **OF THE POLICE DEPARTMENT**

### **CITY OF CHICAGO**

#### **V. RULES OF CONDUCT**

In addition to the positive requirements of all the foregoing sections, the following rules of conduct set forth expressly prohibited acts.

Prohibited acts include:

Rule 1

Violation of any law or ordinance.

Rule 2

Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

**COMMENT:** This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy,

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goals, rules, regulations, orders or directives of the Department.

Rule 3

Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

**COMMENT:** This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules, regulations, orders and directives of the Department or fail to report to the Department any and all known violations of same, or who through carelessness, inefficiency or design fail to become aware of any such violation, when their assigned duty or supervisory responsibility would require them to become so aware.

Rule 4

Any conduct or action taken to use the official position for personal gain or influence.

Rule 5

Failure to perform any duty.

Rule 6

Disobedience of an order or directive, whether written or oral.

**COMMENT:** This Rule prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.

Rule 7

Insubordination or disrespect toward a supervisory member on or off duty.

Rule 8

Disrespect to or maltreatment of any person, while on or off duty.

Rule 9

Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

**COMMENT:** Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

Rule 10

Inattention to duty.

Rule 11

Incompetency or inefficiency in the performance of duty.

Rule 12

Failure to wear the uniform as prescribed.

Rule 13

Failure adequately to secure and care for Department property.

Rule 14

Making a false report, written or oral.

Rule 15

Intoxication on or off duty.

Rule 16

Entering any tavern or bar while on duty or in uniform, except in the performance of a police duty.

Rule 17

Drinking alcoholic beverages while on duty or in uniform, or transporting alcoholic beverages on or in Department property, except in the performance of police duty.

Rule 18

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- a. Engaging directly or indirectly in the ownership, maintenance, or operation of a tavern or retail liquor establishment.
- b. Engaging directly or indirectly in the ownership or leasing of a taxicab.

(Adopted by the Police Board on 8 November 1979)

Rule 19

(Repealed 8 May 1975 by the Police Board)

Rule 20

Failure to submit immediately a written report that any member, including self, is under investigation by any law enforcement agency other than the Chicago Police Department.

Rule 21

Failure to report promptly to the Department any information concerning any crime or other unlawful action.

Rule 22

Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

Rule 23

Failure to obey Department orders concerning other employment, occupation, or profession.

Rule 24

Failure to follow medical roll procedures.

Rule 25

Failure to actually reside within the corporate boundaries of the City of Chicago.

Rule 26

Failure to provide the Department with a current address and telephone number.

Rule 27

Failure to report promptly any anticipated absence from duty.

Rule 28

Being absent from duty without proper authorization.

Rule 29

Failure to be prompt for duty assignment, including roll call and court appearance.

Rule 30

Leaving duty assignment without being properly relieved or without proper authorization

Rule 31

Publicly criticizing the official actions of another Department member, when the result of such criticism can reasonably be foreseen to undermine the effectiveness of the official working relationship of the member within his assigned unit. All such criticism should be made and reported to the Department.

**COMMENT:** The nature of the mission of the Police Department requires a close and confidential relationship between members and their superiors and between fellow members. Public criticism of the official actions of other Department members could seriously impair that relationship, which would be detrimental to the Department's ability to achieve its goals and implement its policies. All public criticism of other members is not prohibited; however, when the effect of the public criticism can reasonably be foreseen to have a detrimental effect on the member's effectiveness within his unit, the member must refrain from such conduct or the good of the Department and the public welfare and safety.

Rule 32

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Engaging in any public statements, interviews, activity, deliberation or discussion pertaining to the Police Department which reasonably can be foreseen to impair the discipline, efficiency, public service, or public confidence in the Department or its personnel by:

- (a) false statements, or reckless, unsupported accusations.
- (b) the use of defamatory language, abusive language, invective or epithets.

Rule 33

Sitting in a public conveyance while in uniform or as a non-paying passenger when paying passengers are standing.

Rule 34

Failure to keep vehicle in public view while assigned to general patrol duty except when authorized by a supervisory member.

Rule 35

Concealing a Department vehicle for the sole purpose of apprehending traffic violators.

Rule 36

Permitting any person not on official police business to ride in a Department vehicle unless specifically authorized.

Rule 37

Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

Rule 38

Unlawful or unnecessary use or display of a weapon.

Rule 39

Failure to immediately make an oral report to the desk sergeant at the

District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member.

Rule 40

Failure to inventory and process recovered property in conformance with Department orders.

Rule 41

Disseminating, releasing, altering, defacing or removing any Department record or information concerning police matters except as provided by Department orders.

Rule 42

Participating in any partisan political campaign or activity.

Rule 43

Discussing bail with a person who is in custody except by those specifically authorized to let to bond.

Rule 44

Giving an opinion as to fine or penalty.

Rule 45

Recommending any professional or commercial service.

Rule 46

Advising any person engaged in a professional or commercial service that such professional or commercial services may be needed.

Rule 47

Associating or fraternizing with any person known to have been convicted of any felony or misdemeanor, either State or Federal, excluding traffic and municipal ordinance violations.

Rule 48

Soliciting or accepting any gratuity, or soliciting or accepting a gift, present, reward, or other thing of value for any service rendered as a Department member, or as a condition for the rendering of such service, or as a condition for not performing sworn duties.

Rule 49

Giving to or receiving from any other member any gift, present, or gratuity excluding gifts accepted from relatives or close friends upon appropriate occasions. No supervisory member will receive a present from subordinate members.

Rule 50

Giving any gift, present, or gratuity to another member or a person not in his family without the specific approval of the Police Board, excluding donations not exceeding three dollars given in honor of retirements, or to hospitalized or deceased members, provided a member above the rank of captain has approved of the donation. Party, dinner, and entertainment expenses will be paid for individually by persons attending without prior collection through Department channels.

Rule 51

- A. Failure to testify or give evidence before any grand jury, coroner's inquest or court of law or before any governmental, administrative, or investigative agency (city, state or federal) when properly called upon to do so, and when there is no properly asserted constitutional privilege, or when immunity from prosecution has been granted.
- B. Failure to cooperate when called to give evidence or statements by any investigative branch or superior officer of the Chicago Police Department or the Police board when the evidence or statements sought relate specifically, directly and narrowly to the performance of his official duties. If the member properly asserts a constitutional privilege, he will be required to cooperate if advised that by law any evidence or statements given by him cannot be used against him in a subsequent criminal prosecution.

(Effective 1 January 1975)

Rule 52

Seeking or soliciting contributions of any kind from anyone, by any means,

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for any purpose, under any circumstances, including collections for charitable purposes by any member or his agent, group of members or their agents, and including any sale or solicitation by any member or his agent, group of members or their agents, of advertising for any police journal, magazine or other publication identified with the Chicago Police Department or any association of its members, except as specifically authorized by resolution of the Police board.

The member shall be subject to disciplinary action for any violation of this provision by his agent. The officers, directors, or trustees of any association identified with members of the Chicago Police Department shall be subject to disciplinary action for any violation of this provision make on behalf of the associations by any member thereof or agents.

These provisions do not apply to the solicitation of police personnel by police associations for memberships or dues.

Rule 53

Participating in, encouraging the participation of others in, or otherwise supporting any strike, demonstration, slowdown, or other such concerted action against the Department.

Rule 54

- A. Joining or retaining membership in, or soliciting other members to join any labor organization whose membership is not exclusively limited to full time law enforcement officers. It is provided that this Rule will not apply to civilian members nor to membership in any labor organization in connection with, and relating solely to, approved secondary employment of sworn members.
- B. Joining or retention of membership by supervisory personnel in any labor organization, whose membership is composed of rank and file members of the Department, and whose purpose is to represent its members concerning wages, hours, and working conditions. It is provided that this Rule will not apply to the joining or retention of membership with rank and file members of the Department in organizations whose primary purpose is social, religious, ethnic or racial.

**COMMENT:**

- A. Labor-management disputes frequently develop into situations

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requiring the presence and/or action of law enforcement officers to ensure that the rights of both labor and management are not violated by criminal acts. Law enforcement's posture is these disputes must be one of strict and absolute neutrality and impartiality. This policy of absolute neutrality and impartiality is seriously threatened and potentially undermined if the labor organization or union involved in the dispute is in any way associated with the representation of law enforcement of the law enforcement profession. Membership in a labor union as defined above creates a potential conflict of interest which conflict is specifically prohibited by the Law Enforcement code of Ethics to which we all adhere and which could lead to acts or failures to act contrary to law.

B. Supervisory personnel means any sworn member of the rank of sergeant and above. Due to the growing activities of police labor organizations in regard to wages, hours, and working conditions, the membership of supervisory personnel who are charged with supervising rank and file members in regard to wages, hours, and working conditions would present a conflict of interest.

(Effective 19 January 1976)

#### Rule 55

Holding cigarette, cigar, or pipe in mouth while in uniform and in official contact with the public.

#### VI. PENALTIES

The Department may take any of the following disciplinary actions against a member found guilty of violating the Rules and Regulations of the Department.

- A. Reprimand.
- B. The assignment of extra duty without compensation.
- C. Suspension without pay for a period not to exceed thirty days.
- D. Institution of charges before the Police Board.

#### VII. MEDICAL SEPARATIONS

It is incumbent that all members of the Department have the physical stamina and psychological/emotional stability to properly perform all required police duties. If in the opinion of the Superintendent, upon recommendation of the Police Surgeon after examination, any member does not have the physical condition or psychological/emotional stability required to perform police duties competently and efficiently, he may file charges with the Police Board seeking the separation of any such member. The Police Board will then conduct a hearing which will follow the same procedures as a disciplinary hearing. This section shall in no way limit or interfere with any accrued medical leave rights or retirement benefits of any member.

(Effective 1 January 1975)

### **VIII. SUSPENSION FOR LEGAL INABILITY TO CARRY A FIREARM**

As a condition of remaining entitled to the salary and benefits of a police officer who is fit for duty, all sworn members of the Department must be legally able to fully exercise the police powers of a police officer, which of necessity includes being able to lawfully carry a firearm. Any time a member is precluded from lawfully carrying a firearm, whether by judicial order, including as a condition of bond, or by applicable law or ordinance, such member is legally unable to perform as a police officer and shall be administratively placed on suspension without pay during the entire period of such legal disability. Placement in a no pay status shall be effective immediately upon a member's receipt of charges under this Article. The Police Board shall conduct a hearing within 30 days after the suspension, unless the hearing is continued with the agreement of the member, which hearing will follow the same procedures as a hearing for a suspension in excess of 30 days. The substance of that hearing by the Police board or its hearing officer shall be limited to the issue of whether the member has been precluded from lawfully carrying a firearm — whether by judicial order, including as a condition of bond, or by applicable law or ordinance — and shall not include any findings or review regarding the underlying felony or misdemeanor or other legal infraction giving rise to the legal prohibition on that member's carrying a firearm. A suspension under this Article is non-disciplinary and shall not preclude the filing of charges and imposition of disciplinary actions against a member found guilty of violating any other Department rule or regulation. The Superintendent may allow the member to use compensatory time earned and/or accumulated vacation/furlough time prior to placement of the member into a no pay status. At such time as the legal prohibition on a member's carrying a firearm ends, the member may apply to the Police Board for reinstatement, subject to the Superintendent's determination that the member is otherwise fit for duty.

(Adopted by the Police Board on 7 May 1998)

### **IX. DEFINITIONS \***

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The following definitions govern the use of these terms in the rules and Regulations of the Department.

**DEPARTMENT:**

The Chicago Police Department.

**SUPERVISORY MEMBER:**

A member responsible for the performance of duty and the conduct of other members.

**SWORN MEMBER OR OFFICER:**

A member who is dedicated by oath to the law enforcement profession and who possessed the power of arrest.

**CIVILIAN MEMBER:**

Any employee of the Department who is not a sworn member.

**MEMBER:**

Any employee of the Department.

**ON DUTY:**

Engaging in any activity during specifically assigned hours or rendering any police service during an emergency situation.

**OFF DUTY:**

Not on duty.

**PRONOUNS:**

All pronouns include the masculine and feminine gender unless otherwise specified.

**\*NOTE:** Article IX, DEFINITIONS  
was formerly Article VIII.

**POLICE BOARD - CITY OF CHICAGO**

## RULES OF PROCEDURES

### I. PRE-HEARING PROCEDURE

- A. Proceedings against an employee shall be commenced by the filing of written charges with the Police Board by the Superintendent of Police.
- B. The charges shall set forth the Rule or Rules of conduct which the employee is alleged to have violated and shall include specifications for each such alleged violation.
- C. The charges and specifications shall be set forth in simple, non-technical language, and shall include the date, place and time the initial hearing will be held.
- D. A copy of the charges filed shall be served on the respondent not less than five (5) days before the date of the initial hearing. Return of service will be made by a receipt from the respondent on the retained copy of the charges, or by an affidavit of the officer serving same. It is the duty of the officer serving the charges to secure service and make a return thereof without delay.
- E. The initial hearing for each case will be at the regularly scheduled monthly calendar call of the Police Board, which in no event shall occur less than five (5) days nor more than 30 days after the respondent is personally served with the charges. If no regularly scheduled monthly calendar call occurs within the aforesaid time period, the initial hearing will be held at a specially set calendar call to be ordered by the President of the Police Board, which calendar call shall be within the aforesaid time period.
- F. At the initial hearing of each case, the respondent shall appear in person, and be accompanied by an attorney of his own choosing if he so desires. Every respondent shall be entitled to one continuance, which continuance shall be granted at the time of the initial hearing or each case.
- G. If the respondent chooses to be represented by an attorney of his own choosing, the attorney shall file his written appearance with the Police Board on appearance forms to be provided by the Board. Once an appearance is on file with the Board all future notices sent by the Board to the attorney of record shall be deemed to be notice to the respondent. No attorney may appear before the Board on behalf of any respondent until his written appearance is on file.

- H. At the time of the initial hearing each case shall be assigned for hearing to a member of the Board or to a hearing Officer designated by the Board for that purpose.
- I. At the time the case is assigned for hearing to a member of the Board or to a Hearing Officer, the date, time and place of the hearing shall also be set.
- J. After an initial continuance is granted, to further continuance shall be granted, except upon written request filed with the Secretary of the Board setting forth the reason for such request at least five (5) days prior to the date set for hearing. However, the filing of a written request for continuance shall not excuse the respondent and his attorney, if one has been retained, from appearing in person at the designated time and place for the hearing of the charges and the request for such continuance shall be within the discretion of the member of the Board or the Hearing Officer so designated by the Board, to grant or deny.

## **II. PRE-HEARING MOTIONS AND DISCOVERY**

- A. Prior to the hearing on charges filed with the Board, the respondent upon written request made prior to the hearing and filed with the Secretary of the Board and the Office of the Corporation Counsel, shall be entitled to:
  - 1.) any and all written statements made by the respondent concerning the charges filed, which are within the custody and control of the Department of Police;
  - 2.) any and all oral statements made by the respondent concerning the charges filed which have been reduced to writing or summaries of which have been reduced to writing which are within the custody and control of the Department of Police;
  - 3.) any and all oral statements of the respondent concerning the charges filed which have been in any way mechanically recorded and which are within the custody and control of the Department of Police;
  - 4.) any and all written statement or written summaries of oral statements of any witness to be produced by the Superintendent in the Department's case-in-chief at the hearing of said charges;
  - 5.) results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case which are within the custody and control of the Department of Police;

and

- 6.) any evidence within the custody or control of the Department of Police which is favorable to the respondent in terms of his guilt or innocence to the charges filed against him.
- B. Any and all other motions which the respondent desires to make shall be filed in writing with the Secretary of the Board prior to the hear on said charges. The member of the Board or Hearing Officer, designated by the Board to conduct the hearing shall rule on all motions filed prior to the hearing, which ruling shall be subject to review by the Board at the time the case is taken under advisement by the Board. However, it is within the discretion of the member of the Board or Hearing Officer designated by the Board to conduct the hearing to defer ruling on any motion filed prior to the hearing, and to refer said motion to the Board for determination.
- C. Any motion filed less than five (5) days prior to the date set for hearing on the charges or the receipt of any documents or information in response to any motion filed less than five (5) days prior to the date set for hearing shall not constitute grounds for a requested continuance of the hearing on said charges, unless specific justification for such late filing is presented. The member of the Board or Hearing Officer designated by the Board to conduct the hearing shall then consider such justification in ruling on such requested continuance. It shall otherwise be the duty of the respondent or the respondent's attorney to file any and all motions under subsections (A) and (B) hereof at least five (5) days in advance of the date set for hearing.

### III. HEARING PROCEDURE

- A. Any party shall obtain the presence of witness and the production of books and records for any hearing by the service of a subpoena for same issued by the Board. Subpoenas may be obtained by request made to the Secretary of the Board. No continuance shall be granted to any party for the failure of a witness to appear at any hearing unless such witness shall have been previously served with a subpoena, or unless such party demonstrates a good faith attempt to have served a subpoena on any such witness.
- B. The Board shall designate any member or Hearing Officer to administer oaths for the purpose of receiving sworn testimony at any hearing or proceeding conducted by the Board. In any event any officer authorized by law to administer oaths shall be authorized to administer oaths for the purpose of receiving sworn testimony at any hearing of charges before the Board.

- C. The Superintendent shall be represented at all proceedings before the Board by the Corporation Counsel of the City of Chicago.
- D. The Superintendent shall present evidence in support of the charges filed, and the respondent may then offer evidence in defense or mitigation. If the respondent offers evidence in defense or mitigation, the Superintendent may then follow with evidence in rebuttal.
- E. The testimony of all witnesses, whether offered by the Superintendent or respondent, shall be subject to cross-examination. The member of the Board or Hearing Officer designated to conduct the hearing shall not be bound by the formal or technical rules of evidence; however, hearsay evidence shall not be admissible during the hearing.
- F. The member of the Board or Hearing Officer designated to conduct the hearing shall allow time at the close of the evidence for closing arguments, Counsel for the Superintendent will give the opening argument, which will be followed by the respondent. Following the respondent's closing argument, the Counsel for the Superintendent shall be given time for rebuttal argument. If counsel for the Superintendent waives argument but the respondent does not, counsel for the Superintendent will be given opportunity for a rebuttal argument. If however, the respondent waives closing argument, the Counsel for the Superintendent shall not be given opportunity to make a rebuttal argument.
- G. If the respondent does not appear or absents himself from any proceedings conducted by the Board, the member of the Board or Hearing Officer designated to conduct the hearing may proceed with the hearing in the absence of the respondent.
- H. At the close of all the evidence and arguments, the case will be taken under advisement by the Police Board, which in due course will render its findings and decision as provided by law. The Board may, in its discretion, after finding a respondent guilty of one or more rule violations, set the matter for additional proceedings for the purpose of determining administrative action. The Superintendent and the respondent, or through counsel, may submit any information concerning the respondent's past work performance or other relevant information in mitigation or aggravation which would assist the Police board in determining administrative action required. Witnesses may appear on behalf of the Superintendent or the respondent to give sworn testimony.

Pursuant thereto, the Police Board shall issue its written finding including

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penalty if any.

(Effective 16 December 1976)

- I. The findings and decision of the Police Board shall be preserved by the Secretary of the Board, who shall notify the Superintendent and the respondent of the Board's action.
- J. The Secretary of the Board shall forward the finding and decision of the Board to the Superintendent for enforcement of the Board's action. If the findings and decision is such that the respondent is guilty of the charges filed and removal, discharge or suspension is ordered, such order shall become effective forthwith.

#### **IV. REVIEW PROCEDURES**

##### **A. Notice**

1. In all cases in which the superintendent of Police has ordered a member to be suspended for a period of time, no less than 6 days nor more than 30 days, the member of the Department to be suspended will be served with a notice stating the length of suspension and the reason therefor. The notice will also state that the Department member has a right to have the suspension reviewed by the Police Board.

##### **B. Procedures**

1. Within 48 hours, or the next business day if a Saturday, Sunday or holiday occurs during the 48-hour period, the member to be suspended must file, in person, a request to have the proposed suspension reviewed by the Police Board. Failure to file within the period allotted constitutes a waiver of the member's right to review. Requests for review to be filed in person are to be filed in the Office of the Police Board, Room 603, 1121 South State Street, Chicago, Illinois, between 8:00 a.m. and 4:00 p.m., Monday through Friday.
2. Upon the filing of the request for review the member will receive a time-stamped copy of his request indicating that the request was filed within the period allotted. A time-stamped copy will also be forwarded to the Superintendent of Police.
3. At the time of the filing the member may also submit a written memorandum delineating specific reasons for which the review was requested. Upon receiving the copy of the request for review, the Superintendent may also file

a written memorandum concerning the matter.

4. Upon receipt of the investigative file, the Secretary of the Police board will assign the review of the file to a hearing officer of the Police Board or a member of the Police Board within one calendar week.
5. The hearing officer or member of the Police Board must complete his review within one calendar week and upon completion of the review of the investigative file, will submit a written report to each member of the Police Board indicating the specific allegations against the member, the evidence contained in the file supporting the allegations as well as information in the file indicating evidence not supporting the allegations.
6. The Police Board in executive session will consider the report of the hearing officer or member of the Police Board who has reviewed the file and will vote either to sustain or reverse the order of the Superintendent. A majority vote by the Police board will be required to reverse the order of the Superintendent. However, the Police Board may in its discretion order a hearing before a member of the Board or a hearing officer prior to making a determination to sustain or reverse the order of the Superintendent.
7. Any member of the Police Board may personally examine the investigative file on his own initiative before a finding is rendered by the Police Board.
8. Upon completion of deliberation, the Police Board will cause the Secretary of the Police Board to prepare the written findings and forward copies to the Superintendent of Police and to the member who has requested the review.
9. Upon receipt of the findings of the Police Board affirming the Superintendent's order, the Superintendent of Police may then immediately implement the suspension.

#### **C. Emergency Procedures**

1. The member shall be served with a notice of suspension including an express finding by the Superintendent of Police that the public safety, or the good of the Department or both require the immediate suspension of the member.
2. No later than seven days after service of the notice of emergency suspension a member of the Police Board or its hearing officer shall review the order of the Superintendent together with the reasons therefore and shall at that time preliminarily affirm or reverse such order. If the order is reversed, the member shall be reinstated and paid for any period under

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suspension as a result of the order. If the order is preliminarily affirmed, the Police Board shall within 30 days of such affirmation review such order and may in its discretion, afford the member an opportunity to receive a hearing pursuant to the Rules of the Police Board.

3. If the Police Board, upon hearing, determines that the emergency suspension was unwarranted, the Police Board shall order the member reinstated and paid for any period under suspension as a result of the order.

#### **D. Suspension For Over 30 Days**

The procedures contained in Article IV do not apply to any suspension implemented by the Superintendent of Police which is accompanied by the filing of charges with the Police Board seeking a member's separation or suspension in excess of 30 days except that no later than seven days after service of the notice of suspension a member of the Police Board or its hearing officer shall review the order of the Superintendent together with the reasons therefor and shall at that time determine whether suspension pending the disposition of charges is warranted. Review of the suspension implemented by the Superintendent of Police in such instances will be considered in connection with the hearing before the Police Board.

(Effective 1 November 1975)

### **V. APPLICATION OF RULES OF PROCEDURE\***

- A. At the time the respondent is personally served with charges filed against him by the Superintendent as provided herein, he shall also be given a copy of these Rules of Procedure.
- B. All time limitation contained in these rules regarding continuances and motions shall be subject to exception in cases of extreme hardship, unusual circumstances or other justification. Any deviation therefrom shall be within the discretion of the Board Member or Hearing Officer designated to conduct the Hearing, and whose ruling shall be subject to review by the Board at the time the case is taken under advisement.

**\*NOTE:** Article V, APPLICATION OF RULES OF PROCEDURES WAS FORMERLY ARTICLE IV.