

STATE OF ILLINOIS  
ILLINOIS STATE POLICE MERIT BOARD

**RECEIVED**

MAY 18 2015

ILLINOIS STATE POLICE  
MERIT BOARD

IN THE MATTER OF:

TROOPER CRAIG MIHALJEVICH  
I.D. No. 4636  
6242 South Mason Avenue  
Chicago, Illinois 60638

)  
)  
) Illinois State Police  
) Merit Board No. 15-  
)  
)

COMPLAINT

NOW COMES Leo P. Schmitz, Director of the Illinois State Police, pursuant to 20 ILCS 2610/14 and 80 Ill. Admin. Code § 150.575, and states as follows:

COUNT I

VIOLATION OF STATE LAW –

AGGRAVATED UNLAWFUL RESTRAINT

1. Craig Mihaljevich (Respondent) is employed as a State Police Officer by the Illinois State Police (Department). Respondent holds the rank of Trooper and at all times relevant to this Complaint was assigned to patrol duties in District Chicago. Respondent has been employed by the Department since November 29, 1995.
2. Respondent is married to Monica Escobar-Fernandez, and they reside at 6242 South Mason Avenue, Chicago, Illinois.
3. On March 24, 2014, at approximately 8:00 a.m. Respondent dropped his wife off

at her workplace. After doing so, without her knowledge, Respondent used his wife's cell phone to send one or more text messages to a male subject who had sent Escobar-Fernandez text messages of a sexual nature. The text message(s) Respondent sent pretended to be from Escobar-Fernandez, invited the male subject to the marital residence, indicated Respondent would not be at home, instructed the man to come into the residence through the front door which would be unlocked, follow the instructions and get undressed.

4. The man who texted Respondent's wife was Jason Czub. Unbeknownst to Respondent, Czub and Escobar-Fernandez had been having a sexual relationship for several months. Czub is also an Illinois State Police Officer, and works as a K-9 officer in District 15, the Illinois Tollway.
5. Czub acted upon the text messages he received and went to Respondent's residence while off-duty in his state-issued squad car, expecting to meet Escobar-Fernandez. Czub went to the front door and found it unlocked as the text messages indicated. He went inside and in the upstairs hallway near the bedrooms found a note on a chair which instructed him to get undressed and place his clothes on the chair. Czub did so.
6. Now naked, Czub looked in two bedrooms, both of which were empty. Czub turned around and observed Respondent at the base of the stairs wearing a duty belt and pointing a handgun at him. Respondent ordered Czub to put his hands on his head and get on his knees. Czub repeatedly yelled out that he was a state

trooper, and complied with Respondent's orders. As Czub was kneeling in the hallway while naked with his hands on his head, Respondent approached Czub with his gun drawn and advised Czub he was going to place him in handcuffs. Czub complied with Respondent's direction, and Respondent handcuffed Czub behind Czub's back.

7. Respondent retrieved Czub's cell phone from Czub's clothes on the chair, and compared the text messages on Czub's phone with those on his wife's phone.
8. Respondent then used his own cell phone to call his next door neighbor, Robert Eigenbauer. Eigenbauer is a Chicago police officer, and was off-duty. Eigenbauer came to Respondent's residence within minutes, and observed that Respondent had a naked man kneeling in the hallway while handcuffed. Eigenbauer questioned the man (Czub) as to his relationship with Escobar-Fernandez. Eigenbauer told Respondent to call 911.
9. Respondent called 911 to request assistance at 9:51 a.m., and reported he had a naked man in custody at his residence. Respondent identified himself as with the State Police, that another off-duty officer was present and the scene was secure.
10. Sergeant Gabriel Flores and Officer James McGovern of the Chicago Police Department responded at 9:53 a.m. to the dispatch of a naked man breaking and entering into the residence of a state police officer at 6242 South Mason Avenue. Two other Chicago police officers also arrived on scene. Upon arrival Sergeant

Flores and Officer McGovern observed that the owner of the residence (Respondent) was wearing a duty belt, and had a naked man in handcuffs inside the residence.

11. Sergeant Flores interviewed Respondent. Respondent advised he wanted the naked man arrested for breaking and entering into his residence, and that he wanted to sign complaints against the naked man.
12. Officer McGovern took the naked male subject into the living room for questioning, removed the handcuffs and allowed him to get dressed. The male subject identified himself as Jason Czub, an off-duty State Police trooper. Czub stated he was having an affair with the woman who resided at the residence, and came over after receiving text messages from her inviting him to come inside and enter through the front door, expecting to find her alone. Czub stated he entered the residence as invited, and observed a note instructing him to take off his clothes, and he undressed. Czub was then confronted by Respondent wearing his duty belt, who handcuffed him. Officer McGovern relayed Czub's statements to Sergeant Flores.
13. Sergeant Flores then questioned Respondent again, and specifically about Czub's statements. Respondent advised that morning he had taken his wife to the school where she worked, kept her cell phone and found sexually related text messages. After being confronted with Czub's statements, Respondent admitted he sent text messages on his wife's cell phone which instructed the subject to

come to the residence, let himself in through the unlocked front door, and to undress. Respondent also admitted he observed Czub arrive at the residence in Czub's squad car, and that he knew Czub was an officer before Czub entered the residence. Based upon the information provided to him Sergeant Flores decided not to make any arrests, and requested the Illinois State Police handle the matter administratively. Respondent apologized to Sergeant Flores for contacting the police under false pretenses.

14. On March 5, 2015, agents from the Department's Division of Internal Investigation (DII) conducted an administrative interview of Respondent in the presence of his attorney after giving Respondent notice of the allegations under investigation and his administrative rights. During his administrative interview, among other statements, Respondent stated as follows:

On the morning of March 24, 2014, he took his wife to work at 8:00 a.m. and she left her cell phone in his car; he heard her cell phone beep, looked in her phone and saw texts from another man; he texted back and asked the man to meet at his residence; he did not invite the man to come inside his residence or to get undressed; he left the front door to his residence unlocked that morning; he was in his basement doing laundry when he heard someone walking in the living area upstairs, put on his duty belt which contained his weapon, and went upstairs to discover a naked man in his upstairs hallway; he drew his weapon and ordered the man to freeze;

he placed the man in handcuffs for safety until he could identify the man; he did not arrest the man for any offense; the subject was not free to leave; he called his next door neighbor as he could respond quickly; he called 911 and told them there is a naked man in his house; he was interviewed by Chicago police and told them what happened; he did not know initially whether the naked subject was the same person he texted using his wife's phone, and may have asked the Chicago police to arrest the subject for breaking and entering; after he learned the subject was the person he texted and a state trooper, he advised Chicago police he did not want to press charges; he did not leave any kind of a note instructing the subject to get undressed; he did not tell Chicago police the texts he sent stated the front door would be unlocked, to come inside and get undressed; he did not tell Chicago police he left a note telling the person to undress; he did not tell Chicago police he saw Czub arrive at his house in Czub's squad car; he never saw Czub's squad car; and he did not apologize to Chicago police for calling 911 under false pretenses.

15. All or a portion of the facts set forth herein constitute Respondent's violation of Departmental Directive ROC-002, Rules of Conduct, Paragraph III.A.1., which states:

"Officers will uphold the Constitution of the United States and the state of Illinois, obey all federal, state, and local laws in which jurisdiction the officer is present, and comply with court decisions and orders of courts

having jurisdiction.”

**(First Offense – If Felony Offense, Level 7 Misconduct: Up to Termination).**

Respondent violated this rule in that on or about March 24, 2014, he committed the offense of Aggravated Unlawful Restraint in violation of 720 ILCS 5/10-3.1 (a), a Class 3 felony, when he invited Jason Czub to come to his residence under false pretenses, to enter through an unlocked front door and get undressed, then knowingly detained him without legal authority while using a deadly weapon in that he held Czub at gunpoint and handcuffed him.

## **COUNT II**

### **FALSE ACCUSATIONS OF A MISDEMEANOR**

- 1.- 14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count II as if fully set out herein.
15. All or a portion of the facts set forth herein constitute Respondent’s violation of Department Directive ROC-002, Paragraphs III.A.37., which states:

“Officers will not make false accusations of a felony, misdemeanor, traffic, petty offense or an administrative charge. Officers will not withhold information or testimony, if to do so would mislead judicial or administrative proceedings. Officers will testify truthfully when under oath.

However, officers will not be required to waive any applicable constitutional rights.”

**(First Offense – Level 7 Misconduct: Up to Termination).**

Respondent violated this rule in that on or about March 24, 2014, he made false accusations of a misdemeanor and withheld information from investigating officers when he told Chicago Police Officers he wanted to sign a criminal complaint against Jason Czub and have him arrested for breaking and entering (Criminal Trespass to a Residence).

**COUNT III**

**FAILURE TO TRUTHFULLY ANSWER QUESTIONS**

**IN AN ADMINISTRATIVE INTERVIEW**

- 1.- 14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count III as if fully set out herein.
15. All or a portion of the facts set forth herein constitute Respondent’s violation of Department Directive ROC-002, Paragraphs III.A.41.c., which states:

“Officers are required to truthfully answer questions by, or render material and relevant statements to, competent authority in a Department personnel investigation when said officer: ...

  - c. is the subject of the investigation and has been advised of his/her



statutory administrative proceedings rights if the allegation indicates that a recommendation for demotion, suspension or more than 15 days or discharge from the Department is probable.”

**(First Offense – Level 7 Misconduct: Up to Termination).**

Respondent violated this rule in that on March 5, 2015, he failed to truthfully answer questions in a Department personnel investigation, when he was the subject of the investigation and was advised of his statutory administrative proceedings rights. Respondent was untruthful during his administrative interview when he made one or more of the following statements:

- (a) when he denied sending a text message from his wife’s phone to a subject (Jason Czub) to come inside his residence through the unlocked front door, and/or to undress;
- (b) when he denied telling Chicago Police he sent a text message from his wife’s phone to a subject (Jason Czub) to come inside his residence through the unlocked front door, and/or to undress;
- (c) when he denied leaving a note which instructed the subject (Jason Czub) to remove his clothing;
- (d) when he denied telling Chicago Police he observed Jason Czub arrive at his residence in Czub’s state issued squad car; and/or
- (e) when he denied apologizing to Chicago Police for calling 911 under false pretenses.

## COUNT IV

### USE OF EXCESSIVE FORCE

- 1.- 14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count IV as if fully set out herein.
15. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Paragraphs III.A.43., which states:

“Officers will not use more force in any situation than is reasonably necessary under the circumstances. Officers will use force in accordance with law and Department procedures.”

**(First Offense – Level 4 Misconduct: 31-45 Days).**

Respondent violated this rule in that on March 24, 2014, he used more force than reasonably necessary under the circumstances and the force used was not in accordance with law and Departmental procedures, when he drew his weapon, handcuffed and detained Jason Czub after Czub responded to Respondent's written message(s) to enter the residence through an unlocked door and undress.

## COUNT V

### UNLAWFUL ARREST OR SEIZURE

1.- 14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count V as if fully set out herein.

15. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Paragraphs III.A.44., which states:

"Officers will not make any arrest, search or seizure that they know or should know is not in accordance with law and Department procedures."

**(First Offense – Level 3 Misconduct: 15 - 30 Days).**

Respondent violated this rule in that on March 24, 2014, he made an arrest or seizure he knew or should have known was not in accordance with law and Department procedures, when he detained Jason Czub.

## COUNT VI

### BRINGING THE DEPARTMENT INTO DISREPUTE

1.- 14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count VI as if fully set out herein.

15. All or a portion of the facts set forth herein constitute Respondent's violation of Department Directive ROC-002, Paragraphs III.A.8., which states:

“Officers will maintain a level of conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Officers will not participate in any conduct that impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute.”

**(First Offense – Level 2 Misconduct: 4 to 10 Days).**

Respondent violated this rule in that on March 24, 2014, he failed to maintain a level of conduct in keeping with the highest standards of the law enforcement profession, and engaged in conduct that caused the Department to be brought into disrepute, when he lured Jason Czub into his residence, detained Czub at gunpoint, handcuffed Czub, then called 911 when an emergency did not exist, saying there was a naked man in custody in his house. Chicago Police Officers responded and Respondent attempted to have Czub arrested for breaking and entering, however he later admitted he lured Czub into his residence.

**COUNT VII**

**CONDUCT UNBECOMING AN OFFICER**

- 1.- 14. Paragraphs 1. through 14., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 14., inclusive, of Count VII as if fully set out herein.
15. All or a portion of the facts set forth herein constitute Respondent’s violation of

Department Directive ROC-002, Paragraphs III.A.7., which states:

“Officers will conduct themselves on and off duty in such a manner as to reflect favorably on the Department. Officers will not engage in conduct that discredits the integrity of the Department or its employees, or that impairs the operations of the Department. Such actions will constitute conduct unbecoming an officer.”

**(First Offense – Level 1 Misconduct: Reprimand – 3 Days).**

Respondent violated this rule in that on March 24, 2014, he failed to conduct himself while off duty in such a manner as to reflect favorably on the Department, and engaged in conduct that discredited the integrity of the Department, when he lured Jason Czub into his residence, detained Czub at gunpoint, handcuffed Czub, then called 911 when an emergency did not exist, saying there was a naked man in custody in his house. Chicago Police Officers responded and Respondent attempted to have Czub arrested for breaking and entering, however he later admitted he lured Czub into his residence.


### **CERTIFICATION**

A copy of Illinois State Police Department Directive ROC-002, Rules of Conduct, is provided in the incorporated attachment and is certified by the Director as accurate, complete, and in full force and effect at the time the aforementioned acts were committed.

**CONCLUSION**

**WHEREFORE**, by reason of these facts and charges, I request the Illinois State Police Merit Board conduct a hearing in this matter and terminate Respondent from employment with the Illinois State Police.

Respectfully submitted,

  
Leo P. Schmitz, Director

Leo P. Schmitz, Director  
Illinois State Police  
801 South Seventh Street, Suite 1100-S  
Springfield, Illinois 62703

**ILLINOIS STATE POLICE DIRECTIVE  
ROC-002, RULES OF CONDUCT**

<b>RESCINDS:</b> ROC-002, 2005-020, revised 03-02-2005.	<b>REVISED:</b> 03-30-2007 <b>2007-023</b>
<b>RELATED DOCUMENTS:</b> PER-009, PER-032, PER-033	<b>DISTRIBUTION:</b> All employees maintaining an ISP Directives Manual All holders of the ISP Field Manual Office/desk copy
<b>RELATED CALEA STANDARDS:</b> 1.2.3, 1.3.1, 11.3.2., 12.1.2., 12.1.3., 26.1.1, 26.1.3, 26.1.5, 52.1.1, 61.1.8	

**I. POLICY**

The Illinois State Police (ISP) will establish rules of conduct by which officers of the Department will conduct themselves both on and off duty.

**II. AUTHORITY**

Pursuant to the authority granted to the Director of the ISP in 20 ILCS 2605/55a et seq., the following rules of conduct are promulgated for officers. Failure to comply may result in discipline as provided in the Rules and Regulations of the ISP Merit Board or the Collective Bargaining Agreement.

**III. RULES AND REGULATIONS**

**NOTE:** See Addendum 1, for the Discipline Schedule identifying the range of possible discipline for each level of misconduct.

**III.A. Rules and regulations for all officers.**

- III.A.1.** Officers will uphold the Constitutions of the United States and the state of Illinois, obey all federal, state and local laws in which jurisdiction the officer is present, and comply with court decisions and orders of courts having jurisdiction.

**On-duty petty or traffic offense - A violation of this rule is Level 1 Misconduct.**

**Misdemeanor Offense - A violation of this rule is Level 4 Misconduct.**

**Felony Offense - A violation of this rule is Level 7 Misconduct.**

- III.A.2.** If an officer enters a plea of guilty, nolo contendere, stipulates to the facts or is found guilty of a violation of any law, or if there is any other judicial determination that will support any punitive measure taken against the officer, such action by the officer or judicial entity will be prima facie evidence of a violation of this directive.

**On-duty petty or traffic offense - A violation of this rule is Level 1 Misconduct.**

**Misdemeanor Offense - A violation of this rule is Level 6 Misconduct.**

**Felony Offense - A violation of this rule is Level 7 Misconduct.**

- III.A.3.** Officers are prohibited from posting bonds for any person as established in 725 ILCS 5/110-13.

**A violation of this rule is Level 2 Misconduct.**

- III.A.4. Officers will obey any lawful order of a superior. This will include orders relayed from a superior, by a person of the same or lesser rank, or by a telecommunicator via radio or electronic medium.

**A violation of this rule is Level 3 Misconduct.**

**A violation of this rule for refusal to submit to an administrative breath test following a lawful order by a superior is Level 7 Misconduct.**

**A violation of this rule for failure to terminate involvement in a vehicular pursuit following a lawful order by a superior is Level 2 Misconduct.**

- III.A.5. Officers who are given an otherwise proper order that is in conflict with a previous order, rule, regulation, or directive will respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the order will stand. Under these circumstances, the responsibility for the conflict will be upon the superior officer. Officers will obey the conflicting order and will not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

**A violation of this rule is Level 1 Misconduct.**

- III.A.6. Officers will not obey any order that they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, officers will request the issuing officer to clarify the order or to confer with higher authority.

**A violation of this rule is Level 1 Misconduct.**

- III.A.7. Officers will conduct themselves on and off duty in such a manner as to reflect favorably on the Department. Officers will not engage in conduct that discredits the integrity of the Department or its employees, or that impairs the operations of the Department. Such actions will constitute conduct unbecoming an officer.

**A violation of this rule is Level 1 Misconduct.**

- III.A.8. Officers will maintain a level of conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Officers will not participate in any conduct that impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute.

**A violation of this rule is Level 2 Misconduct.**

- III.A.9. Officers will report for duty at the time and place required or report their inability to do so by notifying their supervisor or the appropriate headquarters office at least one hour prior to the beginning of their tour of duty. Officers will not leave their assigned duty posts during a tour of duty except when authorized by proper authority. Officers will report for duty physically and mentally fit to perform their duties or will immediately report to their supervisor any physical and/or mental condition(s) that would prevent them from performing their duties. They will be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas will constitute an order to report for duty under III.A.9.

**A violation of this rule is Level 1 Misconduct.**

- III.A.10. Officers will not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of this Department or any other governmental agency or individual authorized to conduct such an inquiry as to the condition of their health.

**A violation of this rule is Level 2 Misconduct.**



- III.A.11. Officers will remain awake while on duty. If unable to do so, they will notify their superior officer, who will determine the proper course of action.

**A violation of this rule is Level 1 Misconduct.**

- III.A.12. Officers will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers will perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; the failure to successfully complete mandatory annual training requirements; or absence without leave. An isolated incident can be evidence of incompetency and/or unsatisfactory performance. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

**A violation of this rule is Level 1 Misconduct.**

- III.A.13. Officers will not solicit or accept from any person, business or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the officer or the Department, if it may reasonably be inferred that the person, business or organization:

- III.A.13.a. seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty.

**A violation of this rule is Level 2 Misconduct.**

- III.A.13.b. has an interest that may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.

**A violation of this rule is Level 2 Misconduct.**

- III.A.14. Officers will not use their official position, official identification cards or stars for:

- III.A.14.a. personal or financial gain for themselves or others.

**A violation of this rule is Level 3 Misconduct.**

- III.A.14.b. obtaining privileges not otherwise available to them except in the performance of duty.

**A violation of this rule is Level 2 Misconduct.**

- III.A.14.c. avoiding consequences of illegal acts.

**A violation of this rule is Level 2 Misconduct.**

- III.A.15. Officers will not lend to another person their identification cards or stars or permit them to be photographed or reproduced without the approval of the Director.

**A violation of this rule is Level 3 Misconduct.**

- III.A.16. Officers will not authorize the use of their names, photographs or official titles that identify them as officers, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Director.

**A violation of this rule is Level 1 Misconduct.**

- III.A.17. Officers will not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service or commercial service (such as an attorney, ambulance or towing service, bondsman, mortician, etc.). In the case of ambulance or towing service when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, officers will proceed in accordance with established Department procedures. This will not include any recommendation made in the performance of official duties that is in the best interest of the Department and does not provide benefit to the officer, or the officer's family and/or personal or business associates.

**A violation of this rule is Level 1 Misconduct.**

- III.A.18. Officers will be courteous to the public. Officers will be tactful and professional in the performance of their duties, will control their tempers, and exercise the utmost patience and discretion and will not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, officers will not use coarse, violent, profane or insolent language or gestures, and will not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics.

**A violation of this rule is Level 1 Misconduct.**

- III.A.18.a. Officers will not engage in any conduct that constitutes harassment or discrimination as herein defined.

The term discrimination within the context of enforcement action, includes any action that constitutes the provision of unequal protection under the law based on race, color, national origin, disability, sex, sexual orientation, age, religion, creed, marital or military (veteran) status.

The term harassment within the context of enforcement action, includes any physical conduct or verbal or nonverbal communication that may reasonably be interpreted as related to race, color, national origin, disability, sex, sexual orientation, age, religion, creed, marital or military (veteran) status that is unwelcome, unwanted, unreciprocated and usually, but not always repeated and such conduct is so severe or pervasive that it has the purpose or effect of unreasonably interfering with an individual's right to equal protection under the law.

The term sexual harassment within the context of enforcement action includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct by an individual is used as the basis for enforcement decisions affecting such individual.

**A violation of this rule is Level 6 Misconduct.**

- III.A.19. Officers will carry their identification cards (and star when carrying a weapon) on their person at all times, except when impractical or dangerous to their safety or to an investigation. They will furnish their name and identification number to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority. Officers will make every effort to ensure the security and safekeeping of the identification and star at all times.

**A violation of this rule is Level 1 Misconduct.**

- III.A.20. When any person needs assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Department procedures.

**A violation of this rule is Level 1 Misconduct.**

- III.A.21. Except as necessary to the performance of official duties, or where unavoidable because of other family relationships of the officer, officers will avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present or past involvement in felonious or criminal behavior, or who have a felony conviction.

**A violation of this rule is Level 4 Misconduct.**

- III.A.22. Except in the performance of duty or while acting under proper and specific orders from a superior officer, officers will not knowingly run, enter, visit or frequent a house of prostitution, gambling house or establishment wherein the laws of the United States, the state, or the local jurisdiction are violated, solicit a prostitute or pimp, or patronize a prostitute or pimp.

**A violation of this rule is Level 7 Misconduct.**

- III.A.23. Officers will not engage or participate in any illegal sexual act or activity, including but not limited to prostitution and/or pimping.

**A violation of this rule is Level 7 Misconduct.**

- III.A.24. Officers will not publicly criticize or ridicule the Department, its policies or other employees by speech, writing or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline or is made with reckless disregard for truth.

**A violation of this rule is Level 2 Misconduct.**

- III.A.25. Officers will not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge information, or any other matters of the Department while holding themselves out as representing the Department in such matters without the authority of the district commander or the functional equivalent, or their designee.

**A violation of this rule is Level 2 Misconduct.**

- III.A.26. Officers will not accept compensation, honorariums, or permit their expenses to be paid by sources other than the state of Illinois for speaking or writing assignments performed as part of their official duties unless specifically authorized by the Director or his/her designee.

**A violation of this rule is Level 1 Misconduct.**

- III.A.27. Officers will not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the absence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment. No officer will refuse to cross any picket line while on duty by whomever established.

**A violation of this rule is Level 7 Misconduct.**

- III.A.28. Officers will have personally-owned telephones (either a standard land-line telephone or a cellular telephone) in their residences and will immediately report any changes of telephone numbers or street addresses to their supervisor and to such other persons as may be appropriate.

**A violation of this rule is Level 1 Misconduct.**

- III.A.29. Officers will not interfere with cases being handled by other officers of the Department or by any other governmental agency unless:

- III.A.29.a. ordered to intervene by a superior officer.

- III.A.29.b. the intervening officer reasonably believes that a manifest injustice would result from failure to take immediate action. When intervention occurs, a report of such intervention will be made to a superior officer as soon as possible.

**A violation of this rule is Level 3 Misconduct.**

- III.A.30. Officers will not undertake any investigation or other official action not part of their regularly assigned duties without obtaining permission from a supervisor unless the exigencies of the situation require immediate police action.

**A violation of this rule is Level 1 Misconduct.**

- III.A.31. Officers will treat the official business, evidence, documents, information, e-mail, and photographs of the Department as confidential.

- III.A.31.a. Information regarding official business will be disseminated in accordance with established Departmental procedures. Officers may remove or copy official records or reports from a police installation only in accordance with established Departmental procedures.

**A violation of this rule is Level 3 Misconduct.**

- III.A.31.b. Officers will not access or divulge any confidential information, existing in any form, or the identity of any persons giving confidential information or release items of evidence, documents, photographs, etc., to members of the news media or others outside the criminal justice system without the express permission of the Director of the ISP, or his designee.

**A violation of this rule is Level 7 Misconduct.**

- III.A.31.c. Officers assigned to specialty units within the ISP or the criminal justice system may be required to attain federal security clearance or sign confidentiality agreements. Any breach of a security clearance or disclosure of information in violation of a confidentiality agreement is prima facie evidence of a violation of this directive.

**A violation of this rule is Level 7 Misconduct.**

- III.A.32. Officers will not:

- III.A.32.a. engage in political activities, campaign while off duty, or express political beliefs while:

- III.A.32.a.1) wearing a uniform or any part thereof that would identify the individual as an ISP officer or using property of the Department.

**A violation of this rule is Level 1 Misconduct.**

- III.A.32.a.2) displaying or otherwise leading others to believe he/she is carrying a firearm or a star.

**A violation of this rule is Level 1 Misconduct.**

- III.A.32.a.3) promoting him/herself as an ISP officer representing the interest of the Department.

**A violation of this rule is Level 1 Misconduct.**

- III.A.32.b. solicit political contributions from employees or non-employees during regular working hours.

**A violation of this rule is Level 6 Misconduct.**

- III.A.32.c. solicit or receive political contributions anytime on state property unless that property is rented or leased by private individuals or corporations.

**A violation of this rule is Level 6 Misconduct.**

- III.A.33. Officers will submit all necessary reports on time in accordance with established Department procedures.

**A violation of this rule is Level 1 Misconduct.**

Reports submitted by officers will be truthful and complete, and no officer will knowingly make false statements, charges or allegations in connection with any Department citations, warnings, assistance rendered, accident reports, field reports, investigative reports, computer entries or by any other means that creates an official record of the Department.

**A violation of this rule is Level 5 Misconduct.**

- III.A.34. Property or evidence that has been discovered, gathered or received in connection with Department responsibilities will be processed in accordance with established Department procedures.

**A violation of this rule is Level 2 Misconduct.**

- III.A.35. Officers will not convert to their own use, manufacture, conceal, falsify, destroy, remove, disguise, or alter any property or evidence in connection with an investigation or other police action, except in accordance with established Departmental procedures.

**A violation of this rule is Level 4 Misconduct.**

- III.A.36. Officers will not knowingly purchase or otherwise obtain control over property of any kind that has at any time previously been held, owned, purchased, seized, or in any way controlled by the Department or any Metropolitan Enforcement Group, task force, or other entity of which the Department or employees of the Department are participants, unless authorized by the Director to do so. This prohibition also applies to purchases made by family members or others that result in the officer obtaining full or partial control or use of the property.

**A violation of this rule is Level 4 Misconduct.**

- III.A.37. Officers will not make false accusations of a felony, misdemeanor, traffic, petty offense or an administrative charge. Officers will not withhold information or testimony, if to do so would mislead judicial or administrative proceedings. Officers will testify truthfully when under oath. However, officers will not be required to waive any applicable constitutional rights.

**A violation of this rule is Level 7 Misconduct.**

- III.A.38. Officers will utilize Department equipment only for its intended purpose, in accordance with established Department procedures and will not abuse or damage Department equipment. Officers will use reasonable care to avoid loss of Department equipment. All Department equipment issued to officers will be maintained in proper order.

**A violation of this rule is Level 1 Misconduct.**

- III.A.39. Officers will operate official vehicles in a careful and prudent manner, and will obey all laws and all Department directives pertaining to such operation.

- III.A.39.a. Loss or suspension of any driving license will be reported to the Department immediately.

**A violation of this rule is Level 4 Misconduct.**

- III.A.39.b. Officers will maintain a valid Illinois Drivers License at all times.

- III.A.39.b.1) Officers will not allow their Illinois Drivers License to expire.

**A violation of this rule is Level 1 Misconduct if the Illinois Drivers License was expired for 30 days or less.**

**A violation of this rule is Level 2 Misconduct if the Illinois Drivers License was expired for more than 30 days.**

- III.A.39.b.2) Officers will not allow their Illinois Drivers License to be suspended or revoked.

**A violation of this rule is Level 3 Misconduct if the suspension or revocation for 60 days or less.**

**A violation of this rule is Level 6 Misconduct if the suspension or revocation was for more than 60 days.**

- III.A.40. Upon the order of the Director, Colonel, or a superior officer, officers will truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department that may be asked of them.

**A violation of this rule is Level 4 Misconduct.**

- III.A.41. Officers are required to truthfully answer questions by, or render material and relevant statements to, competent authority in a Department personnel investigation when said officer:

III.A.41.a. is not the subject of the investigation; or

III.A.41.b. is the subject of the investigation, but the allegation does not indicate that a recommendation for demotion, suspension of more than 15 days or discharge from the Department is probable; and/or

III.A.41.c. is the subject of the investigation and has been advised of his/her statutory administrative proceedings rights if the allegation indicates that a recommendation for demotion, suspension of more than 15 days or discharge from the Department is probable.

This rule shall not supersede said officer's constitutional rights concerning self-incrimination if the investigation indicates that criminal prosecution is likely against that officer.

**A violation of this rule is Level 7 Misconduct.**

- III.A.42. Officers will not mistreat persons who are in custody or are otherwise being detained. Officers will handle such persons in accordance with law and Department procedures.

**A violation of this rule is Level 4 Misconduct.**

- III.A.43. Officers will not use more force in any situation than is reasonably necessary under the circumstances. Officers will use force in accordance with law and Department procedures.

**A violation of this rule is Level 4 Misconduct.**

- III.A.44. Officers will not make any arrest, search or seizure that they know or should know is not in accordance with law and Department procedures.

**A violation of this rule is Level 3 Misconduct.**

- III.A.45. Officers on duty will maintain a neat, well-groomed appearance according to Department guidelines, except as otherwise allowed by policy.

**A violation of this rule is Level 1 Misconduct.**

- III.A.46. Officers, when in uniform, may use tobacco as long as:

III.A.46.a. they are not in a formation.

III.A.46.b. they do not have to leave their assignment or post for the sole purpose of doing so.

III.A.46.c. they are not engaged in traffic direction and control.

**A violation of this rule is Level 1 Misconduct.**

- III.A.47. Officers will not:

III.A.47.a. possess or use cannabis or any controlled substances, except when it is lawful to do so. When controlled substances are prescribed or other medication is being used, officers will notify their superior officer if the use will affect their job performance. A verified positive drug test obtained pursuant to Department directives will constitute prima facie evidence of a violation of this rule.

**A violation of this rule is Level 7 Misconduct.**

III.A.47.b. while on or off-duty, drive or be in physical control of a vehicle while under the influence of alcohol, any other drugs, intoxicating compounds, or any combination thereof.

**A violation of this rule is Level 7 Misconduct.**

III.A.47.c. operate a Department vehicle after consuming alcoholic beverages while on duty or in uniform unless such consumption is necessitated by the nature of a duty assignment. In any case, officers will not operate a Department vehicle after consuming alcoholic beverages to the point of impairment.

**A violation of this rule is Level 7 Misconduct.**

III.A.47.d. store or bring into any police facility or state vehicle alcoholic beverages, controlled substances, or cannabis derivatives, except those that are held as evidence, used for training or other official capacity.

**A violation of this rule is Level 7 Misconduct.**

III.A.47.e. consume alcoholic beverages while on duty except in the performance of duty, and in those instances, never to the extent that the officer's ability to perform an official assignment or function is impaired.

**A violation of this rule is Level 7 Misconduct.**

III.A.47.f. report for duty while under the influence of alcohol, any other drugs, intoxicating compounds, or any combination thereof to any degree whatsoever or with an odor of alcohol on their breath.

**A violation of this rule is Level 7 Misconduct.**

III.A.47.g. consume alcoholic beverages, while off-duty, to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior that discredits them or the Department, or renders the officers unfit to report for their next regular tour of duty.

**A violation of this rule is Level 3 Misconduct.**

III.A.47.h. enter any establishment or place where the principal business is the sale of alcoholic beverages while on duty and/or in uniform, except in the performance of duty.

**A violation of this rule is Level 2 Misconduct.**

III.A.48. Officers will reside within the state of Illinois and locate in a manner determined acceptable by their Colonel or his/her designee.

**A violation of this rule is Level 3 Misconduct.**

III.A.49. Personal activities or associations of an officer that knowingly create an apparent or real conflict of interest with the conduct of official duties are prohibited. A "conflict of interest" arises when an officer's private interest, whether of a financial nature or otherwise, conflicts with the officer's impartial conduct of official duties and responsibilities.

**A violation of this rule is Level 3 Misconduct.**

III.A.50. Officers will notify supervisory officers when they are exposed to information or receive an assignment involving a person or group with whom the officers have had social, business or other relationships of a nature that might give the appearance of impairing the officers' impartiality or independence in the conduct of an assignment or might impair Department operations.

**A violation of this rule is Level 1 Misconduct.**

III.A.51. Any officer who has failed to report to work or receive approval for an absence for a period of five consecutive days and has not notified his/her immediate supervisor, immediate non-bargaining unit supervisor or the next available supervisor in the chain of command (whichever is appropriate) during that time period of the reason for the absence, or fails to return to work from an approved leave of absence according to the terms thereof without the prior approval of the Director, absent exigent circumstances, is deemed to have abandoned his/her job and forfeits their employment with the ISP.

**A violation of this rule is Level 7 Misconduct.**



- III.A.52. Officers will, upon being subpoenaed, attend court or quasi-judicial hearings. When appearing in court on Department matters or investigations, either the official uniform or clothing conforming to standards imposed on officers working in plain clothes will be worn. Weapons will not be displayed, unless wearing the uniform. Members will present a neat and clean appearance, avoiding any mannerism that might imply disrespect to the court.

**A violation of this rule is Level 1 Misconduct.**

- III.A.53. Any officer subpoenaed to testify for the defense in any trial or hearing, or against the Department in any proceeding, will notify his/her commander upon receipt of the subpoena, notice or request to do so.

**A violation of this rule is Level 1 Misconduct.**

- III.A.54. Any officer who has knowledge of actual or suspected criminal activities or is about to conduct a criminal investigation will notify a supervisory officer orally or in writing prior to enforcement action being taken or as soon as practical.

**A violation of this rule is Level 1 Misconduct.**

- III.A.55. Officers will not obstruct any investigation by destroying, altering, concealing or disguising real evidence, or by planting false evidence or furnishing false information to lawful authority.

**A violation of this rule is Level 7 Misconduct.**

- III.A.56. Officers will not induce a witness or any other person who has knowledge regarding any issue under investigation by the Department, or any other law enforcement agency, to make false statements, withhold information, conceal information, absent themselves or otherwise fail to cooperate with lawful investigating authorities.

**A violation of this rule is Level 7 Misconduct.**

- III.A.57. An officer will not volunteer to testify in civil actions and will not testify unless lawfully and properly subpoenaed or when directed to do so by the officer's commanding officer upon the advice of the Department legal section. If a subpoena arises out of Department employment or if the officer is informed they are a party to a civil action arising out of Department employment, the officer will immediately notify their commanding officer of the service or notification and of the testimony he/she is prepared to give. Whenever an officer is subpoenaed to testify in a civil or criminal proceeding other than Department related, the officer will appear and testify on his/her own time and will provide his/her own transportation. The appearance and testimony will be made in appropriate civilian attire. Members and employees will not enter into any financial understanding for appearances as witnesses prior to any trial except in accordance with current directives.

**A violation of this rule is Level 2 Misconduct.**

- III.A.57.a. Officers will notify their supervisor before giving a deposition or affidavit in a civil matter.

**A violation of this rule is Level 1 Misconduct.**

- III.A.58. Officers will not serve civil process or assist in civil cases unless the specific consent of the Director or Colonel is obtained.

**A violation of this rule is Level 1 Misconduct.**

- III.A.59. When an officer becomes aware they are the subject of an investigation by, or a criminal complaint to, a government agency other than the ISP, the officer will immediately notify his/her commanding officer/work unit supervisor, in writing, and inform him/her of the circumstances surrounding the incident being investigated, the agency conducting said investigation and what actions have been taken to resolve the matter. Officers must submit written notification to their supervisor immediately following any non-petty arrest, indictment or conviction (except minor traffic offenses).

**A violation of this rule is Level 2 Misconduct.**

- III.A.60. Whenever an officer is subpoenaed to testify in a civil or criminal proceeding other than Department related, the officer will appear and testify on his/her own time and will provide his/her own transportation. The appearance and testimony will be made in appropriate civilian attire.

**A violation of this rule is Level 2 Misconduct.**

- III.A.61. Officers will not engage in any conduct that constitutes sexual harassment as herein defined. The term sexual harassment, within the context of Department employment includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- III.A.61.a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or

**A violation of this rule is Level 6 Misconduct.**

- III.A.61.b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

**A violation of this rule is Level 6 Misconduct.**

- III.A.61.c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**A violation of this rule is Level 4 Misconduct.**

- III.A.62. Officers will not engage in any conduct that constitutes hostile work environment harassment as herein defined. The term hostile work environment harassment within the context of Department employment, includes any physical conduct or verbal or non-verbal communication that may reasonably be interpreted as related to race, color, national origin, disability, sex, sexual orientation, age, religion, creed, marital or military (veteran) status that is unwelcome, uninvited, unreciprocated and usually, but not always, repeated and such conduct is so severe or pervasive that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**A violation of this rule is Level 4 Misconduct.**

- III.A.63. Officers will not engage in any conduct that constitutes discrimination as herein defined. The term discrimination within the context of Department employment, includes:

- III.A.63.a. Denial of promotion(s), advancement, training or other employment opportunities based on race, color, national origin, disability, sex, sexual orientation, age, religion, creed, marital, or military (veteran) status.

**A violation of this rule is Level 6 Misconduct.**

III.A.63.b. Lowered performance rating(s) or evaluations, demotion, suspension, discharge, or other disciplinary or personnel actions based on race, color, national origin, disability, sex, sexual orientation, age, religion, creed, marital, or military (veteran) status.

**A violation of this rule is Level 6 Misconduct.**

III.A.64. Officers will not engage in conduct that is in violation of the policies and procedures established in directives PER-009, "Equal Employment Opportunity," PER-032, "Discrimination and Harassment," or PER-033, "Sexual Harassment."

**A violation of this rule is Level 4 Misconduct.**

III.A.65. Officers will use video/audio recording equipment in accordance with established Department procedures.

**A violation of this rule is Level 2 Misconduct.**

III.A.66. Officers will use Mobile Data Computer (MDC) systems in accordance with established Department procedures.

**A violation of this rule is Level 2 Misconduct.**

III.B. Rules and regulations for supervisory personnel.

III.B.1. Supervisory personnel are responsible for subordinates' adherence to Department rules, regulations, policy, orders, directives, and procedures and will take reasonable action to ensure compliance.

III.B.2. Supervisors are responsible and accountable for the maintenance of discipline and will provide leadership, supervision and example to ensure the efficiency of Department operations.

III.B.3. Supervisors are responsible for the job performance of all subordinates placed under them.

III.B.4. Authority and functions may be delegated to subordinates, but responsibility remains with the supervisor who made the assignment.

III.B.5. Supervisory personnel are responsible for all job related failures on the part of their subordinates when the supervisor was aware or reasonably should have been aware of the failure or the potential for failure and did not take the appropriate action to correct the deficiency.

| Indicates new or revised items.

**-End of Directive-**

**ILLINOIS STATE POLICE DIRECTIVE  
ROC-002, RULES OF CONDUCT  
ADDENDUM 1, DISCIPLINE SCHEDULE**

<b>RESCINDS:</b> ROC-002, Addendum 1, 2005-020, revised 03-02-2006.	<b>REVISED:</b> 03-30-2007	<b>2007-023</b>
<b>RELATED DOCUMENTS:</b> PER-009, PER-032, PER-033	<b>DISTRIBUTION:</b> All employees maintaining an ISP Directives Manual All holders of the ISP Field Manual Office/desk copy	
<b>RELATED CALEA STANDARDS:</b> 1.2.3, 1.3.1, 11.3.2, 12.1.2, 12.1.3, 26.1.1, 26.1.3, 26.1.5, 52.1.1, 61.1.8		

| Any discipline over 30 days, and up to and including termination, is determined by the ISP Merit Board.

The discipline at each Level and Offense reflects the range of discipline that may be imposed.

| The word "days" refers to "days of suspension." The word "Termination" means "up to and including termination."

	First Offense	Second Offense	Third Offense	Fourth Offense	Fifth Offense	Sixth Offense	Seventh Offense
<b>Level 1</b>	Reprimand - 3 days	1-10 days	5-30 days	15-30 days	31-90 days	60-180 days	90 days - Up to Termination
<b>Level 2</b>	4-10 days	15-30 days	31-45 days	31-45 days	90-180 days	Up to Termination	
<b>Level 3</b>	15-30 days	31-45 days	60-90 days	60-90 days	Up to Termination		
<b>Level 4</b>	31-45 days	60-90 days	90-180 days	90-180 days	Up to Termination		
<b>Level 5</b>	60-90 days	90-180 days	Up to Termination	Up to Termination			
<b>Level 6</b>	90-180 days	Up to Termination					
<b>Level 7</b>	Up to Termination						

Shaded boxes indicate discipline that may be imposed by the ISP Merit Board.

| Indicates new or revised items.

-End of Addendum-