

Reporting of Arrests, Convictions, and Court Orders

Effective Date:	12/17/2019
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Issuing Authority:	

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Alsip Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1023.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Illinois and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; 720 ILCS 5/24-1.1).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

Officers are prohibited from carrying a firearm if they are currently the subject of a domestic violence protection order (750 ILCS 60/214).

1023.3 OTHER CRIMINAL CONVICTIONS

Any person convicted or found guilty, or having entered a plea of guilty or of nolo contendere to any of the offenses described in 50 ILCS 705/6.1 is prohibited from being a peace officer in the State of Illinois (50 ILCS 705/6.1). Any person who has been convicted of a felony is prohibited from possessing a firearm (720 ILCS 5/24-1.1). This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty plea, or nolo contendere plea.

Convictions of certain state or federal violations, including other provisions, such as probation or conditions of pretrial release, may place restrictions on an employee's ability to fully perform the duties of the job or restrict possessing firearms (720 ILCS 5/32-10; 720 ILCS 550/10; 725 ILCS 5/110-10).

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Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1023.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1023.4.1 ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD NOTIFICATION

In the event of an arrest, conviction, finding of guilty, plea of guilty, or plea of nolo contendere disposition of any of the specified sections in 50 ILCS 705/6.1, the Chief of Police shall report such disposition to the Illinois Law Enforcement Training and Standards Board (ILETSB).

It is the duty and responsibility of every full-time and part-time police officer to report to both the ILETSB within 14 days and also to the officer's Chief of Police of the arrest, conviction, finding of guilty, or plea of guilty, for an offense identified in 50 ILCS 705/6.1, as well as any name change, change in employment, and filing of any criminal indictment or charges against the officer for the offenses (50 ILCS 705/8.1).

Any full-time or part-time police officers who knowingly make, submit, cause to be submitted, or file a false or untruthful report to ILETSB must have their certificate or waiver either immediately decertified or revoked. Members shall notify the ILETSB on the prescribed form within seven days of becoming aware of the following alleged violations by an officer (50 ILCS 705/6.3):

- (a) An act that would constitute a felony or misdemeanor that could serve as basis for automatic decertification, whether or not the officer was criminally prosecuted, and whether or not the officer's employment was terminated.
- (b) Excessive use of force.
- (c) Failure to intervene whether by action or omission.

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- (d) Tampering with or directing another individual to tamper with a dash camera or body worn camera, or data from such devices for the purpose of concealing, destroying, or altering potential evidence.
- (e) During the reporting, investigation, or prosecution of a crime, engaging in perjury, making a false statement, or knowingly tampering with or fabricating evidence.
- (f) Engaging in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public.

Members are additionally required to notify their supervisor upon becoming aware of the above alleged conduct as soon as practicable (50 ILCS 705/6.3).

1023.5 POLICY

The Alsip Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.