

CHAPTER 5

PUBLIC SAFETY

**PART 1
CIVIL EMERGENCY**

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SECTION 5-101. DEFINITIONS.

(A) A Civil emergency is hereby defined to be:

(1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three (3) or more persons acting together without authority of law; or

(2) Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the Village, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(B) Curfew is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village, excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

SECTION 5-102. DECLARATION OF EMERGENCY.

Whenever an emergency as defined in Section 5-101 of this Article exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts, which constitute the emergency.

SECTION 5-103. CURFEW.

After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

SECTION 5-104. AUTHORITY OF MAYOR TO ISSUE ORDERS.

After the proclamation of a civil emergency, the Mayor of the Village may also, in the interest of public safety and welfare, make any or all of the following orders:

- (A) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.
- (B) Order the discontinuance of the sale of alcoholic liquor by any wholesale or retailer.
- (C) Order the discontinuance of selling, distributing, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (D) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
- (E) Issue such other orders as are imminently necessary for the protection of life and property.

SECTION 5-105. EFFECTIVENESS.

The proclamation herein authorized shall be effective for a period of forty-eight (48) hours unless sooner terminated by a proclamation of the Mayor

indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each forty-eight (48) hour period during the time the civil emergency exists.

SECTION 5-106. NOTIFICATION.

Upon issuing the proclamation herein authorized, the Chief of Police shall notify the news media serving the Village and shall cause three (3) copies of the proclamation declaring the existence of the emergency to be posted at the following places within the Village.

- (A) The Swansea Government Center.
- (B) The U.S. Postal Service Contract Branch #1, Union Planters Bank.
- (C) The Schnucks Supercenter, Swansea Plaza.

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PART 2
EMERGENCY SERVICES AND DISASTER AGENCY (ESDA)/HOMELAND SECURITY

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- SECTION 5-209. PURCHASES AND EXPENDITURES.**
- SECTION 5-210. OATH.**
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SECTION 5-201. ESTABLISHMENT.

There is hereby created within the Village an Emergency Services and Disaster Agency (ESDA)/Homeland Security to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1975."

This Village of Swansea ESDA/Homeland Security shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

SECTION 5-202. COORDINATOR.

- (A) The Coordinator of the Swansea ESDA/Homeland Security shall be appointed by the Mayor and shall serve until removed by the same.
- (B) The Coordinator shall have direct responsibility for the organization, administration, training and operation of the Swansea ESDA/Homeland Security, subject to the direction and control of the Mayor, as provided by statute.
- (C) In the event of the Coordinator's absence, resignation, death or inability to fulfill his duties, the Mayor, or any person designated by him shall be and act as Coordinator until a new appointment is made as provided in this Code.

SECTION 5-203. FUNCTIONS.

The Swansea ESDA/Homeland Security shall perform such functions within the Village as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in the "State ESDA Act of 1975."

SECTION 5-204. SERVICE AS MOBILE SUPPORT TEAM.

- (A) All or any members of the ESDA/Homeland Security organization may be designated as members of a Mobile Support Team by the director of the State ESDA as provided by law.
- (B) The leader of such Mobile Support Team shall be designated by the Coordinator of the Swansea ESDA/Homeland Security organization.
- (C) Any member of a Mobile Support Team who is a Village employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Village, while so serving, shall receive from the State, reasonable compensation as provided by law.

SECTION 5-205. AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.

The Coordinator of the Village of Swansea ESDA/Homeland Security may negotiate Mutual Aid

Agreements with other municipalities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Mayor.

SECTION 5-206. EMERGENCY ACTION.

If the Governor proclaims that a disaster or emergency exists, or in the event of actual enemy attack upon the United States, or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from a man-made or natural disaster, it shall be the duty of the Swansea ESDA/Homeland Security to cooperate fully with the State ESDA/Homeland Security and with the Governor in the exercise of emergency powers as provided by law.

SECTION 5-207. COMPENSATION.

Members of the Swansea ESDA/Homeland Security who are paid employees or officers of the Village, if called for training by the Director of the State of Illinois ESDA, shall receive, for the time spent in such training, the same rate of pay as is attached to the position held. Members who are not such Village employees or officers, shall receive, for such training time, such compensation as may be established by the Mayor.

SECTION 5-208. REIMBURSEMENT BY STATE.

The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the Village for expenses incident to training members of the Swansea ESDA/Homeland Security as prescribed by the Director of the State of Illinois ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the Village in response to a call by the Governor or Director of the State of Illinois ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA/Homeland Security activities, as provided by law.

SECTION 5-209. PURCHASES AND EXPENDITURES.

(A) The Mayor may, on recommendation of the Coordinator of the Swansea ESDA/Homeland Security, authorize any purchase or contracts necessary to place the Village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to Victims in the case of such disaster, or from man-made or natural disaster.

(B) In the event of a disaster, the Coordinator of the Village of Swansea ESDA/Homeland Security is authorized, on behalf of the Village, to procure such services, supplies, equipment or material as may be necessary for such purposes, without regard to the statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligations. (*Ill. Com. Stat. Chap. 20 Sec. 3305/10 (j)*)

SECTION 5-210. OATH.

Every person appointed to serve in any capacity in the Swansea ESDA/Homeland Security shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Coordinator:

"I, _____ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Village of Swansea ESDA/Homeland Security, I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence.

SECTION 5-211. OFFICE.

The Mayor is authorized to designate space in any Village building, or elsewhere as may be provided for by the Mayor and Village Board, for use by the Swansea ESDA/Homeland Security as its office.

CHAPTER 5
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PART 3
POLICE DEPARTMENT

- SECTION 5-301. CREATION OF DEPARTMENT.
- SECTION 5-302. OFFICE OF CHIEF CREATED.
- SECTION 5-303. OFFICE OF DEPUTY POLICE CHIEF CREATED
- SECTION 5-304. VILLAGE VEHICLE
- SECTION 5-305. APPOINTMENTS.
- SECTION 5-306. DUTIES OF CHIEF.
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- ~~SECTION 5-308. DUTIES.~~
- ~~SECTION 5-309. SERVING PROCESS.~~
- ~~SECTION 5-310. CONDUCT OF MEMBERS.~~
- ~~SECTION 5-311. WITNESS FEES.~~
- ~~SECTION 5-312. RULES AND REGULATIONS.~~
- ~~SECTION 5-313. RESIDENCY.~~
- ~~SECTION 5-314. STOLEN PROPERTY.~~
- SECTION 5-308. POSITION OF SERGEANT.
- SECTION 5-309. DUTIES OF SERGEANT.
- SECTION 5-310. DUTIES.
- SECTION 5-311. SERVING PROCESS.
- SECTION 5-312. CONDUCT OF MEMBERS.
- SECTION 5-313. WITNESS FEES.
- SECTION 5-314. RULES AND REGULATIONS.
- SECTION 5-315. RESIDENCY.
- SECTION 5-316. STOLEN PROPERTY.

SECTION 5-301. CREATION OF DEPARTMENT.

There is hereby created a Police Department, an executive department of the Village. The Police Department shall consist of the Chief of Police, Deputy Chief of Police, and of any of such number of lieutenants, sergeants and patrolmen as may be provided from time to time by the Village Board.
(Ord 1398, 12/07/04) (Ord 1580, 06/21/10)

SECTION 5-302. OFFICE OF CHIEF CREATED.

There is hereby created the office of Chief Police. The Chief shall be appointed by the Mayor with the advice and consent of the Village Board. ~~The Police Chief shall be removed in accordance with rules of the Board of Police Commissioners.~~

The Police Chief may be removed or discharged by the mayor during his term of appointment according to this section. Should any provision of this section

conflict with Section 10-2.1-17 of the Illinois Municipal Code; the Illinois Municipal Code shall govern.

If the Mayor determines the Police Chief should be removed or discharged from his position, the Mayor shall file with the corporate authorities the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities. The Board of Fire and Police Commissioners shall then conduct a fair and impartial hearing of the charges, to be commenced within 30 days of the filing thereof, which hearing may be continued from time to time. If the Police Chief is found guilty, the Board may discharge him, or may suspend him not exceeding 30 days without pay. The Board may suspend the police chief pending the hearing with or without pay, but not to exceed 30 days. If the Board of Fire and Police Commissioners determines that the charges are not sustained, the Police Chief shall be reimbursed for all wages withheld, if any.

In the conduct of this hearing, each member of the Board shall have power to administer oaths and affirmations, and the board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the hearing. The conduct of the hearing shall comply with the provisions of the Illinois Municipal Code, Section 10-2.1-17, as amended (2007) and subsequent amendments, and the rules established by the Board. (Ord 1580, 06/21/10)

SECTION 5-303. OFFICE OF DEPUTY POLICE CHIEF

~~There is hereby created the office of Deputy Police Chief. The Deputy Police Chief shall be appointed by the Chief of the Police Department. Upon good cause shown, the Deputy Police Chief may be removed from the position of the Deputy Police Chief by the Chief of Police.~~

There shall be one Deputy Police Chief. The Deputy Police Chief shall be appointed by the Chief of the Police Department from any rank of sworn, full-time police officers of the Swansea Police Department but must have at least five years of full-time service as a police officer in the department. The Deputy Police Chief shall serve at the discretion of the Chief and, if removed by the Police Chief from the Deputy Police Chief position, the officer shall revert to the rank he held prior to his appointment to Deputy Police Chief, without regard as to whether a vacancy exists in that rank. (Ord 1580, 06/21/10)

SECTION 5-304. VILLAGE VEHICLE.

The Chief of Police shall be provided with a Village-owned vehicle for his 24-hour use. Maintenance and gasoline expenditures shall be paid by the Village of Swansea. ~~Said vehicle shall not be used for extended personal use.~~ Limited personal use of the vehicle is permitted provided that the user is fit for duty and is able to make an immediate and timely response to a request for police service. (Ord 1593, 09/23/2010)

SECTION 5-305. APPOINTMENT.

~~All members patrolmen of the Police Department except the Chief of Police, shall be appointed and discharged by the Board of Police Commissioners. (Ord 1398, 12/07/04)~~
The Board of Fire and Police Commissioners shall make all appointments to the positions of patrolman and sergeant. The rules for the conduct of examinations to determine the fitness of candidates established by the Board of Fire and Police Commissioners, in compliance with the Illinois

Municipal Code, shall govern the appointment process.

The discharge of patrolmen and sergeants shall be conducted in accordance with the current collective bargaining agreements. (Ord 1580, 06/21/10)

SECTION 5-306. DUTIES OF CHIEF.

The Chief of Police shall keep records and make reports concerning activities of his department as may be required. 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 Chief of Police.

SECTION 5-307. DUTIES OF THE DEPUTY POLICE CHIEF

Job Summary: A management position that involves assisting the Police Chief with the overall planning, organizing, and direction of operations of the Swansea Police Department. The employee in this position is the second in command of the department.

Supervision Received: Work is performed under the managerial direction of the Swansea Police Chief.

Supervision Exercised: Supervises all members of the Swansea Police Department.

The essential job functions of the Deputy Police Chief that must be performed with or without accommodation, may include, but are not limited to the following:

1. Exercise all functions, powers, and duties delegated by the Swansea Police Chief.
2. Assists in the planning, organizing, and directing the activities of commissioned and civilian employees within the Police Department; assist in communicating city and departmental policies, rules, and procedures to employees; exercises general supervision over the Department; assist in formulating and enforcing departmental rules, regulations work methods, policies, and procedures.
3. Assist in the preparation of the Police Department budget; helps to coordinate purchases and aid in preparing reports on equipment, supply and personal needs; approves purchase orders; maintains detailed expense records.
4. Assist in the scheduling of shifts and assigning personnel; assist in evaluation of employee training needs; initiates planning activities to improve departmental operations.

5. Assist in directing the investigation of major criminal offenses; assist in conducting internal investigations.
6. Assist in monitoring personnel files and insures compliance with city and departmental personnel policies.
7. Assist in the development of specifications, solicitation of bids, and recommends purchase of capital equipment.
8. Performs related work as required.

SECTION 5-308. POSITION OF SERGEANT

There is hereby created the position of Sergeant within the Police Department. (Ord 1580, 06/21/10)

SECTION 5-309. DUTIES OF SERGEANT.

The duties of a sergeant with the Village of Swansea Police Department include, but are not limited to, the preservation of public peace, prevention of crime, detection and arrest of violators and the enforcement of all state laws and Village ordinances. Sergeants are assigned to patrol shifts and work under the direction of the Chief of Police and Deputy Chief of Police. A sergeant is responsible for the supervision of work performed by a number of officers and civilians engaged in police work. A sergeant may, on occasion, fill the duties of a command officer during unusual or emergency conditions.

A sergeant is responsible for assigned calls and patrol duties. A sergeant assigns work duties to subordinates, and directs work on the shift to the meet the needs of the department. A sergeant reviews and critiques reports. A sergeant oversees the adherence to policy and procedures of assigned employees and assists subordinates in maintaining compliance with policy and procedures. A sergeant makes recommendations to the Chief of Police for commendations. A sergeant and initiates disciplinary action, when necessary, and participates in the investigation of complaints involving employees under the sergeant's supervision.

A sergeant is responsible for the field training of new officers, monitoring officers for supplemental training, initiating corrective measures when appropriate and providing positive reinforcement to employees.

A sergeant offers input into the policy, procedures and goals of the department.

A sergeant interacts in a professional manner with subordinates, superior personnel and the public. A

sergeant provides leadership to those under his supervision. (Ord 1580, 06/21/10)

SECTION 5-310. DUTIES.

It shall be the duty of the members of the Police Department to see the enforcement of the Code, or ordinances and all statutes applicable herein; and to preserve order and prevent infractions of the law and arrest violators thereof.

SECTION 5-311. SERVING PROCESS.

No member of the Police Department shall serve any process except on command of the Police Chief.

SECTION 5-312. 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, at all times, and to avoid the use of unnecessary force. Each member of the department shall obey the orders and directions of his superior.

SECTION 5-313. WITNESS FEES.

Any members of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any State or Federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the Village is a party; and fees paid for such services shall be turned over to the Chief of Police, who shall deposit the same with the Treasurer.

SECTION 5-314. RULES AND REGULATIONS.

The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable, and such rules, when approved by the President shall be binding on such members.

SECTION 5-315. RESIDENCY.

~~All persons appointed permanently to the Police Department shall reside within fifteen (15) miles of the Village limits.~~

All persons appointed as police officers shall reside within a residency requirement area consisting of the Village of Swansea and the area within fifteen (15) miles of the corporate limits of the Village of Swansea. Police Officers shall comply with this requirement within sixty (60) days of the completion of their probation. (Ord 1580, 06/21/10)

SECTION 5-316. STOLEN PROPERTY.

The Police Chief shall be the custodian of all lost, stolen, or abandoned property in the Village. It shall be stored, when physically possible, at the Police Department.

CHAPTER 5

PUBLIC SAFETY

PART 4

BOARD OF FIRE AND POLICE COMMISSIONERS

- SECTION 5-401. ESTABLISHED.
- SECTION 5-402. APPOINTMENT.
- SECTION 5-403. QUALIFICATIONS.
- SECTION 5-404. APPOINTMENT BY BOARD.
- SECTION 5-405. ADMINISTRATION.

SECTION 5-401. ESTABLISHED.

It is hereby established a Board of Fire and Police Commissioners, as is provided by Statute. The President with consent of the Board of Trustees shall appoint a Board of Fire and Police Commissioners, which shall consist of three (3) members, whose terms of office shall be three (3) consecutive years, or until their respective successors are appointed and have qualified. No such appointment, however, shall be made by any President within the thirty days before the expiration of his term of office.

SECTION 5-402. APPOINTMENT.

The first members of the Board shall be appointed for the following terms:

One of the members shall be appointed to serve until the end of the current fiscal year, another to serve until the end of the fiscal year next ensuing and the third to serve until the end of the fiscal year second next ensuing, but every member shall serve until a successor is appointed and qualified.

SECTION 5-403. QUALIFICATIONS.

No person shall be appointed a member of the Board of Fire and Police Commissioners who is related, either by blood or marriage up to the degree of first cousin, to any elected official of the Village. No more than two (2) members of the Board shall belong to the same political party existing in the Village at the time of such appointment. Each member of the Board shall possess the qualifications required of other officers of the Village and shall take oath or affirmation of office, give bond and be subject to removal from office in such a manner as provided by the Illinois Revised Statutes pertaining thereto.

SECTION 5-404. APPOINTMENT BY BOARD.

The Board of Fire and Police Commissioners shall appoint all officers and members of the Police Department and Fire Departments, except the Chief of Police, Chief of the Fire Department, Deputy Police Chief and Volunteer Firefighters, of the Village, except the Chief of Police. The Chief of Police shall be appointed by the Village President with the approval of the Village Board of Trustees. (Ord 1654, 07/03/12)

SECTION 5-405. ADMINISTRATION.

In the administration of the Board, the Board of Fire and Police Commissioners, the Village Board, and all other Village Officials shall have the rights and powers and be subject to the duties provided by the Part for the appointment of a "Board of Police Commissioners" of the Statutes of the State of Illinois. (Ill. Com. Stat., Ch. 65, Sec. 5/10-2-1.1 et seq.) (Ord 1573, 05/03/10)

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CHAPTER 5

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PART 5
POLICE PENSION

- SECTION 5-501. ESTABLISHED.
- SECTION 5-502. PENSION BOARD.
- SECTION 5-503. POWERS AND DUTIES.
- SECTION 5-504. MEETINGS.
- SECTION 5-505. SALARY.

SECTION 5-501. ESTABLISHED.

There is hereby created a Police Pension Fund and a Board of Trustees of the Police Pension Fund.

SECTION 5-502. PENSION BOARD.

The Board, composed of five (5) members, shall be known as the Board of Trustees of the Police Pension Fund of the Village of Swansea, Illinois, and its members shall be chosen as provided in the provisions of the Illinois Revised Statutes, pertaining thereto.

SECTION 5-503. POWERS AND DUTIES.

The Board and its members shall have the rights and powers, and be subject to the duties provided by the Illinois Revised Statutes and the parts thereunder entitled Police Pension Fund.

SECTION 5-504. MEETINGS.

The Board herein provided for shall hold quarterly meetings on the second Wednesday of July, October, January, and April, annually and special meetings as called by the President.

SECTION 5-505. SALARY.

The members of the Board of Trustees of the Police Pension Fund shall not receive or have any right to receive any money from the Police Pension Fund as salary for services performed as a member of such Board. (*Ill. Com. Stat., Ch. 40, Sec. 5/3-128*)

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CHAPTER 5

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PART 6
RULES OF POLICE DEPARTMENT

- SECTION 5-601. ADMINISTRATION.
- SECTION 5-602. GENERAL OPERATIONS.
- SECTION 5-603. INVESTIGATION.
- SECTION 5-604. GENERAL DUTIES.
- SECTION 5-605. TRAFFIC.
- SECTION 5-606. PUBLIC HEALTH.
- SECTION 5-607. CONDUCT.
- SECTION 5-608. SPECIFIC DISCIPLINARY OFFENSES.
- SECTION 5-609. WEAPONS.

SECTION 5-601. ADMINISTRATION.

- (A) **Board of Fire and Police Commissioners.** The government and control of the Police Department of the Village of Swansea is vested by law in a Board of Fire and Police Commissioners (hereinafter referred to in these rules as the Commissioners), consisting of three Commissioners appointed by the President of the Board of Trustees of the Village of Swansea, with the advice and consent of said Board. (*Ord 1586, 07/06/2010/6-85*)
- (B) **Force, How Made Up.** To enable the Commissioners to perform the duty imposed upon them by law, they have the power to appoint, enroll, and employ a permanent police force. Said permanent force consists of the following Police Officers:
- ~~(1) One (1) Chief of Police with the rank of Colonel;~~
 - ~~(2) Police Officers and probationary Police Officers as authorized by the Board of Trustees.~~
 - (1) One (1) Chief of Police with the rank of Colonel;
 - (2) One (1) Deputy Chief of Police with the rank of Lieutenant Colonel;
 - (3) Sergeants and Police Officers as authorized by the Board of Trustees. (*Ord 1586, 07/06/2010*)
- (C) **Resignation.** An officer who desires to resign from the Police Department must give at least ten (10) days notice of such intention. His resignation must be in writing and addressed to the Chief of Police, with a copy to the

Commissioners. In the event any officer resigns within two years of his start date of employment with the Village and in the event that the Village has paid for such officer to attend the Police Academy, then the officer shall reimburse to the Village of Swansea a sum representing fifty percent (50%) of the enrollment fee paid by the Village, as well as fifty percent (50%) of the salary paid to the officer during the time of his attendance at the Academy.

- (D) **Sickness Caused by Improper Conduct, Etc.;**
Feigning Sickness.
The designated Village Physician shall report in writing to the Chief of Police any Police Officer who shall evade duty on the pretense of sickness, or whose sickness or disability is caused by improper conduct, intemperate, immoral or vicious habits or practices, or in which a Police Officer fraudulently or by misleading statements concerning his disability, endeavors to deceive the designated Village Physician, or in which a Police Officer feigns sickness or disability.
- The Chief of Police shall make a recommendation in his report whether or not such Police Officer shall be paid for the time he is absent from duty.
- (E) **Notification of Command.** Members unable to report for duty owing to sickness or disability shall have the Police Station notified no less than four hours, if possible, prior to the time they are to report for duty.
- (F) **Intoxicating Liquor in Department Building.** No intoxicating liquor will be brought into or kept in any Department building, or part thereof, or vehicle, except when officially seized.

(G) **Election Petitions Circulated in Department Buildings.**

Persons may be permitted to circulate petitions for political candidates in and about the Police Department building, but such petitions in the absence of the solicitor shall not be left to be filled out. Police Officers are prohibited from circulating election petitions while on duty.

(H) **Criminal, Civil Actions.** A Police Officer shall not make a complaint for damages, or engage in any civil action without first notifying the Chief of Police. Any officer who becomes involved in a suit as a defendant, or as a witness, shall notify the Chief of Police without delay.

(I) **Official Information.** A Police Officer shall treat as confidential the official business of the Police Department. He shall not impart it to anyone except the person for whom it is intended, or as directed by his commanding officer, or under due process of law. Only the Chief of Police or his designee, may impart to representatives of the press, current news, providing the ends of justice are not thereby defeated.

(J) **Changes in Address, Dependents, Etc.** A Police Officer shall make a report to the Chief of Police, within twenty-four hours, when there is a change of his address, marital relations, or the number of his dependents.

(K) **Enforce All Laws and Ordinances.** All Police Officers are equally responsible for the enforcement of all laws, ordinances, and police regulations. The delegation of the enforcement of certain laws and ordinances to a particular division of the Police Department does not relieve Police Officers of other divisions from taking proper police action for violations coming to their attention.

(L) **Loss of Equipment.** It shall be deemed prima facie neglect of duty on the part of a Police Officer to carelessly lose his badge or other equipment; or when lost, to neglect to report the same immediately to the Chief of Police.

~~(M) **Grievances and Suggestions.** Any Police Officer feeling aggrieved at the treatment or orders of a superior officer, or any Police Officer wishing to call attention to any matter of police business or neglect of duty, or to make suggestions for the improvement of the service, shall reduce the same to writing and direct the same, by delivery, to the Chief of Police.~~

(M) **Grievances.** Members of the Police Department aggrieved by the treatment or orders of a superior officer shall adhere to the regulations on grievances set forth in the current collective bargaining agreements. (Ord 1586, 07/06/2010)

(N) **Interview with Commissioners.** Although the Department is semi-military organization and regular channels must be followed in addressing official communications, for the purpose of good discipline and progressive methods, every Police Officer shall be privileged to have an interview with the Commissioners. Accordingly, a Police Officer may apply for an interview with the Commissioners either directly or through the Chief of Police.

(O) **Answering Telephones.** When a Police Officer is called to the telephone, he shall promptly respond by giving his rank and surname.

(P) **Sign Full Name.** It is imperative that officers, when signing any communications in connection with their police duties, shall write their rank, and their first and last names in full.

(Q) **Obedience to Orders.** Punctual attendance, prompt obedience to orders and Police Department procedures, and conformity to the rules of the Police Department, shall be rigidly enforced.

(R) **Surrender Department Property.** A Police Officer, resigning, retiring, or upon dismissal, shall immediately surrender all Police Department property to the Chief of Police.

SECTION 5-602. GENERAL OPERATIONS.

(A) **Access to Telephones.** All officers shall have access to a telephone either in their residence or on the premises adjacent thereto, whereby they may be reached immediately if necessary. They shall promptly inform the Chief of Police when their telephone number is changed.

(B) **Care of Department Property.** A Police Officer is responsible for the good care of Police Department property and shall promptly report to the Chief of Police the loss, damage to, or unserviceable condition of any Police Department property assigned to him.

(C) **Fires.** At a fire, the officers of the Fire Department are in charge of the premises. The duty of the Police Department is to facilitate the operations of the Fire Department in maintaining fire lines and by excluding unauthorized persons and vehicles, and if necessary, diverting vehicular traffic. Unless there is some immediate need for Police Officers to go into a burning building, they shall at all times remain on the outside. Whenever possible, fire lines shall be extended beyond the farthest apparatus or hydrant in use. Legitimate newspaper reporters shall, when consistent, be permitted through the fire lines. When deemed advisable, Police

Officers shall be detailed to guard the premises until the Fire Marshal arrives to take charge.

- (D) **Wires, When Down.** In view of the danger experienced in handling fallen wires, officers shall observe the following instructions:

All overhead wires should be considered high-tension conductors. If the wires which have fallen into the street are telephone or telegraph conductors, normally carrying harmless currents, they may be crossed by high tension conductors far distant from the location of the break. If wires are found in the street, a Police Officer should, if possible, remain at the wire to warn the public, and should communicate with the Police Station and report same. The Police Officer shall remain and guard the wire until the power company or Fire Department arrives.

- (E) **Driving or Riding in Private Conveyances.** Police Officers, when driving a private vehicle shall at no time take any privileges other than those allowed other citizens on the highway.

- (F) **Neighborhood Disputes.** Police Officers shall not engage in controversies arising between their relatives and neighbors; nor make any arrests in their own quarrels or between themselves and their relatives and neighbors or in those of their families, except under such circumstances as would justify them in using self-defense or to prevent injury to another, or when a serious offense has been committed. Such circumstances should be called to the attention of disinterested officers, who shall investigate and take the necessary action.

- (G) **Citizens' Compliance.** Citizens applying to Police Officers on the street, or at the Police Station, for assistance or advice, or for the purpose of entering a complaint, shall be given every possible consideration consistent with the circumstances. This is a duty incumbent on the Police Officer being contacted, and he shall not refer citizens to other officers unless the circumstances necessitate such action.

- (H) **Plain Clothes Officers Identify Themselves.** Any Police Officers working in plain clothes shall be prompt to identify themselves when the occasion arises. No Police Officer has any right to expect obedience to his orders or respect for his authority until he has identified himself as a Police Officer by showing his badge. Citizens resisting arrest, even to the point of inflicting injury, cannot be blamed unless the Police Officer has proclaimed himself by showing his badge of authority.

- (I) **Confessions.** Police Officers shall not use duress or mistreat an accused person in any way when endeavoring to obtain a confession, as a

confession made by a person who has not been given his rights can always be attacked by the accused in court and may ultimately lead to the acquittal of a guilty person.

- (J) **Keep Chief of Police Informed.** When responding to investigate the commission of a heinous crime or an emergency endangering the public safety, Police Officers shall call the Chief of Police and so inform him as to conditions.

- (K) **Wearing Complete Uniform.** All Police Officers shall be in full uniform when on duty, except as specially authorized or when under suspension from duty. No mixture of uniform garments with civilian attire, on or off duty, shall be permitted.

- (L) **Appearance.** Police Officers shall wear clean, brushed and pressed uniforms, polished badges, shields, buttons, and black shoes.

- (M) **Display of Badges.** Police Officers shall at all times carry their badges, and when in uniform, shall display them on the outside of the outer garment, over the left breast. When in civilian clothes, Police Officers shall readily display their badge to establish their official identity.

- (N) **Insignias Prohibited.** When on duty, Police Officers shall not be permitted to wear on any part of their Police uniform any badge, button, or other insignia, unless authorized to do so by the Chief of Police.

- (O) **Remain in Uniform.** All Police Officers shall remain in uniform on duty unless specifically authorized by the Chief of Police to change into civilian clothes.

- (P) **Duty of Officers When Dispatched.** When Police Officers detailed to radio-equipped vehicles are dispatched, they shall immediately proceed with caution by the most direct route to the given destination, being observant for any suspected cars or persons. If a radio-equipped car has reported out of service or has completed a radio run, the dispatcher shall be again notified when the work is completed or when the squad car is reporting back in service.

When one squad car responds to a broadcast directed to another car, they shall remain until the squad car originally dispatched arrives and informs them of the action taken.

- ~~(Q) Senior Officer in Charge. In the absence of a superior officer the senior officer, in length of service, shall be in charge.~~

- (Q) Officer in Charge. In the absence of a superior officer, the position of Officer in Charge shall be determined by rank and length of service at each

rank. The Officer in Charge shall serve in such position until relieved by an officer who is superior in either rank or length of service. (Ord 1586, 07/06/2010)

- (R) **Private Persons in Police Vehicles.** Private persons shall not be permitted to ride in police vehicles which are being used in the performance of duty, unless the presence of said person is necessary in the furtherance of police work.
- (S) **Towing Prohibited.** Police Department vehicles shall not be used for towing or pushing other cars.
- (T) **Motors Running.** When a Police Department vehicle is left unattended, the motor shall be shut off and the keys removed. If the vehicle is equipped with an engine lockout device, the vehicle may remain running as long as the lockout device is activated and the keys are removed.
- (U) **Searching Prisoners.** The arresting officer shall be responsible for the making of a proper search of all prisoners arrested. A receipt itemizing the articles taken from a prisoner shall be given the prisoner for all personal property.
- (V) **Lawyers.** Lawyers applying at the Police Station for permission to see a prisoner for whom they claim to be counsel, shall be given an opportunity to do so, provided the prisoner desires such counsel. In all such cases, the prisoner shall be brought to some proper place in the Police Station where he may consult with his counsel in private.
- (W) **Misconduct Toward Prisoner.** The arresting officer shall be held responsible for treatment received by prisoners while in the Police Station and under no circumstances shall they be treated with unnecessary violence. The arresting officer shall entertain and investigate any complaint made by a prisoner regarding misconduct on the part of other officers and shall report same to the Chief of Police.
- (X) **Use of Phone.** Prisoners, unless intoxicated or otherwise incompetent, shall be permitted to use the telephone or be given other proper facilities for notifying their relatives or friends and legal counsel, provided that in the case of relatives or friends living outside of local area, the prisoner agrees to assume the expense of such notification. No Police Officer or employee of the Police Department shall accept a fee for rendering any services to such a prisoner.
- (Y) **Use of Handcuffs.** The responsibility of a Police Officer for the safe custody of his prisoner permits him a liberal discretion in the use of

handcuffs. Therefore, he may use his handcuffs when he has reasonable cause to believe that their use is necessary.

- (Z) **Felonies and Misdemeanors.** Handcuffs should be used on all adult prisoners charged with a felony, and on those charged with a Class A misdemeanor.
- (AA) **Persons Exempt From Arrest.** The following persons shall be privileged from arrest, except for treason, felony, or breach of the peace: Members of the Congress of the United States, while Congress is in session, or while traveling to or from such sessions; Members of the legislature while such legislature is in session or for 15 days before such session commences or 15 days after such session ends; Members of an election board, while in attendance at the polls, and qualified voters while at elections or going to or coming from them. The following persons are not subject to arrest on any charge: Ambassadors, Ministers or Legation Attaches of foreign governments. Local Counsels of foreign governments, however, are not in this classification.
- (BB) **Relieve Prisoners of Offensive Weapons.** After making an arrest, the officer shall take from the person arrested all offensive weapons or incriminating articles which he may have about his person and process them in the proper manner.
- (CC) **Duty to Search.** Police Officers have the power, and it is their duty, to search the person and/or the automobile of one lawfully arrested, and also the room and place in which he is arrested, in accordance with Supreme Court decisions.

SECTION 5-603. INVESTIGATIONS.

- (A) **Preserving Evidence and Fingerprints.** In the investigation of an alleged crime or suspicious death, Police Officers shall exercise every precaution to avoid destroying or lessening the evidence on bodies, effects and surrounding property. Particularly they shall avoid destruction of fingerprints by unintelligent handling of any weapon or other article.
- (B) **Drinking to Obtain Evidence Not Required.** Police Officers shall not be required to drink intoxicating liquor for the purpose of obtaining evidence.
- (C) ~~Report Manual. Every Police Officer shall read the Report Manual, as prepared and promulgated by the Chief of Police, and follow instructions contained therein.~~

(C) Daily Bulletin. Every Police Officer shall read the Daily Bulletin, as prepared by the telecommunications staff, to determine what has transpired during their time off and determine what areas warrant police attention. (Ord 1586, 07/06/2010)

(D) **Procedure at Scene of Crime.** The first Police Officer upon the scene shall arrest any suspects, detain all witnesses, and prevent disarrangement of objects or any other alterations or changes of the crime scene which might prove detrimental to later investigation. Said officer shall be responsible for conducting a proper investigation and shall exclude all unauthorized persons or those who are not actually engaged in the investigation. He shall chart the crime scene and make notes of all other important details. If the perpetrator is not apprehended, all evidence and information gathered shall be furnished to any other Police Officers assigned to the case.

(E) **Descriptions.** All patrolling officers shall, before going on duty, make notes of all pertinent orders and get an accurate description of all persons requiring police attention.

(F) **Reputation of Suspects.** Police Officers shall be careful in their inquiries not to unnecessarily endanger the reputation of any person who may be the subject of their investigation.

SECTION 5-604. GENERAL DUTIES.

(A) **To Report Suspected Places.** A Police Officer shall report to the Chief of Police whenever he has reasonable grounds to suspect that any building, or part therein, is being used in violation of any law.

(B) **To Try Doors and Windows.** At night, and during the time that business places are closed, a Police Officer shall exercise the greatest vigilance, frequently examining and trying the doors, low windows, areaways, grating, etc., or business places and vacant dwelling houses on his post, and shall investigate all suspicious circumstances.

(C) **Doors or Windows Found Open.** When a door or window is found open, a Police Officer shall make a thorough investigation, summon assistance, if necessary, and properly secure it. If there are indications a crime has been committed, he shall notify the Police Dispatcher immediately, and summon the owner if possible. Otherwise, he shall leave a notice on the premises of the conditions. He shall make a detailed written report to the Chief of Police at the end of his tour of duty.

(D) **Visit Vacant Houses.** A Police Officer shall enter in his memorandum book a list of vacant houses on his post, visit each during his tour of patrol and report at the expiration of his tour such buildings as are not secure.

(E) **Report Unlighted Street Lights, Etc.** A Police Officer shall report street lights which should be lighted but are not, defects in pavements and sidewalks, broken glass on the street, unprotected dangerous excavations, or any other dangerous condition.

SECTION 5-605. TRAFFIC.

(A) **Investigate Suspicious Vehicles.** A Police Officer shall note and investigate, all vehicles, the drivers or occupants of which in any manner may excite suspicion. He shall take such immediate action as he deems necessary and shall report to the Chief of Police the facts. He shall pay particular attention to motor vehicles of all kinds observing their license numbers, and constantly watch for such as have been used in the commission of a crime, or are not properly license or legally equipped.

(B) **Relieve Traffic Congestion.** When any public highway becomes blocked by vehicular traffic, a Police Officer shall aid the drivers by clearing such condition. When there is a continuous flow of traffic on a highway, he shall give assistance to pedestrians desiring to cross, especially to women, children, the aged and the blind.

(C) **Report Defective Traffic Signal Lights.** A Police Officer shall immediately report traffic signal lights which are out of order or not properly adjusted.

(D) **Rectify Traffic Signs.** A Police Officer shall familiarize himself with the location and purpose of street traffic signs, and if he sees them misplaced, turned around, or tampered with in any manner, rectify same. However, if the condition of the sign cannot be rectified he shall submit a report.

(E) **Traffic Duties.** All Police Officers, on certain occasions, shall perform traffic duties, according to Police Departmental rules covering same.

(F) **Pedestrian Traffic.** Traffic and other Police Officers detailed at street crossings, shall give the same consideration to pedestrian traffic as they give to vehicular traffic. Special attention must be given to aged, blind, crippled and children, in assisting them across the intersection.

- (G) **School and Special Traffic Duty.** When an officer is detailed on special traffic duty, he shall take his position as near the center of intersection as conditions permit. When detailed at a school crossing he shall post himself at the curb, from which position he shall escort the children across the street.
- (H) **Obey Traffic Laws.** When answering Police calls, or when on patrol, Police Officers driving police vehicles shall drive in a cautious manner, and shall at all times obey the traffic rules and regulations except in extreme emergency cases. Police Officers are responsible for all damages incurred in traffic accidents as a result of their negligence while driving.
- (I) **Escorts.** Police Officers acting as escorts for parades, distinguished persons, etc., shall not speed nor use their sirens except in extreme emergency cases as a warning of their approach.

SECTION 5-606. PUBLIC HEALTH.

- (A) **Killing Animals.** When it becomes necessary to kill an animal because of sickness, injury, or one that is afflicted with rabies, or other extraordinary circumstances, a Police Officer may shoot the animal, but before doing so, he shall, if possible, receive written permission and the signature of The owner.
- (B) **Animals Afflicted With Rabies.** When a Police Officer has occasion to shoot an animal suspected of being afflicted with rabies, he shall aim at the heart, immediately back of the left front leg, and under no circumstances shall such animals be shot in the head. The carcass of any animal suspected to have been afflicted with rabies, shall be turned over to St. Clair County Animal Services for further action.
- (C) **To Report Dead Animals.** A Police Officer shall report to the Police Station any dead animal found in a public place. If the animal is in such condition as to be dangerous to health, it shall be reported immediately by telephone. If not removed in twenty-four hours, a second report shall be made.
- (D) **To Report Cases of Contagious Disease.** A Police Officer shall immediately report to the Chief of Police, any case of malignant, infectious, or contagious disease coming to his notice.

SECTION 5-607. CONDUCT.

- (A) **Conduct.** A Police Officer must be quiet, civil and orderly. In the performance of duty he must maintain command of temper, patience, and discretion. He must at all times refrain from

coarse, boisterous, profane or insolent language, but, when required, act with firmness and sufficient energy to perform his duty.

- (B) **Courtesy.** Courtesy to citizens, and between other Police Officers, is indispensable to discipline. Police Officers must be civil and respectful toward each other and toward all persons, on all occasions. They shall make courteous responses to requests for information or directions.
- (C) **Personal Appearance.** A Police Officer shall always be neat and clean in person and dress, his clothing clean and well pressed, and his equipment at all times in serviceable condition.
- (D) **Drinking Intoxicating Liquor.** A Police Officer shall not drink intoxicating liquor of any kind while on duty or while in uniform.
- (E) **Entering Place Where Intoxicating Liquor is Sold.** A Police Officer on duty, or a Police Officer in uniform off duty, shall not enter, either directly or indirectly, any premises upon which intoxicating liquors of any kind are sold or stored for consumption on the premises, except in the immediate performance of a specific police duty. He may enter a restaurant licensed to sell beer and wine only for the purpose of eating.
- (F) **Stunting and Trick Riding.** A Police Officer shall not stunt or trick ride.
- (G) **Religious or Political Discussions.** A Police Officer shall avoid all religious or political discussions in the Police Station or elsewhere while on duty, and shall not speak slightly of the nationality of any person. He shall not interfere or make use of the influence of his office in elections, nor be permitted to take any part in any political activity, nor shall he solicit or contribute money or other things to any person for any political purpose.
- (H) **Not to Furnish Bail.** A Police Officer shall not go on the bond of, or furnish bail for any person arrested, nor shall he accept any fee or gift from any person who may become bail for any arrested or convicted person or any fee or gift from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense.
- (I) **Not to Recommend Attorneys.** Police Officers are prohibited from suggesting or recommending attorneys to prisoners, or from employing any person as an attorney or counsel for a prisoner, with a view to his defense. They shall not be concerned in any promise or arrangement between thieves or criminals, and persons who have suffered by their acts, with a view to

- permitting prisoners to escape the penalties provided by law.
- (J) **Civil Cases.** Police Officers shall render no assistance whatever in civil cases, or advise parties involved, except to prevent a breach of the peace or to quell a disturbance actually commenced.
- (K) **Claims, Settling of.** Whenever any Police Officer sustains a loss or an injury which results in the Police Department incurring any expense for his treatment, or which prevents him from continuing his regular police duties, or where there is a loss to the Police Department of any description whatever, the Police Officer concerned shall not make an adjustment or a settlement of any such claims without notifying the Chief of Police.
- (L) **Not to Ask for Passes.** A Police Officer shall not seek free admission for himself or others, to theaters or other places of amusement.
- (M) **Borrowing Money.** A Police Officer shall not borrow money from or otherwise become indebted or obligated to any person whose business is subject to regulation by the police.
- (N) **Guarding Source of Information.** Police Officers shall not divulge to anyone, except to other members of the Police Department to whom it may be necessary in connection with police work, the name of any persons giving information. Information presented to the Police Department in connection with crimes must be carefully guarded. The source of any information shall not be given publicly.
- (O) **Not to Taunt Ex-Convicts.** A Police Officer shall not taunt or persecute ex-convicts. Police Officers shall cooperate, encourage, and endeavor to help such persons rehabilitate themselves.
- (P) **Cooperation Required.** Coolness and firmness is required of all Police Officers in time of extreme peril. They must act together and protect each other in the restoration of peace. Whoever shrinks from danger or responsibility shall be deemed to be guilty of cowardice and subject to immediate dismissal.
- (Q) **Truthfulness Required.** A Police Officer must speak the truth at all times and under all circumstances. Any Police Officer who willfully depart from the truth is unfit for service and shall be subject to immediate dismissal.
- (R) **Public Speaking.** Police Officers shall not speak before a public gathering if they are represented as being an Officer of the Swansea Police Department without first having obtained approval of the Chief of Police.
- (S) **Tardiness.** Police Officers unable to report punctually for duty for any cause, must notify the Police Station prior to the time set for the commencement of their tour of duty.
- (T) **Assuming Responsibility.** Police Officers shall assume the responsibility of their own acts. In no instance shall they attempt to shift the burden of responsibility for executing, or neglecting to execute, a lawful order or police duty.
- (U) **Merchandise, Recommending Prohibited.** No Police Officer of the Swansea Police Department shall give an oral or written endorsement for any manufacturer's article, goods, or merchandise of any description.
- (V) **Badge Number and Name When Requested.** The rules of the Swansea Police Department require that a Police Officer shall give his name and badge number to any person upon request. A Police Officer shall not be influenced to make an arrest, merely because a citizen has exercised his right to ask for the officer's badge number or had indicated in any other way that he was going to report the officer to the Chief of Police.
- (W) **Study of Rules.** All Police Officers are required to study these rules and be familiar with them.
- ~~(X) **Outside Employment.** Police Officers of the Swansea Police Department may be employed or engage in a business or occupation compatible with their Village employment, subject, however, to the following limitations:~~
- ~~(1) They shall not engage in the occupation of a bartender, "bouncer" or tavern operator. If a policeman is employed at an organizational dance within the Village limits, he shall not be considered to be a "bouncer".~~
 - ~~(2) They shall not engage in any illegal occupation.~~
 - ~~(3) They shall not be gainfully employed or engaged in any business or occupation other than their Village employment for more than twenty (20) hours in any calendar week.~~
 - ~~(4) They shall not be gainfully engaged in any employment or other business or occupation outside the greater metro-east area.~~
 - ~~(5) In the event of injury sustained in gainful employment, business or occupation other than Village employment, Police Officers shall not be entitled to time off with pay for any lost employment resulting therefrom. In the event that an injury is incurred in said outside gainful employment or occupation and sick pay is denied by the Village of Swansea, this~~

~~shall in no way affect the Police Officer's tenure in his position.~~

- ~~(6) That even though engaged in other approved employment, business or occupation, Police Officers shall be available for call to duty within a reasonable time.~~
- ~~(7) That if the Chief of Police of the Swansea Police Department has reason to believe that outside employment is adversely affecting the work of any Police Officer, he shall discuss the matter with that officer. After such discussion, if no agreement is reached, both the Chief of Police and the officer shall request a hearing before the President of the Board of Trustees and the Public Safety Committee. If the President of the Board of Trustees and the Public Safety Committee concur with the opinion of the Chief of Police, the officer may appeal to an ad-hoc committee formed by one Village Trustee who is not a member of the Public Safety Committee, a representative of labor, and a representative of the Chamber of Commerce. Said representatives shall be mutually agreed upon. If the findings of the President of the Board of Trustees and Public Safety Committee concur in the opinion of the officer, there shall be no appeal.~~

(X) Outside Employment. Full-time officers of the Swansea Police Department may be employed or engage in a business occupation not incompatible with their Police Department employment. Outside employment is subject to the following limitations and conditions:

(1) Notification. Notification of outside employment shall be as follows:

- (a) Officers shall advise the Chief of Police of the employment, business, or occupation in which they are engaged.
- (b) Approval to work outside employment shall not be unreasonably denied.
- (c) All officers working outside the Police Department, even those self-employed, shall sign a waiver holding the Village harmless if injured during such employment.

(2) Restricted Employment and Occupations. Outside employment shall be limited as follows:

- (a) Officers shall not engage in the occupation of a bartender, "bouncer", or tavern operator. If an officer is employed as security at an organization dance or other organization

event within the Village limits, he shall not be considered a "bouncer."

- (b) Officers shall not work at any establishment with a Village of Swansea Class A or Class C liquor license, except that officers may work at such establishments for a charitable event not more than two (2) times per year in total.
- (c) Officers shall not engage in any illegal occupation.

(3) Limitations. Officers shall be limited as follows:

- (a) No officer shall be gainfully employed or engaged in any business or occupation other than their Village employment for more than twenty (20) hours in any calendar week.
- (b) Officers even while engaged in their secondary employment shall be available for call to duty within a reasonable time.

(4) Adversely Affecting Work. In the event the Chief of Police has reason to believe that the outside employment is adversely affecting the work of the employee, he shall discuss the matter with the officer in an attempt to resolve the issues involved. If the matter is not resolved to the mutual satisfaction of both parties, the matter shall be resolved through the grievance and arbitration procedures of the current collective bargaining agreements.

(5) Secondary Employment Form. Police Officers and Sergeants seeking employment outside the Police Department, including self-employment, must provide the Chief of Police with a signed Secondary Employment form.

- (Y) Absence of Chief of Police. During any time when the Chief of Police is unavailable for any reason to perform his duties, the officer designated by the Chief of Police shall be deemed the Officer in Charge, whether on duty or not, and shall be immediately notified the same as the Chief of Police. During any time when the Chief of Police is unavailable for any reason to perform his duties, the Deputy Chief of Police shall be deemed the Officer in Charge, whether on duty or not, and shall be immediately notified the same as the Chief of Police. The orders and decisions of the Deputy Chief of Police shall have the same force and effect as if made by the Chief of Police. The Deputy Chief of Police shall continue to make reasonable effort to notify the Chief of Police, and his authority shall cease as soon as the Chief of Police is able to resume command. When the Chief of Police has notified the President of the Board of Trustees that he will not be immediately available to perform his duties, the Chief of Police is presumed unavailable until he notifies

the President of the Board of Trustees or his officers that he is available.

If the Deputy Chief of Police is not immediately available to assume responsibility as the Officer in Charge, the position of Officer in Charge shall be determined as set forth in Section 5-602 General Operations, paragraph Q Officer in Charge, set forth herein.

The orders and decisions of the Officer in Charge shall have the same force and effect as if made by the Chief of Police. Said Officer in Charge shall continue to make reasonable effort to notify the Chief of Police and Deputy Chief of Police, and his authority shall cease as soon as the Chief of Police Deputy Chief of Police is able to resume command. When the Chief of Police has notified the President of the Board of Trustees that he will not be immediately available to perform his duties, the Chief of Police is presumed "unavailable" until he notifies the President of the Board of Trustees or his Officers that he is available. (Ord 1568, 07/06/2010)

SECTION 5-608. SPECIFIC DISCIPLINARY OFFENSES.

(A) Disciplinary Offenses for Which Charges May Be Preferred.

A Police Officer who is found guilty of violating a rule, regulation, or Police Department procedure; or who is found guilty of violating provisions of general or special orders; or who is convicted in a court having criminal jurisdiction; or who is found guilty of violating any of the following listed offenses, shall be subject to reprimand, suspension, forfeiture of pay, dismissal, or suffer such other lawful punishment as the Commissioners, or Chief of Police, where appropriate, may direct:

- (1) Cowardice.
- (2) Willful disobedience of rules or orders.
- (3) Being under the influence of liquor.
- (4) Drinking any kind of intoxicating liquor while on duty, unless ordered by competent authority.
- (5) Entering a place where intoxicating drinks are sold or kept, save for exceptions permitted as set forth in these rules and regulations.
- (6) Entering a disorderly house or a place where illegal commercial gambling is carried on, not in the performance of police duty.
- (7) Willful maltreatment of a prisoner or any other person.

- (8) Conduct unbecoming of an officer.
- (9) Insubordination or disrespect to a superior officer.
- (10) Neglect of duty.
- (11) Inattention of duty.
- (12) General incompetency.
- (13) Sleeping while on duty.
- (14) Being absent from duty without permission.
- (15) Being absent from the area for more than twelve hours without notifying the Chief of Police.
- (16) Leaving post without proper relief or purpose.
- (17) Using, coarse, profane, or insolent language to the Chief of Police, another Police Officer, or to any citizen.
- (18) Not properly patrolling or guarding a post.
- (19) Making a false statement or report.
- (20) Neglecting to appear clean and tidy in person and dress, or failure to dress with uniform entirely buttoned up at all times while in public.
- (21) Neglecting to wear proper uniform while on duty.
- (22) Accepting bribes, money, or other valuables.
- (23) Accepting any fee, reward or gift of any kind from any person arrested; or from any person in his behalf while in custody; or from any person for services rendered or pretended to be rendered as a Police Officer of the Department without consent of the Chief of Police.
- (24) Gossiping about a Police Officer concerning his personal character or conduct, which is detrimental to said Police Officer.
- (25) Publicly criticizing orders given by the Chief of Police.
- (26) Communicating or giving police information to any person concerning the business or the Police Department, which is detrimental to the Police Department.
- (27) Communicating or giving police information which may aid a person to escape arrest, or

to delay the apprehension of a criminal, or to secure removal of stolen or embezzled goods or other property or money.

- (28) Refusing to give name or badge number when requested.
- (29) Neglecting to furnish persons arrested with a receipt for all personal property taken from them.
- (30) Neglecting to turn over all property taken from persons arrested, or found, or seized, to the proper officer without delay.
- (31) Unjustified use of weapon.
- (32) Failure to report a known violation of law or of a Village ordinance.
- (33) Ignorance of rules of orders.

SECTION 5-609. WEAPONS.

- (A) **Carrying Guns.** Permission to carry privately owned guns will be granted only by the Chief of Police. The make, model and serial number of such weapons must be registered in the personnel file of the Police Officer. The Police Officer must qualify with the weapon.
- (B) **Have Weapons Convenient.** Police Officers shall, at all times when on duty, carry their weapons and other equipment and be ready to act at a moments notice.

The Chief of Police and other Police Officers on duty in the Police Station, shall be constantly on the alert and shall have their weapons in a position where they can be reached instantly should an emergency arise.

- (C) **Loading and Unloading.** Weapons carried by a Police Officer while on duty shall be properly loaded.

Any firearm owned by a private person coming into the possession of a Police Officer shall be immediately unloaded except those having been fired in the perpetration of a crime or a suicide, in which case they shall be delivered intact to the Chief of Police's Office.

- (D) **Off Duty Weapons.** Police Officers may carry off duty weapons. The officer's weapon must be approved by the Chief of Police with the make, model and serial number of the weapon registered in the personnel file of the officer. The Police Officer must qualify with the weapon.

If a Police Officer anticipates consuming alcoholic beverages while off duty, he shall not carry a weapon.

Police Officers are required to maintain proper safety measures in handling and storing their weapons both on and off duty.

- (E) **Condition of Weapon.** Police Officers shall keep their equipment in good and serviceable condition. Weapons shall be kept clean, free from an excessive amount of oil and always ready for inspection.
- (F) **Shooting Affairs.** Any Police Officer who has the occasion to fire his weapon, except on the target range, shall write a report detailing the incident.
- (G) **Marksmanship.** All Police Officers shall be required to attain a firearms proficiency of at least 80% in order to qualify.
- (H) **To Use in Extreme Cases.** A Police Officer must not use his weapon except in extreme cases. He may use it in self defense when necessary to save his life or the life of citizen, or to protect himself, or a citizen from serious bodily injury.

CHAPTER 5
PUBLIC SAFETY

PART 7
FIRE DEPARTMENT

- SECTION 5-701. CREATION OF DEPARTMENT.
- ~~SECTION 5-702. OFFICE OF CHIEF CREATED.~~
- SECTION 5-702. OFFICE OF CHIEF AND DEPUTY CREATED.
- SECTION 5-703. VILLAGE VEHICLE
- SECTION 5-704. REMOVAL FROM OFFICE.
- SECTION 5-705. DUTIES OF THE CHIEF.
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- SECTION 5-716. INJURY WHILE ON DUTY.
- SECTION 5-717. ENTERING FIRE HOUSES.
- SECTION 5-718. EQUIPMENT.
- SECTION 5-719. MUTUAL AID AGREEMENTS.
- SECTION 5-720. RESERVING THE PUBLIC MEETING ROOM.

SECTION 5-701. CREATION OF DEPARTMENT

There is hereby created a Swansea Fire Department, an executive department of the Village. The Fire Department shall consist of the Fire Chief, Deputy Fire Chief, and of such number of volunteer firefighters as may be provided from time to time by the Village Board of Trustees.

SECTION 5-702. OFFICE OF CHIEF CREATED

- (A) There is hereby created the office of Fire Chief. The Chief shall be appointed by the Mayor for a one-year term with the advice and consent of the Village Board.
- (B) There is hereby created the office of Deputy Fire Chief. The Deputy Chief shall be appointed by Board of Fire and Police Commissioners.
(Ord 1654, 07/03/12)

SECTION 5-703. VILLAGE VEHICLE

The Fire Chief and Deputy Chief shall be provided with a Village-owned vehicle for his 24-hour use. Maintenance and gasoline expenditures shall be paid

by the Village of Swansea. ~~Said vehicle shall not be used for extended personal use.~~ Limited personal use of the vehicle is permitted provided that the user is fit for duty and is able to make an immediate and timely response to a request for fire service. (Ord 1592, 09/20/2010)

SECTION 5-704. REMOVAL FROM OFFICE

~~Upon good cause shown and a recommendation from the Personnel Committee, the Fire Chief, after having had an opportunity to be heard at a meeting of the Board of Trustees, may be removed from office by a two-thirds (2/3) vote of the Board of Trustees.~~

- (A) The fire chief may be removed or discharged by the mayor during his term of appointment according to this section. Should any provision of this section conflict with Section 10-2.1-17 of the Illinois Municipal Code; the Illinois Municipal Code shall govern.

If the mayor determines the fire chief should be removed or discharged from his position, the mayor shall file with the corporate authorities the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities. The board of fire and

police commissioners shall then conduct a fair and impartial hearing of the charges, to be commenced within 30 days of the filing thereof, which hearing may be continued from time to time. If the fire chief is found guilty, the board may discharge him, or may suspend him not exceeding 30 days without pay. The board may suspend the fire chief pending the hearing with or without pay, but not to exceed 30 days. If the Board of Fire and Police Commissioners determines that the charges are not sustained, the fire chief shall be reimbursed for all wages withheld, if any.

In the conduct of this hearing, each member of the board shall have power to administer oaths and affirmations, and the board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the hearing. The conduct of the hearing shall comply with the provisions of the Illinois Municipal Code, Section 10-2.1-17, as amended (2007) and subsequent amendments, and the rules established by the Board. (Ord 1577, 05/17/2010)

- (B) The deputy fire chief shall be removed in accordance with the Rules and Regulations established by the Board of Fire and Police Commissioners. (Ord 1654, 07/03/12)

SECTION 5-705. DUTIES OF THE CHIEF AND DEPUTY CHIEF

- ~~(A) Chief of this department shall appoint all Subordinate Officers, except the Deputy Fire Chief, at the first meeting following his/her appointment.~~
- ~~(B) The Subordinate Officers shall consist of One (1) Deputy Chief, Two (2) Lieutenants; Three (3) Captains; and One (1) Chief Engineer. No member serving his/her probationary period or Retired member shall be appointed as a subordinate officer.~~
- ~~(C) It shall be the duty of the Chief to be present at all fires if possible, and to plan the attack, to direct the action of all Equipment and Fire Department Personnel at the scene.~~
- ~~(D) The Chief shall make a report at the next regular meeting of all fires, and give as close as possible, the location, date, time, and type of fire and the necessary additional information.~~
- ~~(E) The Chief shall call a meeting of the Subordinate Officers each month or as needed.~~
- ~~(F) In the absence of the Chief, these duties shall be assumed by the Deputy Chief or next ranking officer.~~

- (A) Chief. The Chief of this department shall appoint all Subordinate Officers, except the Deputy Fire Chief, at the first meeting following his/her appointment.

1. The Subordinate Officers shall consist of One (1) Deputy Chief, Two (2) Lieutenants; Three (3) Captains; and One (1) Chief Engineer. No member serving his/her probationary period or Retired member shall be appointed as a subordinate officer.
2. It shall be the duty of the Chief to be present at all fires if possible, and to plan the attack, to direct the action of all Equipment and Fire Department Personnel at the scene.
3. The Chief shall make a report at the next regular meeting of all fires, and give as close as possible, the location, date, time, and type of fire and the necessary additional information.
4. The Chief shall call a meeting of the Subordinate Officers each month or as needed.
5. In the absence of the Chief, these duties shall be assumed by the Deputy Chief or next ranking officer. (Ord 1654, 07/03/12)

(B) Deputy Chief.

Job Summary: A management position that involves assisting the Fire Chief with the overall planning and direction of the Swansea Fire Department. The employee in this position is the second in command of the department.

Supervision Received: Work is performed under the managerial direction of the Swansea Fire Chief.

Supervision Exercised: Supervises all member of the Swansea Fire Department.

The essential job functions of the Deputy Fire Chief that must be performed with or without accommodation, may include, but are not limited to the following:

1. Exercise all functions, powers and duties delegated by the Swansea Fire Chief.
2. Direct and generally supervise department personnel; oversee major tasks as assigned.
3. Assist with the development and implementation of departmental policies, goals, and procedures, general and specific orders, memos and the laws of the state and the Village of Swansea.
4. Assist the Fire Chief in monitoring and ensuring the effectiveness of departmental operations and personnel.
5. Assist in determining equipment and supply needs.
6. Inspect and maintain fire stations, equipment and apparatus in working order, excluding grounds maintenance.
7. Assist the Fire Chief in the development of emergency preparedness plans involving the Fire Department and the community.
8. Oversee safety and other types of training for personnel.

9. Meet the Village officials, community groups and others regarding fire department matters.
 10. Maintain a schedule and gather educational materials for schools during, but not limited to, Fire Prevention Week
 11. Speak at public and school functions on fire prevention subjects and distribute educational materials, as required.
 12. Assist the Fire Chief as needed in the review of building construction plans.
 13. Assist the Fire Chief in conducting inspections of commercial, industrial, public, residential and institutional buildings as required by ordinance.
 14. Perform additional job related tasks and duties as requested or assigned.
 15. Perform all duties required of a firefighter as needed.
 16. Respond to calls for service after scheduled working hours, if possible.
- (Ord 1654, 07/03/12)

SECTION 5-706. REPORTS

The Fire Chief shall:

- (A) Make a complete annual report to the Village of Swansea Board of Trustees. This report shall include any requests for new equipment, which will improve the effectiveness of the Department.
- (B) Forward or cause to be forwarded a monthly activity report to the Environmental and Public Safety Committee.

SECTION 5-707. INSPECTIONS

The Chief is empowered to inspect, or he may request the State Fire Marshal to inspect, any and all public buildings and premises at any reasonable time for the purpose of inspecting the premises for dangerous fire hazards, which may threaten life or property. Any dangerous condition shall be ordered abated by the Fire Chief and/or State Fire Marshal.

SECTION 5-708. DUTIES

It shall be the function and duty of the Fire Department and every member thereof to extinguish accidental or destructive fires, perform rescues, and respond to other situations for the preservation of life or property.

SECTION 5-709. MEMBERSHIP

- (A) This organization shall be known as the Swansea Fire Department Number 1. Membership shall consist of Active and Retired members. Active

members shall be limited to a total of ~~thirty-five (35)~~ forty (40). (Ord.1610, 04/18/11)

- (B) All Active members shall be residents of the Village of Swansea or reside within one (1) mile of the Village corporate boundaries, be of good moral character and at least nineteen (19) years of age.

SECTION 5-710. MEMBERSHIP PROCESS

- (A) Persons interested in membership to the Swansea Fire Department should be referred to the Fire Chief, who shall keep as list of interested persons.
- (B) Any new member must be approved by the Village of Swansea Board of Trustees and complete all employment requirements including, but not limited to a physical examination and a test to indicate that the applicant can perform the physical requirements of the position.
- (C) New members shall be placed on a one (1) year minimum probationary period and will not be removed from probation until he/she has completed the certification process developed by the Illinois State Fire Marshal. During this probationary period, should the Fire Chief find him/her unfit as a firefighter, he/she shall be dropped from the roll, with the advice and consent of the Village of Swansea Board of Trustees. The Fire Chief shall report to the body when a new member is released from probation.

SECTION 5-711. OBEDIENCE TO ORDERS.

Any firefighter in attendance at a fire, training, or other fire department function who shall neglect or refuse to obey the orders of the officer in command at such fire, shall, upon conviction, be reprimanded and disciplined by the Fire Chief.

SECTION 5-712. SUPERVISION

The Chief or ranking available officer shall have control of the Swansea Fire Department, firehouse, and all fire apparatus belonging to the Village of Swansea to include the repair and upkeep of same. Whenever any fire apparatus belonging to the Village of Swansea is in need of repair to make it safe and serviceable, the Chief or ranking available officer will cause the same to be done without delay. Repairs will be accomplished in accordance with guidelines of the Village of Swansea, purchase orders, cost limitations, etc.

SECTION 5-713. COMMAND AT FIRES

In case of fire, the officer of the highest rank at the fire shall take command of the Swansea Fire Department and direct the management thereof for

the suppression of the fire in the best manner possible; and when it may be necessary because of conflagration, the officer in command may cause buildings to be removed, torn down, or destroyed in the best manner possible. In the event that there are several officers of equal rank, the officers with the most seniority shall take command.

SECTION 5-714. DISCIPLINARY ACTION

- (A) The Fire Chief shall have the authority to take progressive disciplinary actions against a member of the fire department for misconduct, including a verbal or written reprimand, or suspension from the department.
- (B) The following are examples of conduct, which could result in disciplinary actions being brought against a member, but are not the only reasons misconduct may be charged against a member.
 - 1. Any member appearing intoxicated at any meeting or function governed by this department.
 - 2. Any member willfully disobeying any officer when on duty.
 - 3. Any member convicted of a felony
 - 4. Under the use of illegal drugs during any fire department activity.
- (C) The Fire Chief may not dismiss a member of the Fire Department without the advice and consent of the Village of Swansea Board of Trustees.
- (D) If the member wishes to appeal any disciplinary action taken against him/her, he/she may do so by appealing in writing to the Chairman of the Personnel Committee. Appeal must be received within thirty (30) days of the decision of the Fire Chief and will be heard at the next scheduled Personnel Committee meeting.

SECTION 5-715. USE OF APPARATUS

No person shall use any fire engine, hose, or any other apparatus belonging to the Village for any private purpose, other than the extinguishments of fires, nor shall he remove the same or any part thereof from its place of deposit, or having control there, shall permit such engine, hose or other apparatus to be used for any private purpose other than aforesaid.

No person shall willfully or negligently break, deface, or in any manner injure any fire engine, hose equipment, or other fire apparatus belonging to the Village of Swansea, or shall remove any screw, bolt, nut, or any part of such engine or other fire apparatus or in any manner interfere with the same when being used by the proper person or authority.

SECTION 5-716. INJURY WHILE ON DUTY

Any member disabled while on duty shall receive per week, benefits according to the Village of Swansea Worker's Compensation insurance coverage.

SECTION 5-717. ENTERING FIRE HOUSES

It shall be and hereby is declared unlawful for any unauthorized person or persons to enter the fire department house or any place where the equipment and apparatus of the fire department is stored, at any time, except on business pertaining to the Fire Department or other Village of Swansea business.

SECTION 5-718. EQUIPMENT

- (A) The Village of Swansea Board of Trustees shall supply the necessary apparatus and equipment as may be required from time to time to maintain the efficiency of the Department and its ability to protect life and property.
- (B) No Fire Apparatus or Fire Fighting Equipment belonging to the Village of Swansea shall be taken from the engine room except in case of fire or other emergency without the permission of the Chief or next ranking officer.

SECTION 5-719. MUTUAL AID AGREEMENTS

The Swansea Fire Department, with the advice and consent of the Village of Swansea Board of Trustees, is authorized to enter into mutual aid agreements with neighboring fire districts or municipalities owning fire apparatus. No apparatus or equipment shall aid a municipality or district unless an agreement is on record. Such aid and assistance to another municipality or district shall not jeopardize the fire protection within the Village. The Fire Chief in coordination with the Village of Swansea Environment and Public Safety Committee shall cause the Mutual Aid Agreements to be reviewed and updated annually.

SECTION 5-720. RESERVING THE PUBLIC MEETING ROOM

The public meeting room located in Fire House Number 2 may be reserved under the following conditions:

- A) Pursuant to the rules set forth by the corporate authorities of the Village of Swansea, the use of the premise is hereby expressly limited to recreational and educational purposes only. It is expressly prohibited to use the premise to conduct religious or political activities.

- B) The Swansea Fire Department shall verify residency by requiring the person making said reservation to submit a copy of their driver's license or other acceptable form of identification, or by requiring the company or organization to submit a letter, on their letterhead, authorizing the reservation.
- C) Reservation requests shall be made in writing on forms provided by the Swansea Fire Department, and no reservation shall be assured until a formal request is made and approved by the Department. No reservation shall be taken over the phone.
- D) Should two reservation requests be submitted for the same day, the first such request submitted to the Village shall be given first consideration.
- E) Only one person will be issued a temporary access code in order to enter the building. All access after-hours meetings (after 4:30 p.m. on regular business days) will be the west side door only. There will be no exceptions. The access code will expire at the conclusion of the meeting. All equipment or other belongings must be removed at the end of the meeting.

The Village of Swansea may require an indemnity bond to guard from any liability of any kind or character determined to be necessary to protect the Village of Swansea from loss or damage. (Ord 1449, 04/03/2006)

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CHAPTER 5
PUBLIC SAFETY

PART 8
FIRE PENSION

- SECTION 5-801. ESTABLISHED.**
- SECTION 5-802. PENSION BOARD.**
- SECTION 5-803. POWERS AND DUTIES**
- SECTION 5-804. MEETINGS**
- SECTION 5-805. SALARY.**

SECTION 5-801. ESTABLISHED.

There is hereby created a Fire Pension Fund and a Board of Trustees of the Fire Pension Fund.

SECTION 5-802. PENSION BOARD.

The Board, composed of five (5) members, shall be known as the Board of Trustees of the Fire Pension Fund of the Village of Swansea, Illinois, and its members shall be chosen as provided in the provisions of the Illinois Revised Statutes, pertaining thereto.

SECTION 5-803. POWERS AND DUTIES.

The Board, and its members shall have the rights and powers, and be subject to the duties provided by the Illinois Revised Statutes and the parts thereunder entitled Fire Pension Fund.

SECTION 5-804. MEETINGS.

The Board herein provided for shall hold semi-annual meetings on the second Monday of July and January, annually and special meetings as called by the President.

The Board herein provided for shall hold quarterly meetings on the first Monday of February, May, August and November annually and special meetings as called by the President. (Ord 1616, 06/06/11)

SECTION 5-805. SALARY.

The members of the Board of Trustees of the Fire Pension Fund shall not receive or have any right to receive any money from the Fire Pension Fund as salary for services performed as a member of such Board.

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