

Chapter 17

POLICE AND PRISONERS

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ARTICLE I. IN GENERAL

Sec. 17-1. Resisting or obstructing a peace officer.

A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer of any authorized act within his official capacity shall be guilty. (Code 1958, Sec. 28.328)

Secs. 17-2--17-17. Reserved.

ARTICLE II. POLICE DEPARTMENT

DIVISION 1. GENERALLY

Sec. 17-18. Composition.

The Police Department shall consist of the Chief of Police who shall be ex officio Village marshal, and such other members as may be provided for from time to time by the Village President with the advice and consent of the Board of Trustees. (Ord. No. 94-05, Sec. 1, 3-17-94)

Sec. 17-19. Appointment.

- (a) The Village President may require, at his option, that all applicants possess, at the time of initial application, a Municipal Police Registry Public Safety Assessment Transcript (PSAT) or equivalent evaluation prepared by a qualified testing firm which will provide the Village President with at least the following:
 - (1) An Aptitude Profile designed specifically to determine a candidate's basic cognitive ability to participate in the mandated course of training for the Police Department. The profile shall illustrate strengths and weaknesses which may be used during initial training and probationary periods.

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- (2) A Physical Agility Profile designed specifically to determine a candidate's basic fitness for the mandated course of training for the Police Department.
 - (3) A Character Profile designed to identify personality characteristics and attitudes associated with counterproductive behavior.
 - (4) A Historical Profile designed to provide suitability criteria regarding the lifetime background of the candidate, which has been evaluated for informational reliability.
 - (5) A Behavior Potential Profile which shall be a professional evaluation based on current psychological data provided through the use of a valid and recognized written personality inventory completed by the candidate. This profile will only be conducted for the Village on receipt by the candidate and the Municipal Police & Fire Registry or other third-party testing firm of a written job offer contingent upon meeting the Village's standards in compliance with Americans with Disabilities Act (ADA) regulations.
 - (6) A Forensic Background Evaluation will be utilized in the form of a polygraph examination where legally allowed. If a polygraph examination is not allowed, an in-depth background interview and updating review of the candidate's background will be made. This profile will only be conducted for the Village on receipt by the candidate and the Municipal Police & Fire Registry or other third party testing firm of a written job offer contingent upon meeting the Village's standards in compliance with ADA regulations.
 - (7) A Training Assessment Profile to be provided upon request of the Village President, after a candidate has met all hiring standards and is officially sworn in. This profile shall be utilized as a guide for candidate training at a police academy and during the probationary field training period.
- (b) The Village shall utilize the Municipal Police & Fire Registry PSAT, or other third-party testing firm in a non-discriminatory manner. All applicants evaluated for a given position with the Police Department within a specific recruitment cycle shall be required to possess such a transcript profiled in the same manner.
 - (c) The Municipal Police & Fire Registry is hereby officially recognized as a third-party testing firm found to be qualified by the Corporate Authorities of the Village of Fox River Grove. The Village President may utilize other third-party testing firms which are qualified and which can provide the information set forth in Section 17-19 (a).
 - (d) The Village President shall use the Aptitude Profile contained in the Municipal Police & Fire Registry PSAT in lieu of a written examination and the Physical Agility Profile contained in

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the Municipal Police & Fire Registry PSAT in lieu of a physical agility test and all or other portions from the Municipal Police & Fire Registry PSAT in lieu of the Village's own selection process. In the event a third-party testing firm other than the Municipal Police and Fire Registry is utilized, the information and documentation provided by such third-party testing firm shall be utilized in lieu of the Village's examination and selection process. (Ord. No. 94-05, Sec. 2, 3-17-94)

- (e) Applicants for appointment to the Village of Fox River Grove Police Department shall be required to pay a fee in the amount of twenty dollars (\$20.00) at the time the application for appointment is submitted. (Ord. No. 2007-26, Sec. 1, 8-16-07)

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or the application thereof to any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance or the application of such portion to other person or circumstances. (Ord. No. 07-26, Sec. 3, 8-16-07)

Sec. 17-20. General duties of members.

It shall be the duty of the members of the Police Department to see to the enforcement of all provisions of this Code and other Ordinances of the Village, of all Statutes effective in the Village and to preserve order and prevent infractions of the law and to arrest violators thereof. Every member of the Police Department is hereby declared to be a conservator of the peace. (Code 1958, Sec. 5.102)

Sec. 17-21. Conduct of members.

It shall be the duty of every member of the Police Department to conduct himself in a proper and law abiding manner and to avoid the use of unnecessary force. (Code 1958, Sec. 5.106)

Sec. 17-22. Duty of members of serve as witnesses; disposition of fees.

Every member of the Police Department shall appear as a witness whenever this is necessary in a prosecution for a violation of this Code, other Village Ordinance or a State or Federal law. No member of the Police Department shall receive any witness fee for such services in any action or suit to which the Village is a party. All fees due for such service shall, if paid, be turned over to the Village Treasurer. (Code 1958, Sec. 5.107)

Sec. 17-23. Special policemen-appointment; powers and duties; compensation; revocation of appointment.

The Chief of Police may appoint any reputable person as a special policeman to serve for such term

and on such conditions as may be designated by the terms of his appointment. Special policemen shall have the powers and duties of a conservator of the peace, and shall receive no compensation from the Village, unless such compensation is ordered by the Board of Trustees. Appointments may be revoked at any time by the Village President, the Board of Trustees, or the Chief of Police. (Code 1958, Sec. 5.109)

Sec. 17-24. Part-time police officers; Training.

- (1) *Hiring; Discharge: Terms of Employment.* All part-time police officers shall be hired by the Village's Corporate Authorities and assigned, supervised and directed by the Chief of Police, or the Chief's designee and shall be considered at-will employees, subject to discipline and discharge by the Village's Corporate Authorities. The terms and conditions of their employment shall be set forth in the Village's Employee Handbook. The number of hours a part-time officer may work within a calendar year is restricted to not more than one thousand (1,000) hours per year.
- (2) *Administrative Code.* The Village's Administrative Code shall apply to all part-time officers except those portions pertaining to full-time employees of the Village.
- (3) *Hiring Standards.*
 - (a) All part-time police officers shall be qualified to enter and successfully complete any training mandated by the Illinois Law Enforcement Training Standards Board.
 - (b) The aforesaid hiring standard shall be submitted to the Illinois Law Enforcement Training Standards Board, as required by statute.
 - (c) All part-time officers employed by the Village shall be subject to the following:
 - (a) Criminal history check;
 - (b) Background and personal history investigation indicating proper qualifications, character and behavior;
 - (c) Possession of a high school diploma or equivalent;
 - (d) Proof of required handgun training;
 - (e) Drug screening analysis;
 - (f) Oral interview;
 - (g) Psychological exam;
 - (h) Medical exam
 - (d) All part-time officers employed by the Village must meet all of the following standards:

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- (a) Be at least twenty-one (21) years of age.
- (b) Possess a high school diploma or GED certificate.
- (c) Possess a valid driver's license.
- (d) Possess no prior felony convictions.

(Ord. 11-15, Sec. 1, 5-19-11; Ord. 12-30, Sec. 1, 11-15-12)

Secs. 17-25--17-29. Reserved.

DIVISION 2. CHIEF OF POLICE

Sec. 17-30. General powers and duties.

The Chief of Police shall be responsible for the performance by the Police Department of all its functions, and all persons who are members of the Police Department shall serve subject to the orders of the Chief of Police. The Chief of Police shall be keeper of the Village jail, and shall have custody of all persons incarcerated therein and of all property pertaining thereto. He shall keep such records and make such reports concerning the activities of his department as may be required by statute or ordinance, or at the request of the Chairman of the Public Health and Safety Committee. (Code 1958, Secs. 5.103, 8.202)

Sec. 17-31. Custodian of lost and stolen property.

The Chief of Police shall be custodian of all lost, abandoned or stolen property in the Village. (Code 1958, Sec. 5.104)

Sec. 17-32. Serving processes.

The Chief of Police shall be authorized to serve writs, summons, and other processes, but no patrolman shall serve any such summons or process except on the order of the Chief of Police or of the Village President. (Code 1958, Sec. 5.105)

Sec. 17-33. Promulgation of rules and regulations.

The Chief of Police may make such rules and regulations for the guidance of the members of the Police Department as he shall see fit. Such rules, when approved by the Village President and Board of Trustees, shall be binding on members of the Police Department. (Code 1958, Sec. 5.108)

Secs. 17-34--17-44. Reserved.

ARTICLE III. PRISONERS

Sec. 17-45. Village jail established.

The place in the Village heretofore established and used as the Village jail, or any other place which may be hereafter used for that purpose, is hereby declared to be the Village jail. (Code 1958, Sec. 8.201)

Sec. 17-46. When prisoners may be incarcerated.

The Village jail shall be used for the incarceration of all persons arrested for violating any State or Federal law or for violating any Village Ordinance until such person shall be lawfully brought before a court of proper jurisdiction for a hearing or until such person shall be lawfully transferred to some other place of incarceration or otherwise lawfully released. (Code 1958, Sec. 8.203)

Sec. 17-47. Escape from jail.

It shall be unlawful for any person to escape, attempt to escape, or to assist any prisoner to escape or attempt to escape from the Village jail. (Code 1958, Sec. 8.204)

Sec. 17-48. Escape from custody of peace officer.

A person in the lawful custody of a peace officer who intentionally escapes from custody shall be guilty of a violation of this Code.

State law reference--For similar provisions, see 720 ILCS 5/31-6

Sec. 17-49. Aiding escape.

- (a) Whoever, with intent to aid any prisoner in escaping from any penal institution, conveys into the institution or transfers to the prisoner anything for use in escaping shall be guilty of a violation of this Code.
- (b) Whoever knowingly aids a person convicted of a violation of an Ordinance, or charged with the violation of an Ordinance in escaping from any penal institution or from the custody of any employee of that institution shall be guilty of a violation of this Code.
- (c) Whoever knowingly aids a person in the lawful custody of a peace officer in escaping from custody shall be guilty of a violation of this Code.
- (d) An officer or employee of any penal institution who recklessly permits any prisoner in his custody to escape shall be guilty of a violation of this Code.

State law reference--For similar provisions, see 720 ILCS 5/31-7

Sec. 17-50. Communications with prisoners.

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It shall be unlawful for any person to communicate with any prisoner held in jail without the permission of the Chief of Police or the police officer in charge. (Code 1958, Sec. 8.20-5)

Sec. 17-51. Bail Processing Fee.

The Village of Fox River Grove's Police Department shall charge a bail processing fee of twenty (\$20.00) dollars to each person arrested for violating anyailable Municipal Ordinance, State law or Federal law. However, the release of any individual on bail shall not be denied solely because of the individual's inability to pay the bail processing fee. (Ord. No. 11-24, Sec. 1, 10-20-11)