

CHAPTER 7

VILLAGE DEPARTMENTS

ARTICLE A. POLICE DEPARTMENT

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1-7A-1: CREATION AND COMPOSITION; OFFICIAL STATUS:

- A. There is hereby created and established a Police Department of the Village. The Police Department shall consist of the Chief of Police and such other police officers as shall from time to time be determined by the Village Board. (1971 Code §55-1-1)
- B. The Chief of Police and all members of the Police Department shall be officers of the Village. (1971 Code §55-1-16)

1-7A-2: APPOINTMENTS, PROMOTIONS, SUSPENSIONS AND DISCHARGES: The Chief of Police shall be appointed by the Mayor with the advice and consent of the Village Trustees. Appointments to, promotions within and discharges from the Police Department shall be made by the Chief of Police with the consent of the Village Manager. The Chief of Police shall furnish the Village Board with a written notice of the intent to make any original appointment or promotion. The swearing in of an officer by the Mayor before the Village Trustees shall constitute approval of the Village Board. The members of the Police Department, including the Chief of Police, need not be residents of this Village either at the time of their appointment or during their service as a member of the Police Department.

Any suspension of any member of the Police Department for a period of more than five (5) days

shall be made only upon approval of the Village Manager who shall in turn make a report of such suspension to the Village Board. Any police officer so suspended for cause shall not be entitled to pay while suspended. (1971 Code §55-1-15)

The Chief of Police may be suspended for a period of not more than five (5) days by the Village Manager. A discharge or suspension of more than five (5) days may be ordered only by the Mayor with the advice and consent of the Village Board.

1-7A-3: OATH OF POLICE OFFICERS: All members of the Police Department shall, before entering upon duty as a police officer, take and subscribe to an oath of office substantially in the following form:

"I do solemnly swear that I will support the Constitution of the United States and of the State of Illinois and that I will faith-fully discharge the duties of the office of policeman of the Village of Lincolnshire to the best of my ability".

Such oath shall be subscribed and sworn to before the Mayor in the presence of the Village Trustees. (1971 Code §55-1-2)

1-7A-4: CHIEF OF POLICE; GENERAL POWERS AND DUTIES:

A. The Chief of Police shall be the keeper of the Village jail and shall have custody of all persons incarcerated in the jail. The Chief of Police shall keep such records and make such reports concerning the activities of the Department as may be required by Statute, ordinance or the Village Manager. The Chief shall be responsible for the performance by the Police Department of all its functions, and all persons who are members of the Department shall serve subject to the orders of the Police Chief.

B. The Chief of Police shall cause to be kept a record of all persons arrested or committed to the jail or the house of corrections. The Chief shall keep a record of expenses of the Police Department, of all property placed in the Chief's charge, and such other books and records as the business of the Department may require. The Chief shall make a report of any matter or thing concerning the Department to the chairman of the Police Committee. (1971 Code §55-1-3)

1-7A-5: DEPARTMENTAL RULES AND REGULATIONS: The Chief of Police may make or prescribe such rules and regulations for the guidance of the members of the Department as the Chief shall see fit. Such rules and regulations, when approved by the Village Board, shall be binding upon such members. Such rules and regulations as are set

out in Exhibit A attached to and made a part of Ordinance 77-403-17, and as may be amended from time to time, are hereby incorporated by reference, three (3) copies of same being kept on file in the office of the Village Clerk. (1971 Code §55-1-4; Ord. 77-483-17)

1-7A-6: BADGE OF POLICE OFFICERS: Every member of the Police Department shall wear a suitable badge, to be furnished by the Village, and any member who shall lose or destroy the same shall be required to pay the cost of replacing it. When any member shall leave the Department, the member shall immediately deliver to the Chief of Police his badge and all other articles in the officer's possession belonging to the Village. (1971 Code §55-1-9)

1-7A-7: POWERS AND DUTIES OF POLICE:

A. General Duties:

1. It shall be the duty of the members of the Police Department, including the Chief of Police, to see to the enforcement of this Code and all other ordinances of the Village and laws of the State of Illinois and to preserve order and prevent infractions of the law and to arrest violators of the law.
2. It shall be the duty of all members of the Police Department, including the Chief of Police, when on duty, to devote their time and attention to the Municipal affairs of the Village, and to preserve its safety and cleanliness. To this end they shall execute and enforce this Code and all other ordinances of the Village and all police regulations and orders of the Village Board.
3. It shall be the duty of every member of the Police Department, including the Chief of Police, to act in a proper and law abiding manner and to avoid the use of unnecessary force. (1971 Code §55-1-5)

B. Powers:

1. The members of the Police Department of the Village shall have the power and authority within the Village and outside the same, when necessary and lawful, to serve and execute warrants and other process for the apprehension and commitment of persons charged with the violation of this Code or other ordinances of the Village or any crime against the laws of the State of Illinois, or held for examination or trial, or taken in execution for the commission of any crime. They shall have the power and authority, and it shall be their duty, to serve and execute all civil process issued on behalf of the Village by any court

of proper jurisdiction. While serving or executing or assisting in the service or execution of any such warrant or process, they shall be vested with and have all the powers and authority conferred on constables at common law and by the laws of this State.¹

2. They shall have the power to arrest any person in the Village found in the act of violating this Code or other ordinance of the Village or of the State of Illinois, or aiding or abetting any such violation, and to bring such person so arrested before the court and proper jurisdiction to be dealt with according to law. (1971 Code §55-1-6)
- C. **Duty of Arresting Officers to Attend Trial:** All members of the police force making arrests shall attend as witnesses when required by the court where the trial may be had, and shall procure all necessary evidence in their power, and furnish a list of witnesses to the court. No police officer shall be entitled to any witness fee to be taxed against the Village on any action for a violation of any provision of this Code or other ordinance where the Village is plaintiff. (1971 Code §55-1-7)
- D. **Report of Accidents:** It shall be the duty of each police officer, whenever any accident shall occur within the Village, of which he has notice or knowledge, to report immediately, in writing, to the Chief of Police the place, day and nature of the accident; such report shall also include the hour of the day or night when such accident occurred, the condition of the weather, if at night, whether street lights were or were not lighted, the name of each person injured, the extent and nature of the injury suffered; the names and residences of the principal witnesses and the name and residence of the examining physician, if any, all of which shall be entered in full upon a record to be kept for that purpose in the office of the Chief of Police. (1971 Code §55-1-10)

1-7A-8: CUSTODY OF LOST, STOLEN, OR ABANDONED PROPERTY: The Chief of Police shall be the custodian of all lost, abandoned or stolen property in the Village. It shall be the duty of police officers to report and deliver to the Chief of Police all property seized or found by them immediately after the same shall have come into their possession, which property, with the date of delivery and description of the same, and the name of the police officer depositing the same, shall be entered in a book kept for that purpose by the Chief of Police, who shall be responsible for the same. (1971 Code §55-1-8)

1-7A-9: PROHIBITED ACTS:

¹65 ILCS 5/3-9-4

- A. Police Officers Not to Furnish Bail: No member of the Police Department shall furnish bail for any person arrested for violation of this Code or any other ordinances of the Village or of the criminal laws of the State of Illinois. (1971 Code §55-1-11)
- B. Assuming to Act as a Police Officer: No person, other than a member of the Police Department shall assume to act as a police officer of this Village. (1971 Code §55-1-12)
- C. Impersonating a Police Officer: No person shall impersonate any of the members of the Police Department, or shall maliciously or with intent to deceive, use or to imitate any of the signs, signals or other devices adopted and used by the Police Department, or shall wear in public, the uniform adopted as the police uniform after having been removed or suspended. (1971 Code §55-1-13)
- D. Resisting Police Officer: No person shall resist any police officer in the discharge of duty, or in any manner interfere with, hinder or prevent the officer from discharging a duty as such police officer or offer or attempt to do so. No person shall in any way assist any person in custody of any police officer to escape or attempt to escape from such custody. (1971 Code §55-1-14)

1-7A-10: POLICEMEN'S PENSION FUND: Fund Created, Authority: Pursuant to the special election held on November 2, 1976 on the question of whether the Village shall adopt Article 3 of the Illinois Pension Code, there is hereby created and established a Policemen's Pension Fund in and for the Village in Illinois which shall be maintained and operated pursuant to Chapter 40 ILCS 5/3-101 et. seq.

- A. Policemen's Pension Fund Board of Trustees:
 - 1. The Board of Trustees of the Police Pension Fund of the Village is hereby created for the administration of the Fund. The members of said Board shall be appointed and serve as provided by laws of the State of Illinois.
 - 2. The rights, powers, duties and functions of said Board and its members, and the rights and benefits of the various beneficiaries of the Pension Fund shall be in accordance with the laws of the State of Illinois.