

Winnebago Police Department

Winnebago PD Policy Manual

CHIEF'S PREFACE

The purpose of this manual is to provide information and guidance for you to perform your duties efficiently and professionally during your career with the Winnebago Police Department. Every effort has been made to provide thorough and updated information throughout this manual. These policies should be considered a tool that will help you accomplish your daily duties and ensure the success of our Department during these demanding times for law enforcement.

The information contained herein should be read and understood by each officer to maintain proficiency. These policies, in conjunction with your training, will act as a safeguard to ensure your decisions are consistent with the laws you enforce while applying the mission of our Department.

Please let me know if you have questions or need clarifications relating to the contents of this manual. I respect your dedication to this agency and your commitment to law enforcement.

Winnebago Police Department

Winnebago PD Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Winnebago Police Department

Winnebago PD Policy Manual

MISSION STATEMENT

The mission of the Winnebago Police Department, in partnership with its citizens, is to provide the highest level of service to improve the quality of life in our community.

Winnebago Police Department

Winnebago PD Policy Manual

Table of Contents

Chief's Preface	1
Law Enforcement Code of Ethics	2
Mission Statement	3
Chapter 1 - Law Enforcement Role and Authority	8
100 - Law Enforcement Authority	9
102 - Chief Executive Officer	11
104 - Oath of Office	12
106 - Policy Manual	13
Chapter 2 - Organization and Administration	16
200 - Organizational Structure and Responsibility	17
204 - Departmental Directives	18
206 - Emergency Management Plan	19
208 - Training	20
212 - Electronic Mail	24
214 - Administrative Communications	26
216 - Supervisory Staffing Levels	27
220 - Retiree Concealed Firearms	28
Chapter 3 - General Operations	31
300 - Use of Force	32
306 - Handcuffing and Restraints	40
308 - Control Devices and Techniques	45
309 - Conducted Energy Weapons (CEW)	49
310 - Officer-Involved Shootings and Deaths	56
311 - WINNEBAGO BOONE INTEGRITY TASK FORCE POLICY AND PROCEDURE	62
312 - Firearms	71
314 - Vehicle Pursuits	81
316 - Officer Response to Calls	96
320 - Domestic Violence	100
321 - WORKPLACE VIOLENCE	106
322 - Search and Seizure	109
324 - Temporary Custody of Juveniles	114
326 - Adult Abuse	122
328 - Discriminatory Harassment	127
330 - Child Abuse	132
332 - Missing Persons	138
334 - Public Alerts	146
336 - Victim and Witness Assistance	150
338 - Hate Crimes	154
340 - Standards of Conduct	156

Winnebago Police Department

Winnebago PD Policy Manual

342 - Information Technology Use	163
344 - Report Preparation	167
346 - Media Relations	171
348 - Subpoenas and Court Appearances	174
350 - Part-Time Officers	176
352 - Outside Agency Assistance	181
356 - Registered Offender Information	183
358 - Major Incident Notification	186
360 - Death Investigation	188
362 - Identity Theft	191
368 - Limited English Proficiency	192
370 - Communications with Persons with Disabilities	199
379 - Child and Dependent Adult Safety	206
381 - Service Animals	210
383 - Abandoned Newborn Infant Protection	213
387 - Off-Duty Law Enforcement Actions	215
388 - Workplace Violence	217
389 - Department Use of Social Media	220
390 - Private Person's Arrest	223
394 - Community Relations	224
395 - Firearms Restraining Orders	229
 Chapter 4 - Patrol Operations	 233
400 - Patrol Function	234
402 - Bias-Based Policing	236
406 - Crime and Disaster Scene Integrity	239
410 - Ride-Alongs	241
412 - Hazardous Material Response	244
414 - Hostage and Barricade Incidents	246
416 - Response to Bomb Calls	251
418 - Civil Commitments	256
420 - Notice to Appear or Summons Releases	261
422 - Foreign Diplomatic and Consular Representatives	262
424 - Rapid Response and Deployment	266
428 - Immigration Violations	269
430 - Emergency Utility Service	274
434 - Aircraft Accidents	275
436 - Field Training	279
438 - Obtaining Air Support Assistance	282
440 - Contacts and Temporary Detentions	283
442 - Criminal Organizations	287
446 - Mobile Audio/Video	291
448 - Mobile Data Computer Use	298
450 - Portable Audio/Video Recorders	301
452 - Medical Marijuana	308
457 - Citation Dismissal, Correction, and Voiding	313
459 - Foot Pursuits	315

Winnebago Police Department

Winnebago PD Policy Manual

465 - Homeless Persons	320
466 - Firearm Concealed Carry	323
466 - Crisis Intervention Incidents	326
467 - Public Recording of Law Enforcement Activity	331
468 - Medical Aid and Response	334
469 - Suspicious Activity Reporting	340
470 - Civil Disputes	342
471 - First Amendment Assemblies	345
 Chapter 5 - Traffic Operations	 351
500 - Traffic Function and Responsibility	352
502 - Traffic Crash Reporting	355
510 - Vehicle Towing, Seizure, and Impoundment Policy	357
512 - Vehicle Tow, Storage and Impound Hearings	367
514 - Impaired Driving	369
516 - Notice of Parking Violation Appeal Procedure	375
520 - Disabled Vehicles	377
524 - Abandoned or Derelict Vehicle Violations	378
 Chapter 6 - Investigation Operations	 384
600 - Investigation and Prosecution	385
606 - Asset Forfeiture	390
608 - Informants	397
610 - Felony Investigation Discovery	403
612 - Eyewitness Identification	404
614 - Brady Material Disclosure	409
615 - Sexual Assault Investigations	412
616 - Warrant Service	418
 Chapter 7 - Equipment	 422
700 - Department-Owned and Personal Property	423
702 - Personal Communication Devices	425
704 - Vehicle Maintenance	429
706 - Vehicle Use	432
 Chapter 8 - Support Services	 438
800 - Crime Analysis	439
804 - Property and Evidence Room	441
806 - Winnebago Police Records Procedures	451
810 - Records Maintenance and Release	452
812 - Protected Information	460
813 - Media Protection Policy	465
820 - Animal Control	469
 Chapter 9 - Custody	 473
900 - Custodial Searches	474
903 - Temporary Custody of Adults	479

Winnebago Police Department

Winnebago PD Policy Manual

Chapter 10 - Personnel	493
1000 - Recruitment and Selection	494
1002 - Evaluation of Employees	499
1004 - Promotional Policy	502
1006 - Grievance Procedure	504
1010 - Reporting of Arrests, Convictions, and Court Orders	506
1012 - Drug- and Alcohol-Free Workplace	509
1015 - Communicable Diseases	512
1017 - Smoking and Tobacco Use	517
1019 - Personnel Complaints	518
1021 - Seat Belts	528
1023 - Body Armor	530
1025 - Personnel Records	532
1027 - Request for Change of Assignment	537
1029 - Employee Commendations	538
1031 - Fitness for Duty	540
1033 - Meal Periods, Breaks, Restricted Leave	543
1034 - Lactation Break Policy	544
1035 - Payroll Records	546
1037 - Overtime Compensation Requests	547
1039 - Outside Employment	549
1041 - Occupational Disease and Work-Related Injury Reporting	553
1043 - Personal Appearance Standards	555
1045 - Uniform Regulations	557
1048 - Nepotism and Conflicting Relationships	562
1050 - Department Badges	565
1052 - Temporary Modified-Duty Assignments	567
1054 - Performance History Audits	572
1056 - Employee Speech, Expression and Social Networking	575
1057 - Anti-Retaliation	583
Attachments	

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Winnebago Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Winnebago Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 FEDERAL PEACE OFFICER POWERS

Any federal peace officer has jurisdiction regarding federal buildings, grounds, and property pursuant to 18 USC § 13 and 40 USC § 1315.

100.4 PEACE OFFICE POWERS

Sworn officers of this Department are authorized to exercise peace officer powers pursuant to applicable state law.

100.4.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE WINNEBAGO POLICE DEPARTMENT

An officer may arrest a person when (725 ILCS 5/107-2):

- (a) There are reasonable grounds to believe that an arrest warrant exists.
 - 1. Notifications and waiver requests for the execution of warrants for those in need of emergency medical assistance and sexual assault victims shall be made in compliance with 725 ILCS 5/107-2.
 - 2. When the warrant charges a violation of the Illinois Vehicle Code in another county, the arresting officer shall take steps to have the arrestee delivered before a judicial officer within the jurisdiction of the Winnebago Police Department as soon as practicable (625 ILCS 5/16-103).
- (b) There are reasonable grounds to believe that the person is committing or has committed an offense.

100.4.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE WINNEBAGO POLICE DEPARTMENT

The authority of officers outside the Winnebago Police Department police district includes the ability to conduct temporary questioning or make an arrest (725 ILCS 5/107-4):

Winnebago Police Department

Winnebago PD Policy Manual

Law Enforcement Authority

- (a) If the officer is engaged in the investigation of criminal activity that occurred in the officer's jurisdiction and the temporary questioning or arrest is in furtherance of that investigation.
- (b) If the officer, while on-duty as an officer, becomes aware of the immediate commission of a felony or a misdemeanor violation of the laws of this state.
- (c) If the officer, while on-duty as an officer, is requested by an appropriate state or local law enforcement official to render aid or assistance to the requesting law enforcement agency that is outside the Winnebago Police Department jurisdiction.

While outside the jurisdiction of the Winnebago Police Department an officer shall make prompt notification to the local law enforcement agency of the county or municipality where any of the above occurs, and shall notify his/her immediate on-duty supervisor as soon as practicable (725 ILCS 5/107-4).

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other adjoining states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters Indiana, Iowa, Wisconsin or Missouri in fresh pursuit of a person who is in the immediate and continuous flight from the commission of a felony, and in Missouri the crime of driving while intoxicated or driving with excessive blood alcohol content (I.C. § 35-33-3-1 (Indiana); Iowa Code § 806.1 (Iowa); Wis. Stat. § 976.04 (Wisconsin); § 544.155, RSMo (Missouri)).

Whenever an officer makes an arrest in Indiana, Iowa, Wisconsin or Missouri, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (I.C. § 35-33-3-2; Iowa Code § 806.2; Wis. Stat. § 976.04; § 544.155, RSMo).

100.6 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the federal and Illinois constitutions.

Chief Executive Officer

102.1 PURPOSE AND SCOPE

The Illinois Law Enforcement Training Standards Board (ILETSB) has mandated that all sworn officers within the State of Illinois receive certification and training within prescribed time periods.

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any Chief Executive Officer and Deputy Police Chief of this department must complete a minimum of 20 hours of certified training annually as prescribed by the Illinois Police Training Act (50 ILCS 705/10.7).

Oath of Office

104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

104.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to swear or affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

104.1.2 OFFICIAL OATH STATE OF ILLINOIS)

ss

County of Winnebago)

I, _____, having been duly appointed, do solemnly swear that I will uphold the Constitution of the United States of America and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of Police Officer in and for the Village of Winnebago, according to the best of my ability, so help me God.

104.2 POLICY

It is the policy of the Winnebago Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

104.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. The form of oath shall be as follows (65 ILCS 5/3.1-10-25; 55 ILCS 5/3-6004; 55 ILCS 5/3-6010):

"I do solemnly swear (affirm) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of (state title) to the best of my ability."

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear."

104.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (65 ILCS 5/3.1-10-25; 55 ILCS 5/3-6004; 55 ILCS 5/3-6010).

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Winnebago Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this Department. All officers/employees are to conform to the provisions of this manual.

All prior, and existing manuals, orders, and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders, and other regulations that have not been included herein, shall remain in effect, provided that they do not conflict with the provisions of this manual.

106.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to officers of this Department under the circumstances reasonably available at the time of any incident.

106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Winnebago Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the Village of Winnebago, or officials, or officers. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training, or discipline. The Winnebago Police Department reserves the right to revise any policy content, in whole, or in part.

106.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual, and shall ensure compliance with all applicable federal, state, and local laws. The Chief of Police, or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.4 DEFINITIONS

The following words, and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

Winnebago Police Department

Winnebago PD Policy Manual

Policy Manual

CFR - Code of Federal Regulations.

Village - The Village of Winnebago.

Civilian - Employees, and volunteers who are not sworn peace officers.

Department/WNPD - The Winnebago Police Department.

Employee/officer - Any person employed by the Department.

ILETSB - The Illinois Law Enforcement Training Standards Board (50 ILCS 705/1).

Juvenile - Any person under the age of 18 years.

Law enforcement officer - Any officer of a local governmental agency who is primarily responsible for prevention or detection of crime, and the enforcement of the criminal code, traffic, or highway laws of this State, or any political subdivision thereof.

Manual - The Winnebago Police Department Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Officer - Those employees, regardless of rank, who are sworn employees of the Winnebago Police Department.

On-duty - An officer's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required, or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other Department officers/employees, directing the work of other officers/employees or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature, but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others, without regard to a formal job title, rank, or compensation.

When there is only one Department officer on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification, or involvement of the officer's off-duty supervisor or an on-call supervisor.

USC - United States Code.

Winnebago Police Department

Winnebago PD Policy Manual

Policy Manual

106.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all officers on the Department network for viewing, and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each officer shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual, and Departmental Directives. Officers shall seek clarification, as needed, from the Supervisor for any provisions that they do not fully understand.

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed, and updated as necessary.

106.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each officer on or before the date the policy becomes effective. Each officer will be required to acknowledge that he/she has reviewed the revisions, and shall seek clarification from the Supervisor as needed.

Officers are responsible for keeping abreast of all Policy Manual revisions.

The Chief of Police will ensure that all officers are aware of any Policy Manual revision.

Officers suggesting revision of the contents of the Policy Manual shall forward their written suggestions to the Chief of Police , who will consider the recommendations.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

200.2 SECTIONS

The Chief of Police is responsible for administering and managing the Winnebago Police Department.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences, the Chief of Police will designate the supervisor to serve as the acting Chief of Police. Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Supervisor
- (b) Senior Officer

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Officers shall respond to, and make a good faith, and reasonable effort to comply with the lawful order of superior officers, and other proper authority.

Departmental Directives

204.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with personnel rules and applicable guidelines. Departmental Directives will immediately modify or supersede sections of this manual to which they pertain.

204.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 08-01 signifies the first Departmental Directive for the year 2008.

204.2 RESPONSIBILITIES

204.2.1 STAFF

The staff shall review and recommend Departmental Directives for incorporation as revisions to the Policy Manual.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Chief of Police.

Emergency Management Plan

206.1 PURPOSE AND SCOPE

The Village has prepared an Emergency Management Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. For the Police Department, the Chief of Police, or the highest ranking official on duty may activate the Emergency Management Plan in response to a major emergency.

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all officers of the Winnebago Police Department are subject to immediate recall. Officers may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

206.3 LOCATION OF MANUALS

Manuals are available in Administration and the Chief of Police's office. All supervisors should familiarize themselves with the Emergency Management Plan and what roles personnel will play when the plan is implemented.

206.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of Winnebago Village Hall, all employees shall follow implemented evacuation plans and posted exit strategies. The posted exit strategies shall include any special directions for physically impaired employees.

206.5 UPDATING OF MANUALS

The Chief of Police or designee shall review, and update, if necessary, the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS).

Training

208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

208.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. The Department prefers courses that promote professional growth and continued development for department personnel. Appropriate courses may include:

- Courses certified by ILETSB.
- Courses offered by ILETSB-designated Mobile Team Units (MTUs).
- Courses offered by outside vendors and agencies.

208.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.

208.4 TRAINING PLAN

It is the responsibility of the Chief of Police to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all members as needed or required. The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording and logging of all training for all members.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Chief of Police shall review the entire training plan on an annual basis.

The plan will include information on curriculum, training material, training facilities and scheduling. The plan will address federal, state and department-required, minimum-mandated training of officers and other members.

Training

208.4.1 STATE-MANDATED TRAINING

Officers must successfully complete the Minimum Standards Basic Law Enforcement Training Course or a similar ILETSB-approved training program within six months of full-time employment (50 ILCS 705/8.1).

- (a) The basic training requirement may be waived if the employee is eligible for certification by meeting training and certification standards within the parameters, extensions, and exceptions set by ILETSB (50 ILCS 705/8.1).
- (b) State-mandated training requirements every year include (50 ILCS 705/7):
 - 1. Legal updates.
 - 2. Emergency medical response training and certification.
 - 3. Crisis intervention training.
 - 4. Officer wellness and mental health.
- (c) State-mandated training requirements every three years include (50 ILCS 705/7; 50 ILCS 705/10.6; 725 ILCS 203/20):
 - 1. Constitutional and proper use of law enforcement authority.
 - 2. Procedural justice.
 - 3. Civil rights.
 - 4. Human rights.
 - 5. Mandatory child abuse reporting.
 - 6. Cultural competency.
 - 7. Training on sexual assault and sexual abuse response and report writing (see the Sexual Assault Investigations Policy).
 - 8. ILETSB-approved use of force training, including policies and laws related to stops and searches, officer safety techniques, de-escalation, and high-risk traffic stops.
- (d) State-mandated training requirements every five years include:
 - 1. Domestic violence (725 ILCS 5/112A-27; 750 ILCS 60/301.1).

208.4.2 PROBATIONARY TRAINING

Probationary officers are required to satisfactorily complete minimum training mandated by the ILETSB in order to be eligible for permanent employment (50 ILCS 705/7).

208.5 TRAINING NEEDS ASSESSMENT

The Training Committee will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by Chief of Police. Upon approval by the Chief of Police, the needs assessment will form the basis for the training plan for the fiscal year.

Training

208.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor, in coordination with the Chief of Police. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. First choice vacation
 - 3. Sick leave
 - 4. Physical limitations preventing the employee's participation
 - 5. Emergency situations
 - 6. Other exceptions as approved by the supervisor or Chief of Police.
- (b) When an employee is unable to attend mandatory training due to reasonable unforeseeable circumstances, that employee shall:
 - 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 - 2. Document his/her absence in a memorandum to his/her supervisor. This information should be forwarded to the Chief of Police.
 - 3. Make arrangements through his/her supervisor and the Chief of Police to attend the required training on an alternate date.

208.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Winnebago Police Department policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Chief of Police.

Personnel assigned to participate in DTBs should only use login credentials assigned to them by the Chief of Police. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Winnebago Police Department

Winnebago PD Policy Manual

Training

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., Illinois Freedom of Information Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

212.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message, including any attachment, that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

212.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited, shall not be tolerated and shall result in discipline.

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure should minimize the misuse of an individual's email, name and/or password by others.

212.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Illinois Freedom of Information Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

Winnebago Police Department

Winnebago PD Policy Manual

Electronic Mail

The Freedom of Information Officer or Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

214.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

214.2 DEPARTMENT E-MAIL

Department E-mail may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. Personnel should use Department letterhead only for official business and with approval of their supervisor.

214.4 SURVEYS

All surveys made in the name of the Department shall be authorized in writing by the Chief of Police.

Supervisory Staffing Levels

216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension, or revocation of Winnebago Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Illinois law (18 USC § 926C; 50 ILCS 705/10).

220.2 POLICY

It is the policy of the Winnebago Police Department to provide identification cards to qualified former, or retired officers as provided in this policy.

220.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as an officer for an aggregate of 10 years or more or, if employed as an officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

220.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer, and identify him/her as having been employed as an officer.

220.3.2 AUTHORIZATION

Any qualified former peace officer, including a former officer of this Department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. A valid permit to carry a concealed firearm issued by the Illinois Law Enforcement Training and Standards Board (ILETSB) (20 Ill. Adm. Code 1720.260).
 - 2. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

Winnebago Police Department

Winnebago PD Policy Manual

Retiree Concealed Firearms

3. A certification, issued by either the state in which the person resides, or by a certified firearms instructor, who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested, or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating, or hallucinatory drug, or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Illinois law, or by a private person, or entity, on his/her property, if such prohibition is permitted by Illinois law.

220.4 ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD PERMITS

Retirees who wish to carry a concealed firearm may apply for an ILETSB permit through the Illinois Retired Officer Concealed Carry (IROCC) office. Application information is available on the IROCC website (20 Ill. Adm. Code 1720.250).

220.5 FORMER OFFICERS RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Chief of Police of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

220.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA, and also that these acts were not taken as an officer or former officer of the Department.
- (b) Remain subject to all applicable Department policies and federal, state, and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded, and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited, by law, from receiving, or possessing a firearm.

220.6 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied, or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

Winnebago Police Department

Winnebago PD Policy Manual

Retiree Concealed Firearms

220.7 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification, and the weapons used will be provided, and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

The Rangemaster shall ensure that any such certification program complies with 20 Ill. Adm. Code 1720.280.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Winnebago Police Department

Winnebago PD Policy Manual

Use of Force

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

Officers shall submit a written report within five days of the incident (720 ILCS 5/7-16).

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use any force which he/she reasonably believes to be necessary, under the totality of the circumstances, to effect an arrest, or to be necessary to defend him/herself or another from bodily harm while making an arrest (720 ILCS 5/7-5).

Use of Force

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.

Winnebago Police Department

Winnebago PD Policy Manual

Use of Force

- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Winnebago Police Department for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

Use of Force

300.3.7 RESPIRATORY RESTRAINTS

A member shall not apply direct pressure to the throat, windpipe, or airway of a person with the intent to reduce or prevent the intake of air (chokehold) unless deadly force is justified (720 ILCS 5/7-5.5). A member shall not use a chokehold or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion (720 ILCS 5/7-5.5). If a respiratory restraint is applied, it is subject to the same guidelines and requirements as a carotid control hold.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and (720 ILCS 5/7-5):
 - 1. The officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person (except to the subject him/herself) if the individual is not immediately apprehended.
 - 2. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to immediately use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to immediately do so (720 ILCS 5/7-5).

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

Use of Force

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the EMDT device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe (720 ILCS 5/7-15).

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

Use of Force

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

Winnebago Police Department

Winnebago PD Policy Manual

Use of Force

- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding of this policy.

300.9 USE OF FORCE ANALYSIS

At least annually, the Chief of Police should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

306.2 POLICY

The Winnebago Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

306.3 USE OF RESTRAINTS

Only members who have successfully completed Winnebago Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property.

Winnebago Police Department

Winnebago PD Policy Manual

Handcuffing and Restraints

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

306.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony, or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer, or damage property.

306.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

306.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Handcuffing and Restraints

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

306.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

Winnebago Police Department

Winnebago PD Policy Manual

Handcuffing and Restraints

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

Handcuffing and Restraints

306.9 TRAINING

Subject to available resources, the Chief of Police should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Winnebago Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

308.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by officers of this Department only if the device has been issued by the Department, or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent, or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning, and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

308.4 RESPONSIBILITIES

308.4.1 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police may authorize the use of a control device by selected personnel, or officers of specialized units who have successfully completed the required training.

308.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices, and shall ensure that all damaged, inoperative, outdated, or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster, or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

All normal maintenance, charging, or cleaning shall remain the responsibility of personnel using the various devices.

Control Devices and Techniques

Any damaged, inoperative, outdated, or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. An informational report documenting damage to Village property shall also be prepared, and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment, or at the direction of their supervisor.

308.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Chief of Police may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent behavior. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present risk to the safety of officers or the public.

308.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor. Only department issued OC may be used. Prior to an officer being authorized to carry and/or use O.C., the officer shall be trained and be made familiar with its various uses, reaction, and first-aid treatment.

308.7.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. After use of O.C. on a subject, and after the subject is under control, the officer should remove the subject to an area of fresh air, if practical.

Control Devices and Techniques

If additional care is requested or needed based upon the officer's observations, the officer shall promptly request aid from emergency medical personnel or other qualified medical professionals.

MEDICAL TREATMENT

Officers shall evaluate (through personal observations, not through medical training or education unless the officer has received formal/documented/current medical training, and then only within the limits of the officer's certified training) all cases where persons are physically subjected to countermeasures, O.C, less-lethal tools, or lethal weapons. Officers shall perform first aid to the level in which they are trained. If the subject has sustained or complains of any injury (known to the officer), the officer shall arrange for the appropriate professional medical examination and care. Transportation may be made by squad car, except in cases where the injuries require an ambulance. The officer shall advise the Chief of the details concerning the situation and indicate in the incident report any injuries and whether treatment was offered, received, or refused.

308.7.3 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report.

308.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle, or other enclosed area, officers should provide the owners, or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in the related reports.

308.9 KINETIC ENERGY PROJECTILE GUIDELINES

The Chief of Police shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

Control Devices and Techniques

308.10 TRAINING FOR CONTROL DEVICES

The Chief of Police or designee shall ensure that all officers who are authorized to carry a control device have been properly trained, and certified to carry the specific control device, and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons, or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device, or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device, or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

Conducted Energy Weapons (CEW)

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Electrical Weapons (CEW).

309.2 POLICY

The Conducted Electrical Weapon is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a weapon should result in fewer serious injuries to officers and suspects.

309.3 ISSUANCE AND CARRYING CEWS

Only officers who have successfully completed department-approved training may be issued and carry the CEW .

CEWs are issued for use during an officer's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the CEWs and cartridges that have been issued by the Department. Uniformed officers who have been issued the CEW shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CEW in the driver's compartment of their vehicle.

Officers carrying the CEW should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the CEW in a weak-side holster on the side opposite the duty weapon.

- (a) All CEWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that their issued CEW is properly maintained and in good working order.
- (c) Officers should not hold both a firearm and the CEW at the same time.

309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW should precede its application, unless it would otherwise endanger the safety of officers, or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CEW may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into

Conducted Energy Weapons (CEW)

the device), or the laser in a further attempt to gain compliance prior to the application of the CEW. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given, or the reasons it was not given, shall be documented by the officer deploying the CEW in the related report.

309.5 USE OF THE CEW

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely approach the subject within the operational range of the device. Although the CEW is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

309.5.1 APPLICATION OF THE CEW

The CEW may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CEW to apprehend an individual.

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant
- (b) Elderly individuals or obvious juveniles
- (c) Individuals with obviously low body mass
- (d) Individuals who are handcuffed or otherwise restrained
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including, but not limited to, alcohol-based oleoresin capsicum (OC) spray
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles)

Conducted Energy Weapons (CEW)

Because the application of the CEW in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The CEW shall not be used to psychologically torment, elicit statements, or to punish any individual.

309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest, and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CEW probes to a precise target area, the officer should monitor the condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE CEW

Officers should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CEW against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CEW appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CEW , including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one CEW at a time against a single subject.

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a Supervisor of all CEW discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

Conducted Energy Weapons (CEW)

309.5.6 DANGEROUS ANIMALS

The CEW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety, and alternative methods are not reasonably available, or would likely be ineffective.

309.5.7 TASER® CAM™

This subsection removed because our agency does not equip CEWs with TASER CAMS.

309.5.8 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEWs while off duty.

Officers shall ensure that CEWs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

309.6 DOCUMENTATION

Officers shall document all CEW discharges in the related arrest/crime report and the CEW report. Notification shall also be made to a Supervisor in compliance with the Use of Force (Response to Resistance) Policy. Unintentional discharges, pointing the device at a person, laser activation, and arcing the device, shall also be documented within the report.

309.6.1 CEW FORM

Items that shall be included in the CEW report form are:

- (a) The type and brand of CEW and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CEW was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

Conducted Energy Weapons (CEW)

The Chief of Police should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Chief of Police should also conduct audits of data downloads and reconcile CEW report forms with recorded activations. CEW information and statistics, with identifying information removed, should periodically be made available to the public.

309.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing CEWs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body. Used CEW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CEW probes, or who have been subjected to the electric discharge of the device, shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress, or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds), shall be transported to a medical facility for examination, or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel, and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care, or receiving custody, that the individual has been subjected to the application of the CEW .

Conducted Energy Weapons (CEW)

309.8 SUPERVISOR RESPONSIBILITIES

When possible, a Supervisor should respond to calls when he/she reasonably believes there is a likelihood the CEW may be used. A Supervisor should respond to all incidents where the CEW was activated, and probes were deployed.

A Supervisor should review each incident where a person has been exposed to an activation of the CEW. The device's onboard memory should be downloaded through the data port by a Supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe impact sites should be taken and witnesses interviewed.

309.9 TRAINING

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial Department-approved training. Any personnel who have not carried the CEW as a part of their assignment for a period of six (6) months or more shall be recertified by a Department-approved CEW instructor prior to again carrying or using the device.

Proficiency training for officers who have been issued CEWs shall occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Chief of Police. All training and proficiency for CEWs will be documented in the officer's training file.

Officers should receive CEW training as appropriate for the investigations they conduct and review.

Officers who do not carry CEWs should receive training that is sufficient to familiarize them with the device, and with working with officers who use the device.

The Chief of Police is responsible for ensuring that all officers who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEWs during training could result in injury to personnel and should not be mandatory for certification.

The Chief of Police should ensure that all training includes:

- (a) A review of this policy
- (b) A review of the Use of Force Policy
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest, and groin
- (e) Handcuffing a subject during the application of the CEW and transitioning to other force options
- (f) De-escalation techniques

Winnebago Police Department

Winnebago PD Policy Manual

Conducted Energy Weapons (CEW)

- (g) Restraint techniques that do not impair respiration following the application of the CEW

Officer-Involved Shootings and Deaths

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer (50 ILCS 727/1-10; 50 ILCS 727/1-30; 730 ILCS 210/3-1).

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Officer-involved death - Any death of an individual that results directly from an action or directly from an intentional omission, including unreasonable delay involving a person in custody or intentional failure to seek medical attention when the need for treatment is apparent, of a law enforcement officer while the officer is on-duty, or otherwise acting within the scope of his/her employment, or while the officer is off-duty, but performing activities that are within the scope of his/her law enforcement duties. It also includes any death resulting from a motor vehicle crash, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or an attempt to apprehend (50 ILCS 727/1-5).

310.2 POLICY

The policy of the Winnebago Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair, and impartial manner.

310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

310.3.1 WINNEBAGO POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION

The Winnebago Police Department is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the Winnebago Boone Integrity Task Force, (WBITF) in conjunction with the Winnebago County State's Attorney's Office.

Winnebago Police Department

Winnebago PD Policy Manual

Officer-Involved Shootings and Deaths

310.3.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Winnebago Police Department is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the WBTF in conjunction with the Winnebago County State's Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

310.3.3 WINNEBAGO POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Winnebago Police Department will conduct timely civil and/or administrative investigations.

310.4 CONTROL OF INVESTIGATIONS

The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Winnebago Police Department would control the investigation if the suspect's crime occurred in Winnebago.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this Department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this Department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

310.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

An officer-involved death of an individual in custody that may have been caused by the officer's use of force shall be investigated and reported pursuant to the Reporting of Deaths in Custody Act (730 ILCS 210/3-5).

Winnebago Police Department

Winnebago PD Policy Manual

Officer-Involved Shootings and Deaths

310.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

310.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved WNPd officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

310.5.2 CHIEF OF POLICE RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Chief of Police shall be responsible for coordinating all aspects of the incident until relieved by the WBITF Commander.

All outside inquiries about the incident shall be directed to the Chief of Police.

310.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Winnebago County Integrity Task Force rollout team
- Outside agency investigators (if appropriate)
- Civil liability response team
- Psychological/Peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)

310.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved WNPd officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

Winnebago Police Department

Winnebago PD Policy Manual

Officer-Involved Shootings and Deaths

2. Requests from involved non-WNPD officers should be referred to their employing agencies.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved WNPD officer. A licensed psychotherapist may also be provided to any other affected WNPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications with peer counselors are confidential and may only be disclosed in accordance with 5 ILCS 840/20.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved WNPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Chief of Police to make schedule adjustments to accommodate such leave.

310.5.5 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved WNPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any WNPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

Winnebago Police Department

Winnebago PD Policy Manual

Officer-Involved Shootings and Deaths

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Chief of Police and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional WNPd members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved WNPd officer should be given an administrative order not to discuss the incident with other involved officers or WNPd members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

310.5.6 COMMUNICATION WITH FAMILY AND NEXT-OF-KIN

When a death has resulted from an officer's use of force or while in the custody of the Department or a department officer, notification to next-of-kin, family, or another emergency contact shall be made as soon as practicable. The information provided should include the facts surrounding the incident that are reasonably known to the member at that time and that are appropriate to provide under the circumstances given any pending investigations and in accordance with state and federal law (730 ILCS 210/3-5).

The Chief of Police shall designate an officer as the Family Liaison Officer to handle ongoing communication with the decedent's family or next-of-kin. Responsibilities of this position include but are not limited to communicating investigation developments, practical support, and, if requested, arranging for a chaplain or suitable staff member to address matters related to faith (730 ILCS 210/3-5).

310.6 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the Supervisor and Department representative responsible for each phase of the investigation. Releases will be available to the Chief of Police in the event of inquiries from the media.

No involved WNPd officer shall make any comment to the media unless he/she is authorized by the Chief of Police.

Department officers receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

Officer-Involved Shootings and Deaths

310.7 DEBRIEFING

Following an officer-involved shooting or death, the Winnebago Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

310.7.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police or the authorized designee should identify the appropriate participants. This debriefing should not be conducted until all involved officers have provided recorded or formal statements to criminal and/or administrative investigators.

310.7.2 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Chief of Police is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing shall only include those officers of the Department directly involved in the incident, which can include support personnel (e.g., dispatcher, other civilian). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public, and any other uninvolved officer, including supervisory personnel.

310.8 CIVIL LIABILITY RESPONSE

An officer of this Department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

310.9 REPORTING

The Chief of Police will ensure that enough information to meet the reporting requirements for any officer-involved shooting or death that qualifies to be reported to the Department of State Police (50 ILCS 709/5-12).

The Chief of Police shall submit a written report to the Illinois Criminal Justice Information Authority whenever an officer's use of force results in a death. There shall be a good faith effort to include all known relevant facts and circumstances in the report, and the report shall be submitted within 30 days on the required standardized form (730 ILCS 210/3-5).

WINNEBAGO BOONE INTEGRITY TASK FORCE POLICY AND PROCEDURE

311.1 PURPOSE

The purpose of this policy and procedure is to identify investigative resources available to the Winnebago Boone Integrity Task Force (WBITF) when the Task Force has been activated in deadly force situations, in-custody deaths, felony complaints of on-duty officers, or any other incident approved by the Task Force Board. The Task Force is comprised to offer transparency and independence from those agencies who utilize the services of the Task Force.

311.2 POLICY

The policy and procedures shall be compliant with all aspects of the written inter-agency agreement. The results of any investigation conducted pursuant to this agreement should provide an unbiased view of the incident and lend credibility to final reports and conclusions. It is agreed that citizen complaints and other administrative investigations will not normally qualify as appropriate use of the Task Force, as investigative functions of the Task Force will be criminal in nature.

311.3 PROCEDURES

311.3.1 DEFINITIONS

The following definitions apply to this policy:

- **Deadly Force** - Any use of force incidents that will likely cause death or great bodily harm to an individual or individuals involving law enforcement officers, either on or off duty.
- **In-Custody Deaths** - The death of any person who is in the process of arrest, the death of any person who is en route to be incarcerated, or is incarcerated at the Winnebago or Boone County Jail.
- **Felony** - Complaints against any law enforcement officers alleged to have been committed while on duty, which, by statute, are felony violations.
- **Instrument** - Any weapon, equipment, item, or substance used as a weapon during the incident investigated.
- **Officer** - For the purpose of this protocol, an "officer" is defined as any police officer, deputy, reserve officer, auxiliary officer, part-time officer, or other law enforcement officer employed by any local, county, or state law enforcement agency, who falls under the Task Force in Winnebago and Boone County.
- **Good Standing** - An officer who is not facing disciplinary action that could result in his or her termination for misconduct or unfitness for duty, or does not have any past

Winnebago Police Department

Winnebago PD Policy Manual

WINNEBAGO BOONE INTEGRITY TASK FORCE POLICY AND PROCEDURE

disciplinary action which would question the integrity of the officer. Any past or current good standing issue will be reviewed by the Task Force Board on an individual basis.

- **Civilian** - For the purpose of this protocol, "civilian" is defined as the human being who is injured, or dies in custody or by an officer using deadly force.
- **Task Force Commander** - An Illinois State Police Officer (Master Sergeant or above) acting under supervision of the ISP Zone 2 Investigations Command, or her/his designee. The Task Force Commander is responsible for the operations of the Task Force and overall direction and supervision of the assigned work force, to include maintenance of case review and reporting.
- **Team Member** - Any officer of a member agency that is appointed to the Task Force.
- **Task Force Investigation Team** - A group of member agency investigators assigned to a single incident.
- **Task Force Squad Leader** - For the purpose of this protocol, "Squad Leader" is defined as supervisory personnel from any of the member agencies who supervise the Task Force Investigation Team.
- **Supervisor** - The requesting agency's officer in charge of incident.
- **Traffic Crash Reconstructionist** - A sworn officer who is certified through the State of Illinois as an Accident Reconstructionist Specialist, preferably with federal Accreditation through the "Accreditation Commission for Traffic Accident Reconstruction" (ACTAR).

311.4 GENERAL PROVISIONS

311.4.1 MEMBERS IN GOOD STANDING

Any officer, who is not in good standing, may be denied appointment to the Task Force. Any appointed officer, who is no longer in good standing, may be released from his or her duties as a Task Force member. Decision to deny or release an appointment to the Task Force will be made at the Board level. Any officer with any sustained disciplinary issue may be denied as a Task Force Team Member. Any current Task Force Team Member with any sustained disciplinary issue may be released or put on notice. Any officer whose conduct has been subject to disclosure to prosecuting authorities pursuant to **Brady** or **Giglio** issues shall be subject to Board review for denial or release from the Task Force. Any complaint against a WBTF member will be investigated by the member's agency. Chiefs or Sheriffs, or their designee, shall be responsible for removing or denying their officer's team status.

311.4.2 DECISION TO ACTIVATE WBTF

The Chief executive officer of an agency, or assigned designee, when notified that an officer has been involved in a deadly force situation, in-custody death or felony complaint while on-duty may decide to request activation of the WBTF comprised from the participating agencies in this agreement: Belvidere Police Department, Boone County Sheriff's Department, Cherry

Winnebago Police Department

Winnebago PD Policy Manual

WINNEBAGO BOONE INTEGRITY TASK FORCE POLICY AND PROCEDURE

Valley Police Department, Illinois State Police, Loves Park Police Department, Rockford Park District Police Department, Rockford Police Department, Rock Valley College Police Department, Roscoe Police Department, South Beloit Police Department, Winnebago County Sheriff's Department, Durand Police Department, and the Pecatonica Police Department. The Rockton Police Department and the Winnebago Police Department are also parties to this agreement, but will not be contributing investigative staff.

311.4.3 NOTIFICATION OF STATE'S ATTORNEY

Upon any activation of the Task Force, the Task Force Commander shall notify the State's Attorney of jurisdiction.

311.4.4 APPROVAL OF TASK FORCE RESPONSE

The approved request for assistance of the responding Task Force members shall be determined by the Task Force Commander, or his/her designee, or by the predetermined call-out list. Once the Task Force arrives on the incident scene, no member of the Task Force will participate in an investigation if the member's agency was involved in the arrest of the civilian.

311.4.5 REQUESTING AGENCY'S SUMMARY OF INCIDENT

The requesting agency shall provide a current summary of the incident, the location of the incident, and the reporting location for the Task Force Commander, the Squad Leader and/or investigators assigned to the investigation. For each agency providing investigative support to the call-out, its responding Task Force member will assume the responsibility for the notification of their supervisors of his/her activation.

311.4.6 RESPONSIBILITY OF REQUESTING AGENCY

It will be the responsibility of the requesting agency to designate one of its staff as liaison to the Task Force squad.

311.4.7 ASSIGNED SQUAD LEADER'S CHOICE OF INVESTIGATORS

The individual Squad Leader assigned to the activation will choose the responding investigators from a pre-determined protocol.

311.4.8 RESPONSIBILITY TO OPEN LINES OF COMMUNICATION

The Task Force Commander/Squad Leader selected to lead the investigation will be responsible for opening lines of communication with the appropriate prosecutor (State or Federal) for the purpose of legal advisement, case review, and decisions on prosecutions.

311.4.9 RESPONSIBLE FOR REPORTS AND UPDATES

It will be the responsibility of the Task Force Commander or the Squad Leader designated in charge of the activation to ensure that all reports (including original incident reports, investigative supplemental reports, crime scene, and laboratory reports) are hand carried to the appropriate prosecutorial agency, as well as the requesting agency at the conclusion of the investigation, unless circumstances dictate otherwise. The Task Force Commander or the Squad Leader will give the requesting agency frequent updates on the investigation.

Winnebago Police Department

Winnebago PD Policy Manual

WINNEBAGO BOONE INTEGRITY TASK FORCE POLICY AND PROCEDURE

311.4.10 MEDIA RELEASES

Media releases will be handled by the Task Force Commander, or his designee, after consultation with the appropriate prosecutorial agency. Matters relating to the Task Force investigation will be addressed by the Task Force Commander, or his designee; matters that are administrative and involve personnel of a member agency shall be handled by that agency's Sheriff or Chief of Police.

311.4.11 TRAINING

Member agencies shall ensure all team members stay current with all training needed to be certified as a Lead Homicide Investigator as required by the Illinois Law Enforcement Training and Standards Board. Member agencies agree to participate in additional training in order to ensure that the coordination and skills of the investigative group are maintained, and to ensure that the call-out protocol remains current. All Team Members will be required to participate in a minimum of 20 hours training each year. Pre-approved training sponsors include, Mobile Team In-Service Training, Illinois Association of Chiefs of Police, International Association of Chiefs of Police, CALEA, COPS, FBI, PERF, FEMA, ILEAS, U. S. Department of Justice, Illinois State Police, IDOC, ILETSB, Illinois Executive Institute, or any other Task Force Board approved sponsor. Copies of all documented training of a team member that relates to the investigative skills of the Task Force shall be kept on file by the Task Force Commander or his designee. It will be the member agencies' responsibility to send updated training records to the Task Force Commander by January 15th of each year.

311.5 SUPERVISORS

311.5.1 COMMAND STRUCTURE

Upon any activation of the Task Force, the Incident Commander and a Task Force Squad Leader shall be immediately dispatched to the scene. A supervisor, or his designee, from the involved agency shall be present to assist the Task Force Investigators. The Task Force Commander, or the Task Force Squad Leader, is in overall charge of the use of deadly force investigation or other Task Force activation.

311.5.2 TASK FORCE COMMANDER RESPONSIBILITIES

The Task Force Commander shall take all steps necessary to ensure that the directives of this protocol are carried out, and promptly request that crime scene investigators respond to the scene.

311.5.3 INTERVIEWS BY SQUAD LEADERS

Squad Leaders may receive information regarding the investigation from WBITF Investigation Team members, but Squad Leaders should not conduct interviews of the officer, civilian, or witnesses, except in emergency circumstances, where it appears reasonably likely that the officer, civilian, or witness is about to lose consciousness or die. The interviews of these individuals should ordinarily be performed by WBITF Investigation Team members.

311.5.4 SQUAD LEADERS TO ENSURE PERIMETER SECURITY

Squad Leaders shall ensure personnel are assigned to secure and protect the perimeter of the scene. Squad Leaders shall take steps to ensure that CSI investigators, and all other necessary

Winnebago Police Department

Winnebago PD Policy Manual

WINNEBAGO BOONE INTEGRITY TASK FORCE POLICY AND PROCEDURE

personnel, have access to the scene to perform their duties. The Squad Leader shall designate a Task Force member to keep a crime scene log if the involved agency has not already started the log. The Squad Leader will make every attempt to have the involved agency in charge of the crime scene log to free up investigative personnel. As in any criminal investigation, media representatives should never be allowed access inside the crime scene perimeter, until CSI investigation has been completed and the scene has been released. Squad Leaders should confer with WBITF Investigation Team members prior to making a decision to release the scene.

311.5.5 SQUAD LEADERS TO ENSURE SCENE EVIDENCE SECURITY

Squad Leaders shall ensure that no evidence items are moved prior to collection by CSI investigators, unless it is absolutely necessary to do so for the safety of personnel or preservation of evidence.

311.5.6 DISSEMINATION OF INFORMATION TO FAMILY MEMBERS OF INJURED/DECEASED

The Task Force Commander may give families of injured or deceased parties' information about the condition of the party to the same extent, and subject to the same limitations, as in any criminal investigation.

311.5.7 PHOTO LINE-UPS

The Squad Leader assigned to the incident, or his designee, will be responsible for all photo line-ups to ensure that all line-ups are presented with the same format and the same written instructions to the viewing party. Any Team Member conducting a line-up must follow the suggested standard line-up procedures outlined in the Winnebago County State's Attorney Memo (see Appendix A). Any Team Member conducting a line-up must use the "Winnebago-Boone Integrity Task Force Form" (see Appendix B).

311.6 INVESTIGATION TEAM

311.6.1 INVESTIGATION TEAM

The WBITF Investigation Team shall be composed of members from the Belvidere Police Department, Boone County Sheriff's Department, Cherry Valley Police Department, the Illinois State Police, the Loves Park Police Department, the Rockford Police Department, the Rockford Park District Police Department, Rock Valley College Police Department, the Roscoe Police Department, the South Beloit Police Department and the Winnebago County Sheriff's Office. All WBITF Investigators shall have current or former detective experience, or equivalent training. The selection of Task Force Investigators shall be made by supervisory or administrative personnel at each respective agency. However, it is strongly recommended that supervisory personnel select members who have training and/or experience in investigations of homicide or other violent felonies.

311.6.2 WITNESS CANVASS

The WBITF Investigation team will conduct a detailed witness canvass. Identify all witnesses and persons present who indicate that they did or did not witness anything.

Winnebago Police Department

Winnebago PD Policy Manual

WINNEBAGO BOONE INTEGRITY TASK FORCE POLICY AND PROCEDURE

311.6.3 NUMBER OF INVESTIGATION TEAM MEMBERS TO RESPOND

The number of WBITF Investigation Team Members who respond to a particular deadly use of force case will be determined by the Squad Leader, depending upon the unique circumstances of each case. Under no circumstances shall an Investigation Team Member be employed by the same agency as the involved officer.

311.6.4 WITNESS INTERVIEWS

The WBITF Investigation Team Members, at the discretion of the Squad Leader, shall attempt to conduct tape or digitally audio recorded interviews of civilians and witnesses as soon as is reasonably practicable. If the witness is an officer from the involved agency, the Task Force Investigation Team may require an interview of the officer to clarify facts from the officer's report of the incident. The Task Force interviewer shall attempt to tape or digitally audio record the officer's interview. If witnesses have left the scene, then all efforts should be made to immediately locate and interview them. Whenever possible the interviews should occur at the police station or sheriff's office, rather than in the field. A witness should never be interviewed in the presence of another witness. Civilians and witnesses have the same right to refuse an interview, as would the victim and suspect in a criminal investigation. The involved agency may be responsible for any and all costs associated with transcribing recorded interviews.

311.6.5 CRIME LABORATORY TESTING

The WBITF Investigation Team Members shall request crime laboratory testing on various items of physical evidence collected in the case, as necessary, based upon the unique facts and circumstances of each individual case.

311.6.6 INVESTIGATION

The WBITF Investigation Team Members shall perform all additional investigations necessary to obtain a complete understanding of the facts of the use of deadly force, in-custody deaths, or felony complaints based upon the unique facts and circumstances of each case.

311.6.7 RULES OF LAW

The WBITF Investigation Team Members who take part in the use of deadly force criminal investigations, in-custody deaths, or felony complaints shall comply with the rules of law that apply in criminal proceedings, including constitutional, statutory, and case law.

311.6.8 GARRITY

No Team Member will give the Garrity Warning to any involved officer or officer present at the incident.

311.7 OFFICER INVOLVED FATALITY CRASH INVESTIGATIONS

311.7.1 CRASH INVESTIGATION TEAM

The WBITF may be activated whenever an officer is involved in a motor vehicle crash involving a fatality or anticipated fatality.

Winnebago Police Department

Winnebago PD Policy Manual

WINNEBAGO BOONE INTEGRITY TASK FORCE POLICY AND PROCEDURE

311.7.2 INVESTIGATIVE SPECIALISTS

In addition to the responding WBITF Investigative Team, a traffic crash reconstructionist will be dispatched. The reconstructionist may or may not be a member of the Task Force, but will not be a member of the involved agency.

311.7.3 TRAFFIC CRASH SCENE RESPONSIBILITIES

Duties of the WBITF will include, but are not limited to the following:

- a. Taking measurements and preparing a scale diagram
- b. Collection of evidence and photography
- c. Interviewing witnesses, drivers and occupants of vehicles
- d. Preparation and completion of reports
- e. Making arrangements for any testing that may be required on any vehicles
- f. Arranging the removal of vehicles to appropriate locations
- g. Obtaining needed information for reviewing the crash with the Prosecutor
- h. Any other duties necessary to complete the investigation

311.8 CRIME SCENE INVESTIGATORS

311.8.1 CRIME SCENE INVESTIGATORS (CSIS)

Crime Scene Investigation (CSI) support in all Task Force cases shall be provided by the Illinois State Police. However; weather, safety issues, or extenuating circumstances may dictate on scene officers take immediate action to preserve, protect, or otherwise document evidence that may be destroyed or altered. Any touched, covered, or moved items of evidence will be thoroughly documented by the scene officer. This information will be shared with the CSIs.

311.8.2 NUMBER OF CRIME SCENE INVESTIGATORS

The number of CSIs who respond to a particular deadly use of force case will be determined by the ISP Crime Scene Service Command (CSSC), depending upon the unique circumstances of each case, and the ability and equipment of the responding CSIs. Any contact with ISP laboratories for specific processing done at the scene by forensic scientists will be determined and requested by the ISP CSSC.

311.8.3 COLLECTION OF EVIDENCE FROM PERSONNEL BY CSIS

If not already surrendered, Crime Scene Investigators shall take possession of the firearm discharged by the officer, and any other weapons possessed by the officer at the time of the deadly use of force. If any of the officer's clothing and/or equipment is deemed to have evidentiary value, Crime Scene Investigators shall collect the items, upon consultation with WBITF Investigation Team Members, and Supervisors, once the officer has reached a police station or other appropriate location.

Winnebago Police Department

Winnebago PD Policy Manual

WINNEBAGO BOONE INTEGRITY TASK FORCE POLICY AND PROCEDURE

311.8.4 DOCUMENTATION OF PERSONNEL'S FIREARMS BY CSIS

The CSIs shall document the condition of the officer's firearm or other instrument used by the officer in the incident. The CSIs shall also document the condition of any related components, including magazines or loose ammunition. The CSI shall also take all necessary photographs of the firearm, or instrument, and any related components to document their condition. The Squad Leader shall require an inspection of all officers' weapons that were present during the incident.

311.8.5 PHOTOGRAPHS OF PERSONNEL TAKEN BY CSIS

The CSIs shall take photographs of the officer to include a full body photograph. The number of photographs to be taken shall be made in consultation with the WBITF Investigation Team Members based upon the unique circumstances of each case.

311.8.6 COLLECTION OF EVIDENCE FROM CIVILIANS BY CSIS

The CSIs shall take possession of any firearm or instrument used by the civilian, any other weapons possessed by the civilian, and any clothing or equipment of the civilian related to the incident, as soon as reasonably practicable. This will be conducted after a voluntary consent form has been signed, or a search warrant has been issued.

311.8.7 DOCUMENTATION OF CIVILIAN'S FIREARM OR INSTRUMENT BY CSIS

If the civilian possessed a firearm or instrument, CSIs shall document the condition of the firearm or instrument. The CSIs shall also document the condition of any related components, including the magazines or loose ammunition. The CSIs shall also take necessary photographs of the firearm or instrument and related components to document their condition.

311.8.8 PHOTOGRAPHS OF CIVILIANS TAKEN BY CSIS

The CSIs shall take photographs of any civilian(s) involved. The number of photographs to be taken, and a determination as to whether full body photographs are necessary, shall be made in consultation with the WBITF Investigation Supervisor or his designee, based upon the unique circumstances of each case. If the civilian dies, CSIs will ensure autopsy photographs are taken.

311.8.9 BAGGING OF CIVILIAN'S HANDS

If there is evidence that the civilian may have discharged a firearm, and the person's hands have not already been bagged, then the person's hands should be bagged by CSIs. If the hands of the civilian are bagged, then the hands shall later be processed by the CSIs. In any case where the person's hands are bagged and processed, the Task Force Investigation Team Members shall subsequently request that forensic testing be performed. In the event the civilian is deceased and the hands have not yet been bagged, the CSIs will bag the hands under the direction of the coroner or his or her designee.

311.8.10 SHELL CASINGS, SPENT PROJECTILES, AND OTHER EVIDENCE

Crime Scene Investigators shall photograph, document, and collect any spent shell casings, spent projectiles, and other evidence.

WINNEBAGO BOONE INTEGRITY TASK FORCE POLICY AND PROCEDURE

311.8.11 VIDEO AND PHOTOGRAPHS

Unless emergency circumstances require otherwise, all photographs and video taken in the case are to be by Crime Scene Investigators. Emergency circumstances would include weather concerns which arise prior to the arrival of the CSIs, safety concerns which arise prior to the arrival of CSIs, or situations where the officer or other law enforcement officers take emergency photographs. All photographs and video taken shall be promptly forwarded to the Illinois State Police Crime Scene Investigator. No Task Force Team Member shall photograph or video any evidence, persons on scene, investigative personnel, or any portion of the incident scene for personal reasons or unauthorized posting to media, social media, or any other venue not authorized by the Task Force Commander.

311.8.12 AVAILABILITY OF VIDEO AND PHOTOGRAPHS

The photographs taken by Crime Scene Investigators shall be made available to the Task Force Team. The CSIs shall give Task Force Investigators images taken from the scene.

311.8.13 MEASUREMENTS

The Crime Scene Investigators shall collect measurements and other information to enable them to later prepare a detailed diagram of the crime scene.

311.8.14 ADDITIONAL FORENSIC INVESTIGATION

The Crime Scene Investigator shall perform additional forensic investigation work, as necessary, to fully document the primary scene, and secondary scene, and any persons associated with those scenes, after consultation with the Task Force Investigation Team Members, and based upon the unique facts and circumstances of each case.

311.8.15 RETENTION OF EVIDENCE

The Illinois State Police Zone 2 will retain custody of all evidence related to the incident for a minimum of 2 years. Some evidence, due to its size or nature, may be stored at a local agency not directly controlled by the State Police. The chief, sheriff, or designee of the agency involved may request, in writing, a longer retention period by the Illinois State Police.

Firearms

312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

312.2 POLICY

The Winnebago Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Officers shall only use firearms that are issued or approved by the Department, and have been thoroughly inspected by the Rangemaster. Firearms shall not be carried by non-sworn members while on duty, or while in any Village-owned vehicle. Except in an emergency, or as directed by a Supervisor, no firearm shall be carried by an officer who has not qualified with that firearm at an authorized Department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical, or electronic weapons, impact weapons, or any weapon prohibited or restricted by law, or that is not covered elsewhere by Department policy, may not be carried by officers in the performance of their official duties without the express written authorization of the Chief of Police. This exclusion does not apply to the carrying of a single folding pocket knife that is not otherwise prohibited by law.

312.3.1 HANDGUNS

The authorized department-issued handgun is the Glock model 22, .40 caliber. The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER

312.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the Bushmaster AR15 5.56/.223. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER

Winnebago Police Department

Winnebago PD Policy Manual

Firearms

Rock River Arms	AR15	5.56/.223
BCM4	AR15	5.56/.223

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter
- (b) When a member is faced with a situation that may require accurate and effective fire at long range
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person, or a person with a hostage
- (e) When a member reasonably believes that a suspect may be wearing body armor
- (f) When authorized, or requested, by a supervisor
- (g) When needed to euthanize an animal

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack, trunk or secured storage area in the patrol vehicle with a Safe-T-Round inserted in the chamber, magazine loaded and inserted into the magazine well, the bolt forward, the trigger set, and the selector lever in the safe position.

312.3.3 PERSONALLY OWNED DUTY FIREARMS

Officers desiring to carry an authorized, but personally owned, duty firearm must receive written approval from the Chief of Police. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the Department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, officers shall qualify under range supervision and thereafter shall qualify in accordance with the Department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Officers shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

312.3.4 AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry Department or personally owned secondary handguns are subject to the following restrictions:

Winnebago Police Department

Winnebago PD Policy Manual

Firearms

- (a) The handgun shall be in good working order, and on the Department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the officer, unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried, and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as Department issue. If the caliber of the handgun is other than Department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, officers shall qualify under range supervision, and thereafter shall qualify in accordance with the Department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Officers shall provide written notice of the make, model, color, serial number, and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

312.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by officers while off duty is permitted by the Chief of Police, but may be rescinded should circumstances dictate (e.g., administrative leave). Officers who choose to carry a firearm while off duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried, and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. The purchase of the personally owned firearm and ammunition shall be the responsibility of the officer.
- (b) The firearm shall be carried concealed at all times, and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
- (c) It will be the responsibility of the officer to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter, the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Rangemaster that he/she is proficient in handling, and firing, the firearm, and that it will be carried in a safe manner.
- (e) The officer shall successfully qualify with the firearm prior to it being carried.
- (f) The officer shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

Winnebago Police Department

Winnebago PD Policy Manual

Firearms

- (g) If an officer desires to use more than one firearm while off duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Officers shall only carry Department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Winnebago Police Department identification cards under circumstances requiring possession of such identification.

312.3.6 AMMUNITION

Officers shall carry only Department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all Department-issued firearms during the respective officer's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Officers carrying personally owned authorized firearms of a caliber differing from Department-issued firearms shall be responsible for obtaining fresh duty ammunition, in accordance with the above, at their own expense.

312.4 EQUIPMENT

Firearms carried on duty or off duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual officer.

312.4.1 REPAIRS OR MODIFICATIONS

Each officer shall be responsible for promptly reporting any damage, or malfunction, of an assigned firearm to a Supervisor or the Rangemaster.

Firearms that are the property of the Department, or personally owned firearms that are approved for Department use, may be repaired or modified only by a person who is Department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the officer's personally owned firearm shall be done at his/her expense, and must be approved by the Rangemaster.

312.4.2 HOLSTERS

Only Department-approved holsters shall be used and worn by officers. Officers shall periodically inspect their holsters to make sure they are serviceable, and provide the proper security, and retention of the handgun.

312.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on duty or off duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm, prior to carrying it.

Firearms

312.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on duty or off duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm, prior to carrying it.

Except in an approved training situation, an officer may only sight in on a target when the officer would otherwise be justified in pointing a firearm at the target.

312.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access, or possession by another person. Rifles shall be inspected at the beginning of the shift by the officer to whom the weapon is issued. The officer shall ensure that the firearm is carried in the proper condition, and loaded with approved

Firearms

ammunition. Inspection of the rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms shall not be stored in lockers at the end of the shift. Department-owned firearms may be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

312.5.2 STORAGE AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Officers shall not permit Department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be aware that negligent storage of a firearm could result in civil and criminal liability (720 ILCS 5/24-9(a)).

312.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer, either on duty or off duty, who has consumed an amount of an alcoholic beverage, taken any drugs, or medication, or has taken any combination thereof, that would tend to adversely affect the officer's senses or judgment.

312.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms (50 ILCS 710/0.01 et seq.).

Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any officer fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to the Supervisor prior to the end of the required training, or qualification period.

Those who fail to meet minimum standards, or qualify on their first shooting attempt, shall be provided remedial training, and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the officer in demonstrating consistent firearm proficiency.
- (b) Officers shall be given credit for a range training, or qualification, when obtaining a qualifying score, or meeting standards after remedial training.
- (c) No range credit will be given for the following:

Firearms

1. Unauthorized range make-up
2. Failure to meet minimum standards or qualify after remedial training

Officers who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

312.7 FIREARM DISCHARGE

Except during training or recreational use, any officer who discharges a firearm intentionally, or unintentionally, on duty or off duty, shall make a verbal report to the Supervisor as soon as circumstances permit. If the discharge results in injury, or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved officer shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on duty at the time of the incident, the officer shall file a written report with the Chief of Police or provide a recorded statement to investigators, prior to the end of shift, unless otherwise directed by a Supervisor.
- (b) If off duty at the time of the incident, a written report shall be submitted, or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a Supervisor.

312.7.1 DESTRUCTION OF ANIMALS

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety, and alternative methods are not reasonably available, or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CEW, oleoresin capscicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, or becomes impractical.

312.7.2 INJURED ANIMALS

With the approval of a Supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering, and where other dispositions are impractical.

312.7.3 WARNING AND OTHER SHOTS

Generally, warning shots, or shots fired for the purpose of summoning aid are discouraged, and may not be discharged unless the officer reasonably believes that they appear necessary, effective, and reasonably safe.

Firearms

312.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All officers attending shall follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all officers attending the range, and shall submit the roster to the Chief of Police after each range date. Failure of any officer to sign in and out with the Rangemaster, may result in non-participation or non-qualification.

The range shall remain operational and accessible to Department officers during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this Department to verify proper operation. The Rangemaster has the authority to deem any Department-issued, or personally owned firearm, unfit for service. The officer will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each officer meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning, and safety of all firearms the officer is authorized to carry.

The Rangemaster shall complete and submit to the Chief of Police documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each officer who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance, or other records as directed by the Chief of Police.

312.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Winnebago Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Winnebago Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Winnebago Police Department an NLETS message

Winnebago Police Department

Winnebago PD Policy Manual

Firearms

containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Winnebago Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Winnebago Police Department

Winnebago PD Policy Manual

Firearms

Vehicle Pursuits

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.1.1 VEHICLE PURSUIT DEFINED

An active attempt by a peace officer in an authorized emergency vehicle to apprehend an actual or suspected law violator who is attempting to avoid apprehension through evasive tactics.

314.2 OFFICER_DEPUTY RESPONSIBILITIES

It shall be the policy of this Department that a vehicle pursuit shall be conducted only with emergency lights and siren. The driver of an authorized emergency vehicle may proceed past a red or stop signal or stop sign, exceed the maximum speed limits, and disregard regulations governing direction of movement or turning in specified directions provided the driver slows as may be required and necessary for safe operation and does not endanger life or property (625 ILCS 5/11-205).

The driver of an authorized emergency vehicle is not relieved from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others (625 ILCS 5/11-205(e)).

To reduce the likelihood of a pursuit occurring, an officer intending to stop a vehicle for any violation of the law, except a traffic law, should, whenever possible and without creating a threat to public

Vehicle Pursuits

safety or officers, close the distance between the two vehicles. In situations where appropriate and prudent, awaiting the arrival of assisting officers, prior to activating emergency lights, an audible device, or otherwise signaling the suspect to stop may be warranted.

Upon approaching an intersection controlled by traffic signals or signs, or any other location at which there is an increased likelihood of a collision, the driver of any pursuit vehicle shall reduce the vehicle's speed so as to avoid a collision with another vehicle or pedestrian.

Officers should make every reasonable effort to ensure that the way is clear before proceeding through an intersection or otherwise increasing speed. Pursuing officers are expected to maintain complete control of their vehicles at all times. Throughout the course of a pursuit, pursuing officers should not attempt to overtake, pull alongside, or pass the suspect's moving vehicle without the specific authorization of a supervisor, if feasible. Officers are discouraged from passing other units involved in a pursuit unless the passing officer receives specific permission from the Primary Unit.

314.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others
- (c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety)
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic, and the speed of the pursuit relative to these factors
- (f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the telecommunicator/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit
- (g) Weather, traffic, and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit

Vehicle Pursuits

- (i) Vehicle speeds
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, and hostages)
- (k) Availability of other resources such as helicopter assistance
- (l) The police unit is carrying passengers other than police officers. Pursuits shall not be undertaken with a prisoner(s) in the police vehicle

314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

The factors listed in the previous subsection are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in the previous subsection the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Directed by a supervisor.

Vehicle Pursuits

314.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions
- (b) Pursuit speeds have exceeded the driving ability of the officer
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe

314.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.3.1 MOTORCYCLE OFFICERS

This subsection removed because our agency does not have motorcycle officers.

314.3.2 SEMI-MARKED AND UNMARKED VEHICLES

Semi-marked units may initiate a pursuit providing the proper justification exists, but will relinquish Primary Unit status immediately upon the participation of a marked police car. Upon relinquishing Primary Unit status, semi-marked units shall terminate active involvement in a pursuit unless they are needed to fulfill Secondary Unit responsibilities or are otherwise directed by a supervisor. A semi-marked police vehicle is not identifiably marked by a distinctive color scheme; red and/or blue lights may be mounted within the vehicle, equipped with siren, and could have partial police marking.

Unmarked or other departmental vehicles, except for marked and semi-marked units, may not initiate a pursuit without the authorization of a supervisor unless there is an imminent threat to life or great bodily harm represented by the continued freedom of the suspect. An unmarked police vehicle has no distinctive identifiable marking, but may have portable and/or fixed emergency warning lights.

314.3.3 PRIMARY UNIT RESPONSIBILITIES

The decision to initiate and/or continue a pursuit requires weighing the public safety need to immediately apprehend the suspect against the degree of risk to which peace officers and others are exposed as the result of a pursuit. Officers are reminded that they are under no legal obligation

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Pursuits

to initiate a pursuit, and that in many circumstances the safety of the public will dictate that no pursuit be initiated, and/or it be discontinued.

Upon the initiation of a pursuit, the pursuing officer shall immediately activate the vehicle's emergency warning lights, audible device, and headlights if not already activated.

The Primary Unit will notify the Communications Center that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit
- (b) Location and direction of travel
- (c) Speed of the fleeing vehicle
- (d) Description of the fleeing vehicle and license number, if known
- (e) Number of known occupants
- (f) The identity or description of the known occupants
- (g) Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards

Unless relieved by a supervisor or Secondary Unit, the officer in the Primary Unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary officer should relinquish the responsibility of broadcasting the progress of the pursuit to a Secondary Unit or aircraft joining the pursuit.

314.3.4 SECONDARY UNIT(S) RESPONSIBILITIES

When involved, the second officer in the pursuit is responsible for the following:

- (a) The officer in the Secondary Unit should immediately notify the telecommunicator and supervisor, if feasible, of entry into the pursuit. Until such time that a supervisor assumes responsibility, only one Secondary Unit shall become involved in an ongoing pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Upon joining the pursuit or being assigned Secondary Unit responsibilities, the vehicle's emergency warning lights, audible device, and headlights shall be activated.
- (e) If so requested by the Primary Unit or if directed by a supervisor to do so, the Secondary Unit may assume Primary Unit responsibilities. Otherwise, the Secondary Unit may not attempt to overtake or pull alongside the Primary Unit.

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Pursuits

- (f) Secondary Unit personnel are responsible for serving as a backup to the Primary Unit. As such, they will respond to directions from the Primary Unit personnel unless otherwise directed by a supervisor or circumstances do not allow.

314.3.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) Police officers involved in a pursuit shall not proceed in a direction opposite to the flow of traffic on a divided highway without the specific authorization of a supervisor, if feasible. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspect(s).
- (d) Notifying the Illinois State Police and/or other agency if it appears that the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise, or they are requested to do so by the Primary Unit.

314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

Vehicle Pursuits

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

314.3.7 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

314.3.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The supervisor of the officer initiating the pursuit, or if unavailable, the nearest supervisor will be responsible for the following:

- (a) Upon notification that a pursuit is in progress, the supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses.
- (b) The supervisor shall immediately determine whether the pursuit was initiated in accordance with the provisions of this guideline and shall permit the pursuit to be continued only if said guideline has been fully complied with to the best of the supervisor's knowledge.
- (c) Upon being notified of a pursuit, the supervisor shall verify the following:
 - 1. That no more than the required or necessary number of units are involved in the pursuit
 - 2. That the proper radio frequency is being used

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Pursuits

3. That other agencies are notified as necessary and appropriate
- (d) The supervisor shall continuously review the incoming information to determine whether the pursuit should be continued or terminated.
- (e) The supervisor shall order a pursuit terminated after concluding danger to the pursuing peace officers or the public outweighs the need for the immediate apprehension of the suspect.
- (f) The supervisor may order a pursuit terminated if the suspect's identity is established to the point where later apprehension is likely and there is no immediate threat to public safety.
- (g) The supervisor should order a pursuit terminated whenever the weather, road, or traffic conditions substantially increase the danger to the public posed by the pursuit beyond the need for immediate apprehension.
- (h) The supervisor should order a pursuit terminated whenever the distance between the pursuing and fleeing vehicles is so great that further pursuit is futile.
- (i) In controlling the pursuit, the supervisor shall be responsible for the coordination of the pursuit as follows:
 1. Directing pursuit or support units into or out of the pursuit
 2. The assignment of a Secondary Unit to the pursuit
 3. The re-designation of Primary, Secondary, or other support units as necessary
 4. The approval, disapproval, and coordination of pursuit tactics
 5. The approval or disapproval to cross jurisdictional boundaries in the continuation of the pursuit
 6. Ensuring compliance with inter-jurisdictional pursuit agreements
- (j) The supervisor may approve and assign additional backup or support units to assist the Primary and Secondary Units based upon their analysis of:
 1. The nature of the offense for which the pursuit was initiated
 2. The number of suspects and any known propensity for violence
 3. The number of peace officers in the pursuit vehicles
 4. Any damage or injuries to the assigned Primary or Secondary Units or peace officers
 5. The number of peace officers necessary to safely make an arrest at the conclusion of the pursuit
 6. Any other clear and articulable facts that would justify the increased hazards caused by adding more than the Primary and Secondary Units to a pursuit

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Pursuits

- (k) When the pursuit is terminated, the supervisor shall require that all participating agencies are notified, and identify an on scene supervisor or designee to monitor the arrest and transportation procedures.
- (l) The supervisor shall require throughout the duration of the pursuit that this guideline is followed by all peace officers.

314.4.1 CHIEF OF POLICE RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Chief of Police should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Chief of Police has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Chief of Police shall review all pertinent reports for content.

314.5 COMMUNICATIONS

For pursuits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or telecommunicator.

314.5.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

- (a) Upon notification that a pursuit has been initiated, the Communications Center will:
 - 1. Give priority to the Primary Unit.
 - 2. Notify other units of pursuit, including location, direction of travel, and vehicle description.
 - 3. Keep the channel clear.
 - 4. Notify the Chief of Police and/or patrol supervisor if feasible.
 - 5. Receive and records all incoming information on pursuit.
 - 6. Keep Chief of Police and/or the patrol supervisor apprised of progress of pursuit.
 - 7. Request status when the pursuing peace officer fails to make frequent contact.
 - 8. Notify neighboring jurisdictions of the pursuit approaching their boundaries.
 - 9. Perform relevant records and motor vehicle checks.
 - 10. Coordinate and dispatch backup assistance and air support units under the direction of the supervisor.
- (b) Radio frequency management:
 - 1. Pursuit communication will be handled on the frequency designated by the pursuing agency unless one or more of the following conditions exist:
 - (a) The pursuit has or may extend into other jurisdictions.
 - (b) The supervisor directs a switch to ISPERN.

Vehicle Pursuits

2. Upon using the ISPERN frequency, the Primary Unit shall conform to ISPERN guidelines.

314.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the Primary Unit should broadcast pertinent information to assist other units in locating suspect(s). The Primary Unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

314.6 INTER-JURISDICTIONAL PURSUITS

Officers involved in inter-jurisdictional pursuits are required to comply with their department's guidelines and inter-jurisdictional agreements. Only pursuit tactics permitted by this policy may be utilized by Winnebago Police Department officers, irrespective of what is requested by the other agency.

When a pursuit enters another agency's jurisdiction:

- (a) The Primary Unit will advise the Communications Center that the pursuit is leaving this jurisdiction.
- (b) The controlling supervisor, if on duty, shall decide whether to continue the pursuit based upon the totality of circumstances known. If no controlling supervisor is on duty, the Primary Unit shall consider the factors listed in 314.2.1 and 314.2.2 hereinabove in deciding whether to continue or terminate the pursuit, with the controlling supervisor notified as soon as reasonably practical.
- (c) As soon as practicable the Communications Center will notify the involved jurisdiction.
- (d) If two units from the other agency are actively involved in the pursuit, the officers shall not engage in the pursuit.

314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Winnebago Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and ISP units, a request for ISP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, a request for assistance from the Illinois State Police should include confirmation that the ISP will relinquish control.

Vehicle Pursuits

314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

- (a) Ability to maintain the pursuit
- (b) Circumstances serious enough to continue the pursuit
- (c) Adequate staffing to continue the pursuit
- (d) The public's safety within this jurisdiction
- (e) Safety of the pursuing peace officers

As soon as practical, a supervisor or the Chief of Police should review a request for assistance from another agency. The Chief of Police or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the Village limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports, and any other assistance requested or needed.

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Police Immobilization Technique), ramming, heading off, or roadblock procedures.

314.7.1 WHEN USE AUTHORIZED

Use of pursuit intervention tactics shall be employed only after department-approved training, and approval by a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers, and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

It is imperative that officers act within the bounds of legality, good judgment, and accepted practices.

Vehicle Pursuits

314.7.2 DEFINITIONS

Boxing-in/Rolling Roadblock - The surrounding of a suspect's moving vehicle with moving pursuit vehicles which are then slowed to a stop along with the suspect's vehicle. Boxing in/rolling roadblocks are mobile stop techniques.

Heading Off - An attempt to terminate a pursuit by pulling ahead of, behind, or toward a suspect's moving vehicle to force it to the side of the road or to otherwise come to a stop. Heading off is a forcible stop technique.

Roadblocks - A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a suspect. This includes placement of vehicles as well as use of devices to disable a vehicle. A roadblock is a stationary stop technique.

Spikes or Tack Strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

Vehicle Contact Action (Ramming, Police Immobilization Technique (PIT)) - Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle. Vehicle contact actions are forcible stop techniques.

314.7.3 USE OF FIREARMS/VEHICLE CONTACT ACTION

Officers involved in a pursuit shall not discharge any firearm from or at a moving vehicle, nor engage in any vehicle contact action except as a last resort in which it reasonably appears necessary to prevent imminent death or serious bodily injury to a peace officer or another person where deadly force would otherwise be legally justified. Where feasible, an officer should obtain authorization from a supervisor before discharging a weapon from or at a moving vehicle.

314.7.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to peace officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

Those tactics which reasonably may be construed to be a use of deadly force should be employed only as a last resort in which it reasonably appears necessary to prevent imminent death or serious bodily injury to a peace officer or another person where deadly force would otherwise be legally justified. Where feasible, an officer should obtain authorization from a supervisor before applying any tactic which may be reasonably foreseen to be a use of deadly force.

Intervention tactic application circumstances include:

Vehicle Pursuits

- (a) Officers may use stationary stop techniques to terminate any pursuit so long as the technique is employed in a fashion that is not reasonably calculated to cause death or great bodily harm to persons in the pursued vehicle or others in the vicinity (e.g. the pursued vehicle has sufficient time and distance to stop before reaching the roadblock or the technology employed is designed to disable the vehicle without the loss of control). Where feasible, an officer should obtain authorization from a supervisor before implementing stationary stop techniques. Absent exigent circumstances, such techniques should not be employed by officers that have not been trained in application of the selected technique.
- (b) Officers may use mobile stop techniques to terminate any pursuit so long as the technique is employed in a fashion that is not reasonably calculated to cause death or great bodily harm to persons in the pursued vehicle or others in the vicinity. Where feasible, an officer should obtain authorization from a supervisor before implementing mobile stop techniques. Absent exigent circumstances, such techniques should not be employed by officers that have not been trained in application of the selected technique.
- (c) At low speeds the use of forcible stop techniques is permitted when there is legal justification for the use of force. Where feasible, an officer should obtain authorization from a supervisor before implementing forcible stop techniques. Absent exigent circumstances, such techniques should not be employed by officers that have not been trained in application of the selected technique.
- (d) At high speeds the use of forcible stop techniques is permitted only when there is legal justification for the use of deadly force. Where feasible, an officer should obtain authorization from a supervisor before implementing forcible stop techniques. Absent exigent circumstances, such techniques should not be employed by officers that have not been trained in application of the selected technique.

314.7.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

314.8 REPORTING REQUIREMENTS

Officers shall complete an appropriate report of the pursuit incident and assign a case reporting number to each pursuit incident. If involved in inter-jurisdictional pursuit, obtain an Illinois State Police Emergency Radio Network (ISPERN) number in addition to their own case reporting number.

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Pursuits

- (a) Pursuit incidents will be investigated thoroughly. The acquisition of statements, photographs, drawings, preliminary medical reports, and any other evidentiary items that are or could be relevant to the conduct of the pursuit incident should be completed.
- (b) A memorandum shall be completed briefly summarizing the pursuit to his/her supervisor. This memo should minimally contain the following information:
 - 1. Date and time of pursuit
 - 2. Length of pursuit
 - 3. Involved units and officers
 - 4. Initial reason for pursuit
 - 5. Starting and termination points
 - 6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable
 - 7. Injuries and/or property damage
 - 8. Medical treatment
 - 9. Name of supervisor at scene
 - 10. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow up is warranted
- (c) The "Pursuit Driving Report" shall be completed. The "Pursuit Driving Report" should be submitted through the chain of command for internal evaluation and review to determine:
 - 1. Guideline compliance
 - 2. Operational needs
 - 3. Future training needs
- (d) The "Pursuit Driving Report" will be submitted to the Illinois Law Enforcement Training Standards Board, 600 South Second Street, Suite 300, Springfield, Illinois 62704, by each agency involved in a pursuit.

314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

All sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

314.8.2 POLICY REVIEW

All department officers shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Pursuits

314.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy has been created with input from the Illinois Law Enforcement Training Standards Board; Police Pursuit Guidelines (revised March, 2004), in accordance with 50 ILCS 705/7.5.

Officer Response to Calls

316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

316.1.1 DEFINITIONS

Definitions related to this policy include:

Routine Call - A call for police service where a quick response is not essential for the preservation of life or property including, but not limited to, crimes in progress where no one remains in jeopardy.

Urgent Call - A call for police service involving the following situations: 1) where there exists a risk of potential injury or property loss if the response is unnecessarily delayed; 2) or where prompt police response may prevent further injury or loss, reduce the seriousness of the incident, or increase the likelihood that an offender may be apprehended. Urgent calls include, but are not limited to, crimes in progress, alarms where no criminal activity has been otherwise confirmed, medical assists, accidents with unknown injuries, and fire calls.

Emergency Calls - A call for police service involving, but not limited to, in-progress felonies, accidents with injuries, and other life-threatening situations including, an officer in need of assistance.

Emergency Lights - Lights installed in or on an authorized emergency vehicle that, when activated, alert others that an emergency situation exists. These include the overhead light bar containing rotating or oscillating red and blue lights, rear flashing red and blue lights, red and/or blue lights installed in the grill of a vehicle, portable or magnetic red light, and the alternating wig-wag headlights designated for daylight use only. While the hand-operated spotlight and the amber 4-way flashers are useful tools, they are not, for the purpose of this policy, considered emergency lights and should not be used as such.

Siren - The audio warning device installed on authorized emergency vehicles including the electric "air horn."

316.2 RESPONSE TO CALLS

Officers dispatched using emergency lights and siren shall consider the call an emergency response and proceed immediately. Officers responding using emergency lights and siren shall continuously operate emergency lighting equipment, and shall sound the siren as reasonably necessary.

The driver of an authorized emergency vehicle may, pursuant to (625 ILCS 5/11-205):

- (a) Park or stand, irrespective of the provisions of the Illinois Vehicle Code (625 ILCS)
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation

Winnebago Police Department

Winnebago PD Policy Manual

Officer Response to Calls

- (c) Exceed the maximum speed limits so long as he/she does not endanger life or property
- (d) Disregard regulations governing direction of movement or turning in specified directions

The driver of an authorized emergency vehicle is not relieved from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others (625 ILCS 5/11-205(e)).

Officers should only respond using emergency lights and siren when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond using emergency lights and siren shall observe all traffic laws and proceed without the use of emergency lights and siren.

316.2.1 RESPONSE PROCEDURES

When responding to a routine call for service, police vehicles will be operated in accordance with all traffic regulations. Emergency lights and siren will not be used unless the nature of the incident changes. Emergency lights may be used as necessary for visibility at the scene

When responding to urgent calls for service, the emergency lights and siren will be used in a safe and prudent manner in compliance with all state statutes governing the operation of emergency vehicles. For additional guidelines that may be applicable, refer to Illinois Compiled Statutes, 625 ILCS 5/11-205.

Overhead, flashing, and wig-wag lights and siren will be used when passing through traffic control devices, exceeding the posted speed limit(s) or otherwise operating a vehicle outside of normal traffic rules, or to facilitate movement through traffic.

There are times where the use of emergency equipment is counter-productive to a tactical response to certain types of calls. (i.e. operating within the vicinity of a silent alarm or other cases where a silent approach is a proper tactical advantage.) These situations will require a driver to operate his/her vehicle with caution and be able to articulate a reason for operating outside of these requirements.

When responding to an emergency call for service, police vehicles will be operated with emergency lights and siren. Speed limits may be exceeded as conditions, such as traffic, weather, and time of day reasonably permit. Traffic control devices may be driven through to facilitate movement through traffic only after slowing or stopping as necessary for safe operation.

316.2.2 INITIATING AND UPGRADING CALL PROCEDURE

When an officer is dispatched to a call for service, the officer shall, upon acknowledging the call, advise the telecommunicator which type of response they are making to the incident; either "ROUTINE;" "URGENT;" or "EMERGENCY."

Upon notification, the on-duty supervisor or the responding officer may upgrade the response code if in their judgment circumstances require. However, the responding officer shall notify the

Winnebago Police Department

Winnebago PD Policy Manual

Officer Response to Calls

telecommunicator as soon as practical when they have elected to upgrade to either an Urgent or Emergency response.

If an officer happens upon a situation while investigating a situation, determines it is necessary to make an Urgent or Emergency response, the officer shall advise the 9-1-1 telecommunicator as soon as practical that he/she is making the response.

316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify the Communications Center.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

316.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call in the emergency response mode unless the Chief of Police or a supervisor authorizes an additional unit(s).

316.4 INITIATING CODE 3 RESPONSE

316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Communications Center. An officer shall also discontinue the emergency response when directed by a supervisor.

Upon receiving authorization or determining an emergency response is appropriate, an officer shall immediately give the location from which he/she is responding.

316.6 COMMUNICATIONS RESPONSIBILITIES

Officer Response to Calls

316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Chief of Police or a supervisor shall verify the following:

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response
- (c) Affected outside jurisdictions are being notified as practical

The supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Chief of Police or a supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and respond accordingly. In all cases, the officer shall notify the Chief of Police, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

Domestic Violence

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

320.2 POLICY

The Winnebago Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

320.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

Winnebago Police Department

Winnebago PD Policy Manual

Domestic Violence

- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Bureau in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence (725 ILCS 5/112A-30).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred (725 ILCS 5/112A-30). Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

Domestic Violence

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

320.4.3 ELECTRONIC SURVEILLANCE ALERTS

Certain individuals released after a violation of an order of protection may be subject to electronic surveillance by GPS as a condition of release, probation, or conditional discharge (725 ILCS 5/110-5; 730 ILCS 5/5-8A-7).

Upon being dispatched in response to an electronic surveillance alert, officers should make a reasonable attempt to locate the domestic violence victim who is being protected and assist in providing for the victim's safety. A reasonable attempt to locate the offender should also be made.

If the offender is located within a prohibited location of the victim, an officer should consider whether an arrest for a violation of the conditional discharge, bail, supervision, or order of protection is appropriate.

Each response to an electronic surveillance alert shall be documented in an incident or arrest report.

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should (725 ILCS 5/112A-30):

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters, and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

Domestic Violence

- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

320.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

320.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

Winnebago Police Department

Winnebago PD Policy Manual

Domestic Violence

320.9 LEGAL MANDATES AND RELEVANT LAWS

Illinois law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

- (a) Whenever an officer has reason to believe that a person has been the victim of domestic abuse, the officer shall immediately use all reasonable means to prevent further abuse including arresting the abusing, neglecting and exploiting party, where appropriate (725 ILCS 5/112A-30).
- (b) Officers investigating reports of domestic violence should consider the appropriate charges, including Domestic Battery, Aggravated Domestic Battery and Interfering with the Reporting of Domestic Violence (720 ILCS 5/12-3.2; 720 ILCS 5/12-3.3; 720 ILCS 5/12-3.5).
- (c) Officers investigating a domestic violence incident, who encounter an individual on bail or bond for a domestic violence arrest, should attempt to determine if there are reasonable grounds to believe that the individual is violating a condition or bond or bail by making contact or communicating with the victim, or by entering or remaining at the victim's residence within 72 hours following the defendant's release (725 ILCS 5/110-10(d)).

320.9.2 REPORTS AND RECORDS

The Winnebago Police Department is required to record, compile and report to the Illinois State Police information regarding domestic crimes.

- (a) Officers shall include in their reports the victim's statements as to the frequency and severity of prior incidents of domestic violence by the person and the number of prior calls for law enforcement assistance to prevent domestic violence (750 ILCS 60/303; 725 ILCS 5/112A-29).
- (b) Reports must also include information regarding the victim, suspect, date and time of the incident, any injury inflicted, any weapons involved, and the relationship between the victim and the suspect so that the Records Supervisor is provided with enough information to meet the reporting requirements of 50 ILCS 709/5-12.

320.9.3 SPECIFIC VICTIM ISSUES

Officers should:

- (a) Provide or arrange for accessible transportation for the victim (and, at the victim's request, any minors or dependents in the victim's care) to a medical facility for treatment of injuries or to a nearby place of shelter or safety (750 ILCS 60/304).
- (b) Provide the victim with one referral to an accessible service agency (750 ILCS 60/304).

320.9.4 COURT ORDER RELATED TO PEACE OFFICERS

If the respondent in an order of protection is a peace officer, the investigating officer shall determine if the order prohibits the peace officer from possessing any firearms or a FOID card during the duration of the order (725 ILCS 5/112A-14(b)(14.5)).

Winnebago Police Department

Winnebago PD Policy Manual

Domestic Violence

If the respondent officer is employed by the Winnebago Police Department, the investigating officer shall take any necessary enforcement actions, promptly submit the appropriate report, and notify the Chief of Police of the incident through the chain of command.

If the respondent officer is not a member of the Winnebago Police Department, the investigating officer shall promptly notify the investigating officer's supervisor. The supervisor shall ensure prompt notification to the respondent officer's department.

320.9.5 SERVICE OF COURT ORDERS

A summons, along with the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued, shall be served at the earliest time possible and take precedence over service of other summonses, except those of a similar emergency nature (725 ILCS 5/112A-5.5; 725 ILCS 5/112A-17.5).

Before serving an order of protection, the serving officer should conduct an inquiry to determine whether the respondent has been issued a concealed carry license (CCL) or a Firearm Owner's Identification (FOID) card. If the respondent is found to be in possession of a CCL, the officer shall seize the CCL and forward the notification of the order and license to the Illinois State Police within seven days of the date the order was served (430 ILCS 66/70). If the respondent is found to be in possession of a FOID card, then the officer should instruct the respondent if the order of protection requires compliance with section 9.5 of the FOID Card Act (725 ILCS 5/112A-14; 430 ILCS 65/9.5).

If the Winnebago Police Department receives a copy of an ex parte protective order issued to a person who is in custody, an officer shall make reasonable efforts to serve the protective order or a short form notification on the person before the person is released from custody (725 ILCS 5/112A-22).

WORKPLACE VIOLENCE

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines for responding to incidents involving workplace violence.

321.1.1 DEFINITIONS

Workplace violence - The commission or threatened commission of an act of violence, harassment, or stalking, as defined under Illinois law against a person at his/her place of work. Work includes any location where a person is performing services as a volunteer, member of a board of directors, or working as an independent contractor or agency worker for an employer, as defined by the Workplace Violence Prevention Act (820 ILCS 275/10).

321.2 POLICY

It is the policy of this Department to investigate workplace violence as a serious crime and to facilitate employer and victim access to appropriate civil remedies and community resources, whenever feasible.

321.3 INVESTIGATIONS

The following guidelines should be followed by officers when investigating workplace violence cases:

- (a) Officers responding to incidents of workplace violence have the same responsibilities as they do when responding to incidents of domestic violence under the Illinois Domestic Violence Act of 1986 (820 ILCS 275/35).
- (b) Calls of reported, threatened, imminent, or ongoing workplace violence may also involve incidents of domestic violence. Officers should consider whether a related domestic violence investigation should also be conducted, as provided in the Domestic Violence Policy.
- (c) Officers should take reasonable steps to prevent any further workplace violence, including, but not limited to, making an arrest, where appropriate.
- (d) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest, or seek an arrest warrant, if appropriate.
- (e) Officers should advise the employer and victim about seeking medical attention and preserving evidence (specifically including photographs or injury or damage).
- (f) When completing an incident or arrest report for violations of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

WORKPLACE VIOLENCE

- (g) All responses to calls of workplace violence shall be documented in an appropriate report.

321.4 EMPLOYER AND VICTIM ASSISTANCE

Officers should:

- (a) If a suspect is arrested, advise the employer and the victim that there is no guarantee the suspect will remain in custody. Officers should also provide the employer's and victim's contact information to the jail staff to enable notification upon the suspect's release from jail.
- (b) If no arrest is made, inform the victim of the victim's right to request that a criminal proceeding be initiated, where appropriate, including specific times and places for meeting with the State's Attorney's office, or other official in accordance with local procedure.
- (c) Provide the victim with the Department's domestic violence information handout, if appropriate.
- (d) Advise the parties of available resources, such as victim advocates, shelters, or other community resources.
- (e) Accompany the victim to her/her place of residence for a reasonable period of time to remove essential items of personal property, if appropriate.
- (f) Seek medical assistance as soon as practicable for the victim if he/she has sustained an injury, or complains of pain.
- (g) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety, or if the officer determines that a need exists.
- (h) Make reasonable efforts to ensure that children, or dependent adults who are under the supervision of the suspect or victim, are being cared for properly.
- (i) Assist the employer and victim in obtaining an emergency order, if appropriate.
 - 1. Victims may require assistance with transportation in order to apply for an emergency order of protection.
 - 2. Employers may apply for protective court orders if any act of violence, harassment, or stalking has been carried out, or threatened to be carried out, at the workplace (820 ILCS 275/15).
- (j) Officers investigating a workplace violence incident, who encounter a workplace violence suspect who is on bail or bond for a domestic violence arrest, should attempt to determine if there are reasonable grounds to believe that the individual is violating a condition of bail or bond, for example, by making contact or communicating with a domestic violence victim within seventy-two (72) hours of release (725 ILCS 5/110-10(d)).

Winnebago Police Department

Winnebago PD Policy Manual

WORKPLACE VIOLENCE

321.5 REPORTS AND RECORDS

The Winnebago Police Department is required to record, compile, and report to the Illinois State Police information regarding workplace violence crimes (750 ILCS 30/303; 820 ILCS 275/35).

- (a) Officers shall include in their reports the employer's and victim's statements as to the frequency and severity of prior incidents of violence, harassment, or stalking by the person, and the number of prior calls for law enforcement assistance.
- (b) The Chief of Police or designee shall maintain and periodically report workplace violence information in the form and manner required by the Illinois State Police.

Search and Seizure

322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Winnebago Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Winnebago Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to officers as guidance for the application of current law, local community standards, and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.2.1 DEFINITIONS

As used in this document, the following definitions shall apply.

Plain View - The ability to see evidence, contraband, or other articles connected with a crime in the course of legal duties.

Consent Search - Gaining voluntary permission for a search, written or oral, from a person who has control over the place being searched.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be permissible. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent (Officer shall have at least reasonable suspicion that a crime is being, has been, or will be committed, prior to asking for a voluntary consent to search.)
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Winnebago Police Department

Winnebago PD Policy Manual

Search and Seizure

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with the subject's clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

322.3.1 TYPES OF SEARCHES

Plain View: A search performed immediately, and in conjunction with whatever action caused the availability of the observance, as long as the officer is legitimately on the premises and the officer has probable cause to believe that the property is evidence or contraband. Limitations include the following:

- (a) There must be no pre-observation that violates constitutional rights;
- (b) The item(s) must have been inadvertently discovered;
- (c) Artificial devices that aid in or enhance the ability of the officer's view are not considered "Plain View," however, a flashlight is acceptable, provided that the officer has the right to be where he/she is when using it;
- (d) Moving or rearranging of items to note serial numbers is not supported by the "Plain View Doctrine;" and
- (e) The "Plain View Doctrine" also applies to warrant searches, even if the item to be seized was not listed on the warrant. In this case, two questions must be answered.
 - 1. Does the officer have the right to be there?
 - 2. Does the officer have probable cause to believe the item is evidence or "contraband?"

Consent Search: A search performed as soon as possible in connection with a request made by an officer to a person who has standing (rights) to the location being searched. Officers must have reasonable suspicion (at least) when requesting any type of consent search. Ideally the consent should be given in writing, but may be done orally. Consent must be given freely and intelligently.

Search Incidental To An Arrest: A search performed at the time of an individual's valid arrest for the purpose of the following: pursuant to Illinois Compiled Statutes, 725 ILCS 5/108-1:

- (a) Protecting an officer from attack;
 - (a) Each officer, prior to placing a prisoner into a police vehicle, will conduct a thorough search of the prisoner and the prisoner's outer garments. The following steps should be taken to ensure the safety of the officer and the person under arrest;
 - (a) Officer will take and maintain custody of purses or bags carried by the offender, and will check same for weapons.

Winnebago Police Department

Winnebago PD Policy Manual

Search and Seizure

- (b) The interior of the police vehicle will be searched prior to putting the prisoner in the vehicle and after removing the prisoner from the vehicle.
- (b) Prevention of escape;
- (c) Discovering the fruits of the crime; and
- (d) Discovering any instruments, articles, or items that may have been used in the commission of, or which may constitute evidence of a crime.

Search of Vehicle Under Mobile Conveyance Exception: (Carroll Doctrine) A vehicle does not share the expectations of privacy accorded to a residence or other personal property. The obvious mobility of an automobile makes it sometimes impractical to require the police to first obtain a search warrant. A mobile conveyance (car, truck, boat, trailer, etc.) may be searched for evidence if probable cause for a search warrant is articulable and the conveyance is mobile or readily movable.

- (a) The vehicle exception allows for an officer to search the entire vehicle as long as he/she had probable cause to believe evidence may be located where he/she is looking.
- (b) If probable cause is limited to a specific area, the officer cannot go beyond the scope of the search.
- (c) If the vehicle can be seized and a search warrant obtained, the exception may not apply.

Exigent Circumstances: This exception allows for an officer to make a warrantless search in situations where an officer recognizes there is not time to obtain a search warrant and that if the officer does immediately conduct the search, or if the officer does not search for evidence, it will be lost forever.

- (a) The following factors that should be considered in determining if exigent circumstances exist include:
 - (a) The seriousness of the offense;
 - (b) Whether or not the subject is armed and, therefore, considered dangerous;
 - (c) More than the minimum of probable cause exists to believe that the subject committed the offense;
 - (d) There exists a strong reason to believe the subject(s) is still on the premises;
 - (e) There exists a likelihood that the subject(s) will escape if not immediately apprehended;
 - (f) There is a reasonable belief that there may be an injured person(s) on the premises; and
 - (g) The aforementioned factors should be used when determining the totality of the circumstances

Winnebago Police Department

Winnebago PD Policy Manual

Search and Seizure

One of the most widely recognized exigent circumstances is the "Check on Well-Being." These are situations in which the health and well-being of a person are involved. In most cases there is no reason for police officers to suspect that criminal activity has taken place. In these cases, entry into the private premises without consent of the owner or occupant will only be made under the following circumstances:

- (a) After consulting with a supervisor;
- (b) After obtaining the name and information of the complainant and why the complainant is requesting the check on well-being; and
- (c) The final decision on making entry will be made by a supervisor.

Plain Feel Doctrine: The "Plain Feel Doctrine" is explained in "**Minnesota v. Dickerson**." The court held that an officer may seize evidence other than a weapon if, while conducting a frisk search, the nature of the contraband is "immediately apparent" to the officer based on his/her feel of the object through the subjects clothing during a pat down.

322.4 SEARCH PROTOCOL

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations, or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 - 1. Another officer or a supervisor should witness the search.
 - 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing, or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search

Winnebago Police Department

Winnebago PD Policy Manual

Search and Seizure

- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched, and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented, and that current legal requirements and department policy have been met.

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Winnebago Police Department (34 USC § 11133).

324.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

Juvenile offender - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or a juvenile who has violated 720 ILCS 5/24-3.1 by possessing a handgun (28 CFR 31.303; 705 ILCS 405/5-105).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Temporary Custody of Juveniles

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession or tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

324.2 POLICY

The Winnebago Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Winnebago Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Winnebago Police Department:

- (a) Unconsciousness
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention, or mental health assistance, and notify a supervisor of the situation.

These juveniles should not be held at the Winnebago Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed.

324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Winnebago Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Winnebago Police Department without authorization of the arresting officer's supervisor or the Chief of Police.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult, or transferred to a juvenile custody facility, or to other authority as soon as

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Juveniles

practicable, and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Winnebago Police Department (34 USC § 11133; 20 Ill. Adm. Code 720.30).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Winnebago Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133; 705 ILCS 405/5-410; 705 ILCS 405/2-6).

A juvenile taken into protective custody for prostitution should be reported to the Illinois Department of Children and Family Services (720 ILCS 5/11-14).

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Winnebago Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when (705 ILCS 405/5-401):

- (a) Probable cause exists to believe he/she has violated, or attempted to violate, a law or ordinance.
- (b) The juvenile has been adjudged a ward of the court and has escaped from any commitment ordered by the court.
- (c) An officer reasonably believes the juvenile has violated court-ordered conditions of probation or supervision.

The officer shall promptly take the juvenile to the nearest juvenile police officer (705 ILCS 405/2-6; 705 ILCS 405/3-8).

The officer shall submit a completed report to the Chief of Police.

324.5 ADVISEMENTS

An officer who takes a juvenile into custody without a warrant shall immediately make a reasonable attempt to notify the parent, guardian or the person with whom the juvenile resides that the juvenile has been taken into custody and where the juvenile is being held (705 ILCS 405/2-6).

Temporary Custody of Juveniles

324.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including (705 ILCS 405/5-410):

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Winnebago Police Department.
- (c) Chief of Police notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Chief of Police shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; 705 ILCS 405/5-410). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Winnebago Police Department shall maintain a constant, immediate presence with the juvenile, or the adult to minimize any contact. If inadvertent, or accidental contact does occur, reasonable efforts shall be taken to end the contact.

324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Winnebago Police Department shall ensure the following:

- (a) The Chief of Police should be notified if it is anticipated that a juvenile may need to remain at the Winnebago Police Department more than four hours. This will enable the Chief of Police to ensure no juvenile is held at the Winnebago Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Juveniles

- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Winnebago Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Chief of Police. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

324.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Winnebago Police Department shall ensure a thorough search of the juvenile's property is made and all property is

Temporary Custody of Juveniles

removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Winnebago Police Department.

324.11 SECURE CUSTODY

Only juvenile offenders 10 years of age or older may be placed in secure custody (705 ILCS 405/5-410). Chief of Police approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

324.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Chief of Police will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Winnebago Police Department. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, or the Chief of Police.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile (see the Officer-Involved Shootings and Deaths Policy for additional requirements regarding a death related to a use of force).
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the Village Attorney.
- (e) Evidence preservation.
- (f) Reporting to the Office of Jail and Detention Standards (20 Ill. Adm. Code 720.130).

Temporary Custody of Juveniles

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

A juvenile under 15 years of age at the time of the commission of any of the offenses listed in 705 ILCS 405/5-170 (e.g., homicide, criminal sexual assault, criminal sexual abuse) must be represented by legal counsel during the entire custodial interrogation of the juvenile.

Oral, written or sign-language statements of a juvenile under the age of 18 who is subject to custodial interrogation while in custody at a police station or other custodial location are governed by the Investigation and Prosecution Policy (705 ILCS 405/5-401.5).

A juvenile who was under the age of 18 at the time of the commission of the offense should be read the simplified *Miranda* warning and asked the following questions as set forth in 705 ILCS 405/5-401.5 and 725 ILCS 5/103-2.1:

- (a) Do you want to have a lawyer?
- (b) Do you want to talk to me?

324.13.1 INVESTIGATIONS ON SCHOOL PROPERTY

Before detaining and questioning a juvenile student during regular hours on school grounds, an officer should make a reasonable effort to notify and have the juvenile's parent or guardian present during questioning unless the officer reasonably believes that urgent and immediate action is necessary to do any of the following (105 ILCS 5/22-85):

- (a) Prevent bodily harm or injury to a person
- (b) Apprehend an armed or fleeing suspect
- (c) Prevent the destruction of evidence
- (d) Address an emergency or other dangerous situation

The officer should document the time and manner by which the attempted notification or notification of the juvenile's parent or guardian was made.

If the juvenile's parent or guardian is not in attendance during questioning, the officer should have a guidance counselor, nurse, social worker, and/or mental health professional of the school present. If practicable, an officer trained or certified in juvenile investigations should be present or conduct the questioning of the juvenile (105 ILCS 5/22-85).

324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

Juveniles over the age of 10 will be fingerprinted and photographed on all offenses that would be a felony if committed by an adult and serious traffic-related offenses as described in 20 ILCS 2630/5. Fingerprints and photographs may be obtained from juveniles for all other offenses (705 ILCS 405/1-7(B)).

Fingerprints, photographs, and other required information of juveniles will be transmitted to the Department of State Police as described in 705 ILCS 405/1-7(B) and 20 ILCS 2630/5.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Juveniles

No student booking station shall be established or maintained on the grounds of any school (105 ILCS 5/10–20.64; 105 ILCS 5/34–18.57).

Adult Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Winnebago Police Department officers as required by law.

326.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency.

326.2 POLICY

The Winnebago Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

326.3 MANDATORY NOTIFICATION

- (a) Within 24 hours officers of the Winnebago Police Department shall notify the Illinois Department on Aging, or other designated social services agency when:
 - 1. There is reason to believe that an eligible adult, who because of a disability or other condition or impairment, is unable to seek assistance for him/herself, and;
 - 2. Has, within the previous twelve (12) months, been subjected to abuse, neglect or financial exploitation (320 ILCS 20/4).
- (b) For purpose of this notification, an eligible adult means either:
 - 1. An adult whose disability impairs his/her ability to seek or to obtain protection from abuse, neglect, or exploitation, and is eighteen (18) through fifty-nine (59) years old.
 - 2. A person sixty (60) years of age or older who resides in a domestic living situation.
- (c) Incidents of alleged abuse shall continue to be reported pursuant to the Illinois Domestic Violence Act (320 ILCS 20/4).
- (d) The Winnebago Police Department shall also notify the Department of Aging whenever it determines a death of an eligible adult was caused by abuse or neglect by a caregiver (320 ILCS 20/3).

Adult Abuse

326.4 QUALIFIED INVESTIGATORS

Officers shall coordinate with qualified investigators to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators, as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family, as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (320 ILCS 20/3).

326.5 INVESTIGATIONS AND REPORTING

All reported, or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made, and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Adult Abuse

- (j) Whether a protective order petition should be filed on behalf of the victim when there is a reasonable belief that the victim is incapable of filing a petition for him/herself (750 ILCS 60/201).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

326.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact the Illinois Department on Aging or other designated social services agency. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to the Illinois Department on Aging or other designated social services agency.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

326.7 INTERVIEWS

326.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim, and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

326.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent, or the consent of a guardian unless one of the following applies:

Adult Abuse

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian, and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

326.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody, and is refusing to give consent for the medical examination, officers should notify a Supervisor before proceeding. If exigent circumstances do not exist, or if state law does not provide for officers to take the adult for a medical examination, the Supervisor should consider other government agencies or services that may obtain a court order for such examination.

326.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

326.9.1 SUPERVISOR RESPONSIBILITIES

A Supervisor should:

- (a) Work with professionals from the appropriate agencies, including Illinois Department on Aging, or other social services agency designated to investigate adult abuse, other law enforcement agencies, medical service providers, and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs, or the manufacturing and trafficking of other drugs.
- (b) Activate any available inter-agency response when an officer notifies the Supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present, or where evidence indicates that an adult abuse victim lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crimes scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

Adult Abuse

326.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present, or where there is evidence that an adult abuse victim lives there, should:

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography, as appropriate, and the checklist or form developed for this purpose.
- (b) Notify a Supervisor so that an inter-agency response can begin.

326.10 STATE MANDATES AND OTHER RELEVANT LAWS

326.10.1 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or designee is responsible for:

- (a) Providing a copy of the adult abuse report to the Department on Aging, or the designated social services agency, as required by law
- (b) Retaining the original adult abuse report with the initial case file

326.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential, and may only be disclosed pursuant to state law and the Records Management and Release Policy (320 ILCS 20/8).

326.10.3 SUMMARY REPORTS OF DEATH INVESTIGATIONS

This Department will provide, upon request, a summary of actions taken in response to a reported death of an eligible adult to a public or nonprofit agency that has been approved by the Department on Aging to receive and assess reports (320 ILCS 20/3).

326.11 TRAINING

This Department should provide training on best practices in adult abuse investigations to officers tasked with investigating these cases. The training should include:

- (a) Participation in multi-disciplinary investigations, as appropriate
- (b) Conducting interviews
- (c) Availability of therapy services for adults and families
- (d) Availability of specialized forensic medical exams
- (e) Cultural competence (including interpretive services) related to adult abuse investigations
- (f) Availability of victim advocates or other support

Discriminatory Harassment

328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

328.2 POLICY

The Winnebago Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including, but not limited to, sexual harassment and retaliation. The Department shall not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department shall take preventive and corrective action to address any behavior that violates this policy, or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law, but still could subject an employee to discipline.

328.3 DISCRIMINATION PROHIBITED

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law (775 ILCS 5/1-103; 775 ILCS 5/2-102; 820 ILCS 180/30).

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

Winnebago Police Department

Winnebago PD Policy Manual

Discriminatory Harassment

328.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment (775 ILCS 5/2-102). It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and Illinois Department of Human Rights guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with Village or departmental rules or regulations, or any other appropriate work-related communication between supervisor and member.

328.3.4 HARASSMENT

Harassment is any unwelcome conduct based on a classification or status protected by law that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, either within or outside of the physical area the individual is assigned to work (775 ILCS 5/2-101).

Harassment, including sexual harassment, against non-employees in the workplace or while on-duty (including contractors and consultants conducting business with the Department) is prohibited (775 ILCS 5/2-102).

328.4 RESPONSIBILITIES

This policy applies to all Department personnel. All employees shall follow the intent of these guidelines in a manner that reflects Department policy, professional law enforcement standards, and the best interest of the Department and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct, or known violations of this policy to a Supervisor. Any employee who is not comfortable with reporting violations of this policy to his/her immediate Supervisor may bypass the chain of

Winnebago Police Department

Winnebago PD Policy Manual

Discriminatory Harassment

command and make the report to a higher ranking Supervisor or manager. Complaints may also be filed with the Chief of Police, Human Resource Designee, the Village President, or the Village Attorney.

Any employee who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violation of this policy shall determine if there is any basis for the allegation, and shall proceed with resolution as stated below.

328.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or Human Resource Designee in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that

Winnebago Police Department

Winnebago PD Policy Manual

Discriminatory Harassment

all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated.

328.5.1 SUPERVISORY RESOLUTION

Employees who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a Supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint, and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command, but may also file a complaint directly with the Chief of Police, Human Resource Designee, the Village President, or the Village Attorney.

328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

328.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

Winnebago Police Department

Winnebago PD Policy Manual

Discriminatory Harassment

- Approved by the Chief of Police, the Village President, or the Human Resource Designee, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

328.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her affiliation with the Winnebago Police Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

328.8.1 QUESTIONS OR CLARIFICATION

Employees with questions regarding discrimination or sexual harassment are encouraged to contact a Supervisor, manager, the Chief of Police, Human Resource Designee, the Village President, the Village Attorney, or they may contact the Illinois Department of Human Rights at (312) 814-6200, or visit its website at <http://www.state.il.us/dhr/index.htm>.

328.8.2 NOTICE

A notice of employee rights under the Illinois Human Rights Act summarizing the requirements of the Act and information pertaining to the filing of a charge, including the right to be free from unlawful discrimination and the right to certain reasonable accommodations, shall be posted in a conspicuous location at the Winnebago Police Department or in an employee handbook (775 ILCS 5/2-102(K)(1)).

328.8.3 STATE-REQUIRED TRAINING

All members should also participate annually in harassment and discrimination prevention training (5 ILCS 430/5-10.5).

The Chief of Police should develop a training program that meets the requirements for harassment and discrimination training in 5 ILCS 430/5-10.5 and which includes sexual harassment prevention training consistent with the model sexual harassment prevention program created by the Illinois Department of Human Rights (775 ILCS 5/2-109).

Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Winnebago Police Department members are required to notify the Illinois Department of Children and Family Services (DCFS) of suspected child abuse.

330.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (325 ILCS 5/3).

330.2 POLICY

The Winnebago Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DCFS is notified, as required by law.

330.3 MANDATORY NOTIFICATION

Members of the Winnebago Police Department shall notify DCFS when they have reasonable cause to believe a child known to them in their official capacity was abused by a parent, immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child, or a paramour of the child's parent. Members must also report any case of a neglected child (325 ILCS 5/4; 325 ILCS 5/3).

For purposes of notification, abuse includes physical injuries, risk of physical injuries, sex offenses, torture, excessive corporal punishment, female genital mutilation, etc. Neglect includes failure to provide necessary nourishment or medical care, or blatant disregard of parent or caretaker responsibilities. Full definitions of abuse and neglect are provided in 325 ILCS 5/3.

330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (325 ILCS 5/7):

- (a) All notifications of suspected child abuse or neglect shall be made immediately, either to DCFS on the statewide, toll-free telephone number, in person or by telephone through the nearest DCFS office (325 ILCS 5/7.6; 89 Ill. Adm. Code 300.30).
- (b) Notification, when possible, shall include:
 1. The name and address of the child and his/her parents or other persons having custody.

Child Abuse

2. The child's age, the nature of the child's condition, including any evidence of previous injuries or disabilities.
 3. Any other information that the person filing the report believes might be helpful in establishing the cause of abuse or neglect and the identity of the person believed to have caused such abuse or neglect.
- (c) Any officer who suspects that a child has died as a result of child abuse or neglect shall also immediately report his/her suspicion to the appropriate Coroner (325 ILCS 5/4.1).

330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

Child Abuse

- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Other investigative steps taken in compliance with any applicable county Child Advocacy Advisory Board protocol the Winnebago Police Department follows (55 ILCS 80/3).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DCFS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DCFS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (325 ILCS 5/5):

- (a) A court has ordered the removal of the child.
- (b) A court has not ordered the removal of the child but there is reason to believe the child cannot be cared for at home or in the custody of the person responsible for the child's welfare without endangering the child's health or safety, and there is no time to apply for a court order for temporary custody of the child.

Child Abuse

330.6.1 PROCEDURE

A department member taking a child into temporary protective custody shall immediately (325 ILCS 5/5):

- (a) Make every reasonable effort to notify the person responsible for the child's welfare.
- (b) Notify DCFS.

See the Abandoned Newborn Infant Protection Policy for guidance regarding the Abandoned Newborn Infant Protection Act (325 ILCS 2/10 et seq.).

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim, and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

Child Abuse

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking, or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Supervisor should:

- (a) Work with professionals from the appropriate agencies, including DCFS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Bureau Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Illinois requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (325 ILCS 5/11).

330.10.2 CHILD ADVOCACY ADVISORY BOARD PROTOCOL

This Department has adopted the Illinois Child Advocacy Advisory Board's protocol governing the investigation of child maltreatment including sexual abuse, physical abuse, exploitation and neglect of a child.

All investigations and interviews conducted by this agency shall comply with this protocol, with the procedures to be used in investigating, and prosecuting cases arising from alleged child maltreatment, and in coordinating treatment referrals for the child and his/her family (55 ILCS 80/3).

Child Abuse

330.10.3 ACKNOWLEDGEMENT OF REPORTING RESPONSIBILITY

The Supervisor shall ensure that officers of this Department who are directly involved in the enforcement of the law, sign statements acknowledging that they are mandated to notify DCFS of suspected child abuse and neglect. The statement shall be on a form prescribed by DCFS. It shall be signed before beginning employment, and shall be retained by this agency as a permanent part of the personnel record (325 ILCS 5/4).

330.10.4 ASSISTANCE TO CHILD PROTECTIVE SERVICES INVESTIGATORS

Upon receiving a request for assistance from a child protective services investigator involving an investigation of a high-risk report of child abuse or neglect officers should determine the reason for the request. If the protective services investigator reasonably believes that the person being investigated has a potential for violence, officers should accompany him/her. However, if resources are limited or unavailable, officers should notify the Chief of Police to arrange for the assistance to occur at a mutually agreeable time (325 ILCS 5/7.2).

330.10.5 SEXUAL ABUSE INVOLVING SCHOOL PERSONNEL

In all reported incidents of sexual abuse of a child involving school personnel, including vendors or volunteers, the Detective Bureau supervisor or authorized designee shall notify the relevant school when the investigation has been suspended or completed, as well as the outcome of the investigation (105 ILCS 5/22-85).

330.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

330.11.1 TRAINING RECORDS

In addition to providing copies of completed mandated reporter training records to the Chief of Police as required in the Personnel Records Policy, members should maintain records of their completed training and forward copies to their licensing or certification board (325 ILCS 5/4).

Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk missing person - A person whose whereabouts are not currently known and whose circumstances indicate that the person may be at risk of injury or death. The circumstances that indicate that a person is a high-risk missing person include but are not limited to any of the following (50 ILCS 722/10(a)(1)):

- (a) The person is missing as a result of a stranger abduction.
- (b) The person is missing under suspicious circumstances.
- (c) The person is missing under unknown circumstances.
- (d) The person is missing under known dangerous circumstances.
- (e) The person is missing more than 30 days.
- (f) The person has already been designated as a high-risk missing person by another law enforcement agency.
- (g) There is evidence that the person is at risk because:
 - 1. The person is in need of medical attention, including persons with dementia-like symptoms, or in need of prescription medication.
 - 2. The person does not have a pattern of running away or disappearing.
 - 3. The person may have been abducted by a non-custodial parent.
 - 4. The person is mentally impaired, or is developmentally or intellectually disabled.
 - 5. The person is under the age of 21.
 - 6. The person has been the subject of past threats or acts of violence.
 - 7. The person has eloped from a nursing home.
 - 8. The person is a veteran, active duty, or reserve member of the United States Armed Forces or National Guard, and is believed to have a physical or mental health condition related to his/her service.
- (h) Any other factor that may, in the judgment of the law enforcement official, indicate that the missing person may be at risk.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person under the age of 18, reported to the Department as abducted, lost or a runaway, whose identity is entered into the Law Enforcement Agencies Data System (LEADS) (325 ILCS 55/1(c)).

Missing Persons

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and LEADS (20 Ill. Adm. Code 1291.40).

332.2 POLICY

The Winnebago Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Winnebago Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

332.3 REQUIRED FORMS AND DNA COLLECTION KITS

The Detective Bureau supervisor shall ensure the following forms and kits are developed and available:

- Missing Person Report Form (50 ILCS 722/5(c))
- Missing Person Investigation Checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing Person School Notification Form
- Medical Records Release Form
- DNA collection kits

332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (50 ILCS 722/5(a)).

332.4.1 REPORTS OF MISSING CHILDREN

Any member taking a report of a missing person under the age of 18 shall provide the reporting party with the following information (325 ILCS 40/7.2):

- (a) The 24-hour toll-free telephone numbers for:
 1. The National Center for Missing and Exploited Children® (NCMEC).
 2. The National Runaway Safeline.
- (b) A description of the services provided to families of missing children by NCMEC and the National Runaway Safeline.

Missing Persons

332.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be a high-risk missing person.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either high-risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast an alert if the person is under 18 years of age or there is evidence that the missing person is high-risk. If the missing person is under 18, the alert should be broadcast immediately or as soon as practicable, but in no event more than one hour after determining the missing person may be high-risk (325 ILCS 40/7).
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
 - 1. Immediately when the missing person is high-risk.
 - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - 2. A voluntarily provided DNA sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) If the missing person is a child, immediately contact the State Missing Persons Clearinghouse (325 ILCS 40/7(b)).

Missing Persons

- (k) In the event that a missing child is not found during the shift in which the report was made, information regarding the missing child shall be disseminated to all sworn officers in the Department (325 ILCS 40/7(b)).

332.6 REPORT PROCEDURES AND ROUTING

Officers should complete all missing person reports and forms promptly, and advise a Supervisor as soon as a missing person report is ready for review.

332.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - (a) The reports should be promptly sent to the Winnebago County Sheriff's Department Records Division.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing person networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

332.6.2 RECORDS BUREAU RESPONSIBILITIES

The responsibilities of the Records Bureau member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Detective Bureau.
- (e) Coordinating with the NCIC Terminal Contractor for Illinois to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

332.7 INVESTIGATIVE FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

Winnebago Police Department

Winnebago PD Policy Manual

Missing Persons

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) In cases involving a person missing for more than 30 days but less than 60 days, may generate a report of the missing person within the National Missing and Unidentified Persons System (NamUs) and, if not previously received, obtain the following (50 ILCS 722/5(d)):
 - 1. DNA samples from family members or from the missing person along with any needed documentation, or both, including any consent forms, required for the use of state or federal DNA databases, including but not limited to the Local DNA Index System (LDIS), State DNA Index System (SDIS), National DNA Index System (NDIS), and NamUs partner laboratories.
 - 2. An authorization to release dental or skeletal X-rays of the missing person.
 - 3. Any additional photographs of the missing person that may aid with the investigation or an identification and enter the photograph into applicable missing person networks (34 USC § 41308). No written authorization to publicly release any photograph that would aid in the investigation or identification of the missing person is required.
 - (a) If the missing person is under 18 years of age, the photographs should be forwarded to the Illinois State Police and LEADS.
 - 4. Dental information and X-rays.
 - 5. Fingerprints.
- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (e) Shall verify and update LEADS, the NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (g) Shall maintain a close liaison with state and local child welfare systems and NCMEC if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

Winnebago Police Department

Winnebago PD Policy Manual

Missing Persons

- (h) Should make appropriate inquiry with the Coroner.
- (i) Should obtain and forward medical and dental records.
- (j) Should consider making appropriate entries and searches in NamUs.
 - 1. If a DNA sample is obtained, it should be submitted to a NamUs partner laboratory or other local, state, or national DNA system resource within 60 days (50 ILCS 722/5).
- (k) Shall immediately begin an investigation and notify the Illinois State Police if information is received that a request for the birth certificate, school record, or any other information concerning a missing child has been made (325 ILCS 55/6).
- (l) In the case of a high-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

332.7.1 NOTIFICATION TO REPORTING PERSON

The investigator shall notify the person making the report, a family member or other person in a position to assist the Department in its efforts to locate the missing person of the following (50 ILCS 722/5(d)(1)):

- (a) General information about the handling of the missing person case or about intended efforts in the case to the extent that the disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person criminally involved in the disappearance.
- (b) That the person should promptly contact the Winnebago Police Department if the missing person remains missing in order to provide additional information and materials that will aid in locating the missing person such as the missing person's credit cards, debit cards, banking information and cellular telephone records.
- (c) That any DNA samples provided for the missing person case are provided on a voluntary basis and will be used solely to help locate or identify the missing person and will not be used for any other purpose.
- (d) That, dependent upon the missing person's age, NCMEC and NamUs may be contacted.

332.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

A supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Illinois State Police.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.

Winnebago Police Department

Winnebago PD Policy Manual

Missing Persons

- (d) When a missing person is high-risk, the fact that the person has been found shall be reported within 24 hours to the Illinois State Police.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

332.8.1 UNIDENTIFIED PERSONS

Officers investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

332.9 CASE CLOSURE

The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Winnebago or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

332.10 TRAINING

Subject to available resources, the Chief of Police should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio/Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage

Winnebago Police Department

Winnebago PD Policy Manual

Missing Persons

- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., internet use, cell phone use).
- (n) Media relations.

Public Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, NIXLE (Public Safety Alert), television and press organizations, and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Winnebago Police Department should notify the Supervisor or Chief of Police as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A Supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The Supervisor shall promptly notify the Chief of Police when any public alert is generated.

The Supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Chief of Police

334.4 AMBER ALERTS

The AMBER Alert Notification Plan is a tool for law enforcement to promptly notify the media of a confirmed abduction so the information can be broadcast to the public for assistance in locating the child and/or abductor.

Winnebago Police Department

Winnebago PD Policy Manual

Public Alerts

334.4.1 CRITERIA

An AMBER Alert should only be implemented when all of the following criteria are met (20 Ill. Adm. Code 1292.30):

- (a) An abduction is confirmed.
- (b) The child must be under the age of sixteen (16) or have a proven mental or physical disability.
- (c) The agency has a belief the child is in danger of serious bodily harm or death.
- (d) There is enough descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help.

334.4.2 PROCEDURE

In the event a confirmed child abduction meeting the Illinois AMBER Alert criteria has occurred, the following procedures designed to alert the media shall be followed:

- (a) Notify the nearest ISP district or call the Illinois State Police Communication Center (SCC) (217) 786-6677, or fax the AMBER Fax Packet (217) 786-7191.
- (b) Notify the Detective Bureau Supervisor from the Winnebago County Sheriff's Department.
- (c) Include detailed information which could be helpful to the public in identifying the child.
- (d) Designate a Department contact for the ISP SCC (include a name and telephone number).
- (e) Designate a secondary number (PIO) for media contacts.
- (f) Follow Department policy regarding the actual investigation process involving any abducted/kidnapped child incident which takes place within this Department's jurisdiction.
- (g) Disseminate necessary abduction information via a LEADS/NLETS message (sent ISPERN messages shall be coordinated through the ISP district of occurrence).
- (h) If a current portrait of the child is available, forward it electronically, along with a copy of all abduction details/summaries, to the ISP Clearinghouse for Missing and Exploited Children Manager (missing@isp.state.il.us).
- (i) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
 - 1. Federal Bureau of Investigation (FBI Local Office)
 - 2. Prompt entry of information into the Missing Person System (LEADS/NCIC)
 - 3. National Center for Missing and Exploited Children (800) 843-5678

Winnebago Police Department

Winnebago PD Policy Manual

Public Alerts

- (j) A Winnebago Police Department Supervisor or designee shall prepare and fax to the previously described locations follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.
- (k) A Winnebago Police Department Supervisor or designee shall, immediately upon locating the abducted child, ensure that updated releases to all previous distributions are sent notifying of the recovery and cancellation of the missing alerts.

334.5 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Persons Advisory is a voluntary partnership between law enforcement and local media to notify the public about a missing and endangered person.

334.5.1 CRITERIA

The advisory is initiated by the Department utilizing the criteria established in the definitions section of the Missing Persons Policy (50 ILCS 722/10):

334.5.2 PROCEDURE

Upon receipt of a missing person report and using the above criteria, the investigating officer shall promptly determine if there is a basis to classify the missing person as high risk and endangered and, following approval by a Supervisor:

- (a) Immediately enter the missing person information, including any vehicle information, into the LEADS and the NCIC databases.
- (b) Complete the Endangered Missing Person Advisory available on the Amber Alert Task Force website (www.amberillinois.com) and fax the completed form to the Illinois State Police district of occurrence
- (c) If appropriate, coordinate an ISPERN message through the Illinois State Police District of occurrence.
- (d) Upload DNA profiles as determined by the Illinois State Police into the State DNA Index System and the National DNA Index System.
- (e) Submit relevant information to the FBI Violent Criminal Apprehension Program (ViCAP).
- (f) Notify Department officers to be on the lookout for the high-risk missing person and/or suspected abductor.
- (g) Follow Department policy regarding missing persons reporting and documentation, required notifications, conduct of the investigation, and follow-up investigation.
- (h) Immediately upon locating a missing high-risk individual, ensure that updated releases to all previous distributions are sent notifying of the recovery and cancellation of the missing advisory.

Public Alerts

334.6 CRIMES AGAINST POLICE OFFICERS ADVISORY

The Crimes Against Police Officers Advisory provides a regional system for the rapid dissemination of information regarding a person who is suspected of committing or attempting to commit certain crimes against a peace officer (20 ILCS 2605/2605-600).

334.6.1 CRITERIA

A Crimes Against Police Officers Advisory may be initiated under the following circumstances (20 ILCS 2605/2605-600):

- (a) The Department believes that a suspect has committed one or more of the following offenses against a peace officer:
 - 1. First degree murder
 - 2. Second degree murder
 - 3. Involuntary manslaughter
 - 4. Reckless homicide
 - 5. Concealment of a homicidal death
- (b) The Department believes that the suspect may be a serious threat to the public.
- (c) Sufficient information is available to disseminate to the public that could assist in locating the suspect.

334.6.2 PROCEDURE

The Illinois Department of State Police will be contacted with a request to initiate a Crimes Against Police Officers Advisory (20 ILCS 2605/2605-600).

Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Winnebago Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Winnebago Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Winnebago Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 SPECIFIC DUTIES

The crime victim liaison or the authorized designee shall ensure the Department (725 ILCS 120/4.5; 725 ILCS 120/7):

- (a) Responds to victim requests regarding the status of investigations, as authorized.
- (b) Notifies victims when an investigation is reopened, as appropriate.
- (c) Maintains the confidentiality of victim and witness contact information.
- (d) Upon request, provides a victim with a free copy of any related report within 5 business days of the request (725 ILCS 120/4).
- (e) Provides the Illinois Attorney General's office with a police report (redacted as necessary) within 15 days of receipt of a written request needed for a crime victim's compensation application (740 ILCS 45/4.2).
- (f) Responds in a timely manner to requests from victims of sexual assault for information related to evidence testing, including information about the Illinois State Police sexual assault evidence tracking system (725 ILCS 203/35).

336.4 CRIME VICTIMS

Officers shall provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never

Winnebago Police Department

Winnebago PD Policy Manual

Victim and Witness Assistance

guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Officers who are not able to provide a victim with victim information handouts shall ensure that the forms are provided to the victims within 48 hours of the initial contact.

Officers shall also provide a victim with an acknowledgement form for the victim to sign and date to verify receipt of the information, as required by 725 ILCS 120/4.

336.4.2 VICTIMS OF SEXUAL ASSAULT

At the time of first contact with the victim of a sexual assault, officers shall provide him/her with the appropriate victim information handouts, offer to arrange transportation to a hospital for treatment or evidence collection, and offer to arrange transportation to apply for an emergency civil no contact order or order of protection. If the sexual assault report is taken through a third-party representative, that representative shall be given the handouts and asked to deliver them to the victim (725 ILCS 203/25).

Officers shall also provide the appropriate handout to a victim of a sexual assault who has undergone a forensic examination at a hospital but who has not yet consented to release the evidence for testing (725 ILCS 203/30).

336.5 VICTIM INFORMATION

The Administration Chief of Police shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.
- (i) Resources available for victims of identity theft.

Winnebago Police Department

Winnebago PD Policy Manual

Victim and Witness Assistance

- (j) A place for the officer's name, badge number, and any applicable case or incident number.
- (k) A written statement from the Illinois Attorney General about crime victim compensation and an explanation of victim's rights as required by 725 ILCS 120/4 and 725 ILCS 120/4.5, which includes the rights afforded victims under Article I, Section 8.1(a) of the Illinois Constitution.
- (l) Witnesses may request in writing a notice from the State Attorney about post-conviction review, associated hearings, notice of the defendant's discharge from custody, release on parole, probation, or escape.
- (m) Specific contact information for the Illinois Attorney General's Office regarding compensation and victim assistance resources.
- (n) Information regarding the Illinois Automated Victim Notification system, including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and register for automatic notification when a person is released from jail.
- (o) Information regarding the Gang Crime Witness Protection Program Fund (725 ILCS 173/10).
- (p) Information and state forms for sexual assault victims prepared by the Illinois Attorney General and notice for victims who may be the subject of an outstanding arrest warrant regarding waiver requests (725 ILCS 5/107-2; 725 ILCS 203/25).
- (q) Information for those sexual assault victims who have undergone a forensic examination at a hospital but who have not yet consented to release the evidence for testing as provided by 725 ILCS 203/30.

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

336.7 WITNESS INFORMATION

The Chief of Police shall ensure that witness information handouts are available and current. Handouts should include information regarding:

- (a) The Gang Crime Witness Protection Program Fund (725 ILCS 173/10).
- (b) Witness rights, which include (725 ILCS 120/5):
 - 1. Notification of all court dates where the witness will be required.
 - 2. Access to employer intercession services.
 - 3. Availability of a secure waiting area during trial.

Winnebago Police Department

Winnebago PD Policy Manual

Victim and Witness Assistance

4. Availability of translation or sign language services as necessary.
5. The right to submit a written request to receive notice of post-conviction relief sought, discharge information involving the accused, notification of any escape, parole, or other supervised release.

Witnesses may request in writing a notice from the State Attorney about post-conviction review, associated hearings, notice of the defendant's discharge from custody, release on parole, probation, or escape.

Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim. This includes creed, ancestry, citizenship, and immigration status (720 ILCS 5/12-7.1).

338.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for potential hate crimes by among other things:

- (a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Accessing assistance by community and victim groups when necessary.
- (c) Providing victim assistance and follow-up as outlined below, including community follow-up.

338.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.

Winnebago Police Department

Winnebago PD Policy Manual

Hate Crimes

- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the State's Attorney or Village Attorney).

338.4.1 INVESTIGATOR RESPONSIBILITY

If a case is assigned, the assigned investigator will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the State's Attorney and other appropriate law enforcement agencies, as appropriate. Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law, depending on the circumstances (18 USC § 245).
- (b) Maintain contact with the victim and other involved individuals as needed.
- (c) Ensure that the Records Supervisor is provided with enough information to meet the reporting requirements of 50 ILCS 709/5-12.

338.5 TRAINING

All members of this department should receive training on hate crimes recognition and investigation.

Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Winnebago Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

340.2 POLICY

The continued employment or appointment of every member of the Winnebago Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

340.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

340.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

Standards of Conduct

The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

340.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

340.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Illinois Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

340.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

340.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or Village manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

Winnebago Police Department

Winnebago PD Policy Manual

Standards of Conduct

340.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Winnebago Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

340.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

340.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

Winnebago Police Department

Winnebago PD Policy Manual

Standards of Conduct

340.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without a reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without a reasonable excuse.

340.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing active or protected investigation information to any unauthorized person.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

340.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers.
- (f) Failure to notify the Personnel Department of changes relevant to personal information (e.g., information associated with benefits determination) in a timely fashion.

Winnebago Police Department

Winnebago PD Policy Manual

Standards of Conduct

340.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by Village policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by Village policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

340.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

Winnebago Police Department

Winnebago PD Policy Manual

Standards of Conduct

enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the Village.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

340.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

Winnebago Police Department

Winnebago PD Policy Manual

Standards of Conduct

- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic crash.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

340.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance or driving.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

342.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Winnebago Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

342.2 POLICY

It is the policy of the Winnebago Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

342.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

Winnebago Police Department

Winnebago PD Policy Manual

Information Technology Use

The Department shall not request, require or coerce a member to provide a username, password or other related account information, or require or coerce a member to invite other members to join a group affiliated with any personal account of the member or to join a member's list of contacts in order to gain access to the member's account or profile on a personal online account (820 ILCS 55/10).

342.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Chief of Polices.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

342.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or Village-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

342.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

Winnebago Police Department

Winnebago PD Policy Manual

Information Technology Use

342.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

342.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

342.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

Winnebago Police Department

Winnebago PD Policy Manual

Information Technology Use

involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

344.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

344.2 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if the member deems it necessary or as directed by a supervisor.

344.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests.
- (b) All felony crimes.
- (c) Non-felony incidents involving threats or stalking behavior.
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy.
 - 2. Domestic Violence Policy.
 - 3. Child Abuse Policy.
 - 4. Adult Abuse Policy.
 - 5. Hate Crimes Policy.
 - 6. Suspicious Activity Reporting Policy.
- (e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., a dispatch log).

344.2.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).

Report Preparation

- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (g) Any firearm discharge (see the Firearms Policy).
- (h) Any time an officer points a firearm at any person.
- (i) Any traffic crashes above the minimum reporting level (see the Traffic Crash Reporting Policy).
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

344.2.3 DEATHS

Death investigations require specific investigation methods, depending on circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

- (a) Unattended deaths (no physician or qualified hospice care in the 20 days preceding death)
- (b) Sudden, accidental, or suspicious deaths
- (c) Suicides
- (d) Homicide or suspected homicide
- (e) Found dead bodies or body parts

344.2.4 VILLAGE PERSONNEL OR PROPERTY

Incidents involving Village personnel or property shall require a report when:

- An injury occurs as the result of an act of a Village employee or on Village property.
- There is damage to Village property or equipment.

344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

Report Preparation

344.2.6 STOLEN VEHICLE REPORTS

All incidents involving the theft or recovery of any stolen or converted vehicle shall be reported as soon as practicable to the Illinois State Police as provided in 625 ILCS 5/4-107.

344.3 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should send the report back to the officer for corrections, stating the reason for rejection.

The original report should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

344.3.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

344.4 POLICY

It is the policy of the Winnebago Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

344.5 EXPEDITIOUS REPORTING

Incomplete reports, unorganized reports, or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

344.6 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard, or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal, or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

Winnebago Police Department

Winnebago PD Policy Manual

Report Preparation

344.6.1 HANDWRITTEN OR TYPED REPORTS

County, state, and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for department consistency.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be typed or dictated. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

Members who generate reports on computers are subject to all requirements of this policy.

344.6.2 ELECTRONIC SIGNATURES

The Winnebago Police Department has established an electronic signature procedure for use by all employees of the Winnebago Police Department. The Chief of Police shall be responsible for maintaining the electronic signature system, ensuring that each employee creates a unique, confidential password for the employee's electronic signature.

- Employees may only use electronic signatures for official reports or other official communications.
- Each employee shall be responsible for the security and use of the employee's electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

Electronic records containing electronic signatures will be retained in the format in which they were originally generated, sent, or received or in a format that can be demonstrated to represent accurately the information originally generated, sent, or received (815 ILCS 333/1 et seq.).

Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the Chief of Police, or if unavailable, to the first available Supervisor. Prior to releasing any information to the media, the following shall be considered:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from the Chief of Police.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Chief of Police.
 - 2. Whenever the presence of media or other aircraft poses a threat to public or officer safety, or significantly hampers incident operations, the Supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests

Winnebago Police Department

Winnebago PD Policy Manual

Media Relations

for TFR should be routed through the Chief of Police. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the Supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Chief of Police.

346.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody, or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a monthly information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Chief of Police. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger

Winnebago Police Department

Winnebago PD Policy Manual

Media Relations

the safety of any individual or jeopardize the successful completion of any ongoing investigation.

- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Chief of Police. Such requests will generally be processed in accordance with the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1, et seq.).

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the Chief of Police in dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Peace Officer Personnel Files policies) (5 ILCS 140). When in doubt, authorized and available legal counsel should be obtained.

Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department officers who must appear in court. It will allow the Winnebago Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

348.2 POLICY

Winnebago Police Department officers will respond appropriately to all subpoenas and any other court-ordered appearances.

348.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

Service of a subpoena shall not be accepted unless witness fees are tendered as allowed by law (705 ILCS 35/4.3).

348.3.1 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by any current collective bargaining agreement or Village personnel rules.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

348.3.2 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

348.3.3 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Village Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the Village or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

Winnebago Police Department

Winnebago PD Policy Manual

Subpoenas and Court Appearances

- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Winnebago Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Winnebago Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

348.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

348.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

348.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

348.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

348.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with any current collective bargaining agreement or Village personnel rules.

Part-Time Officers

350.1 PURPOSE AND SCOPE

The Winnebago Police Department's utilization of Part-Time officers was established to supplement and assist regular sworn police officers in their duties. These officers provide professional, sworn services to augment regular staffing levels.

350.1.1 DEFINITIONS

Definitions related to this policy include:

Part-time police officer - An officer who has completed his/her probationary period and is employed on a part-time basis as a law enforcement officer by a participating unit of local government, or as a campus policeman by a participating state controlled university, college, or public community college (50 ILCS 705/2).

350.2 SELECTION AND APPOINTMENT OF POLICE PART-TIME OFFICERS

The Winnebago Police Department shall endeavor to recruit and appoint as part-time officers only those applicants who meet the high ethical, moral, and professional standards set forth by this Department. All applicants shall be required to meet and pass the same pre-employment procedures as regular full-time officers before appointment.

A person hired to serve as a part-time officer must obtain from the Illinois Law Enforcement Training Standards Board (ILETSB) a certificate attesting to his/her successful completion of the part-time training course; attesting to his/her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by ILETSB under the provisions of the Illinois Police Training Act (50 ILCS 705); or attesting to ILETSB's determination that the part-time training course is unnecessary because of the person's extensive prior law enforcement experience (50 ILCS 705/8.2).

- (a) A person hired after March 14, 2002 must obtain this certificate within eighteen (18) months after the initial date of hire as a probationary part-time police officer, and may work as a part-time probationary officer for up to eighteen (18) months after being appointed. To work and carry a weapon during the eighteen (18) month compliance period, the officer must have first complied with the 40 Hour Mandatory Firearms Act (50 ILCS 710/2).
- (b) The probationary part-time officer must be enrolled and accepted into an ILETSB-approved course within six (6) months after active employment. Compliance can be achieved in one of three ways, The officer must either:
 - 1. Complete an in-state full time Basic Law Enforcement Training Course
 - 2. Complete an in-state part-time academy
 - 3. Attend an out-of-state Basic Law Enforcement Training Course and receive a waiver from the ILETSB of the training requirement

Winnebago Police Department

Winnebago PD Policy Manual

Part-Time Officers

- (c) The Department may seek a waiver from the ILETSB extending the period for compliance, and if issued, the probationary part-time officer may not perform the duties of a part-time officer during the waiver period. If training is required and not completed within the applicable time period, as extended by a waiver, the officer must forfeit his/her position. If the Department does not seek or obtain a waiver of the training on the officer's behalf and chooses to enroll the officer in the part-time academy, the officer must be enrolled in the part-time academy within six (6) months of the initial date of hire.
- (d) Part-time police officers shall also be available for lateral hire pursuant to Policy 1001.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment as a part-time police officer, an applicant must have completed, or be in the process of completing, an ILETSB approved part-time police training course.

350.2.2 APPOINTMENT

Applicants who are selected for appointment as a part-time police officer shall, after meeting the requirements set forth above in this policy, and on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

350.2.3 COMPENSATION FOR POLICE PART-TIME OFFICERS

Compensation for part-time officers is provided as follows:

Part-time officer appointees shall be compensated at a rate established at the recommendation of the Police Committee and approved by the Village Board. Part-time officer appointees are issued uniforms and all designated attire and safety equipment. All property issued to the part-time officer shall be returned to the Department upon termination or resignation. Part-time officers shall participate in the Quarter Master uniform replacement program.

350.3 DUTIES OF PART-TIME OFFICERS

Part-time officers assist full-time officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of part-time officers will usually be to augment the patrol assignments. Part-time officers may be assigned to other duties within the Department as needed. Part-time officers are required to work a minimum of four (4) shifts per month as assigned by a Supervisor. A part-time officer may not exceed 1,560 hours of work accumulated from all part-time peace officer positions in any twelve (12) month period (20 Ill. Admin. Code 1770.102).

350.3.1 POLICY COMPLIANCE

Police part-time officers shall be required to adhere to all Departmental policies and procedures. A copy of the policies and procedures will be made available to each part-time officer upon appointment and he/she shall become thoroughly familiar with these policies.

Winnebago Police Department

Winnebago PD Policy Manual

Part-Time Officers

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn part-time officer, unless by its nature it is inapplicable.

350.3.2 PART-TIME OFFICER ASSIGNMENTS

All part-time officers will be assigned to duties by the Chief of Police or his/her designee.

350.4 FIELD TRAINING

Field training is intended to provide the necessary and mandated instruction and practice for part-time officers to properly and safely perform their assigned duties.

350.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train part-time officers, may train the part-time officers, subject to Chief of Police approval.

350.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, part-time officers will be assigned to a primary training officer. The primary training officer will be selected by the Chief of Police. The part-time officer will be assigned to work with his/her primary training officer until the primary training officer recommends progression to the secondary training phase with the approval of the Chief of Police. This time shall be known as the Primary Training Phase.

350.4.3 FIELD TRAINING MANUAL

Each new part-time officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Winnebago Police Department. The part-time officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

350.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Chief of Police or his/her designee. The purpose of this meeting is to discuss the progress of the part-time officer in training.

If the part-time officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Chief of Police or designee will determine the appropriate action to be taken.

350.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of additional on-duty training. The part-time officer may no longer be required to ride with his/her primary training officer. The part-time officer may now ride with any officer designated by the Chief of Police.

During Phase II of training, as with Phase I, the part-time officer's performance will be closely monitored. In addition, rapid progress should continue toward the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the part-time officer will return to his/

Part-Time Officers

her primary training officer for Phase III of the training. If the part-time officer has progressed satisfactorily, he/she will then proceed to Phase III of the training. If he/she has not progressed satisfactorily, the Chief of Police or designee will determine the appropriate action to be taken.

350.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of further additional on-duty training. For this training phase, the part-time officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the part-time officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Chief of Police or designee. Based upon the part-time officer's evaluations, plus input from the primary training officer, the Chief of Police or designee shall decide if the part-time officer has satisfactorily completed his/her formal training. If the part-time officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Chief of Police or designee will decide upon the appropriate action to be taken.

350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a part-time officer has satisfactorily completed all three phases of formal training, he/she will no longer be required to ride with a training officer.

350.5 SUPERVISION OF PART-TIME OFFICERS

All part-time officers shall be under the supervision of a supervisor or an officer in charge. Part-time officers should not supervise a full-time officer.

350.5.1 IDENTIFICATION OF PART-TIME OFFICERS

All part-time officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card.

350.5.2 UNIFORM

Part-time officers shall conform to all uniform regulation and appearance standards of this Department.

350.5.3 INVESTIGATIONS AND COMPLAINTS

If a part-time officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Part-Time Coordinator, at the discretion of the Patrol Chief of Police.

Part-time officers are considered at-will employees. The Uniform Peace Officers' Disciplinary Act applies to part-time officers (see the Personnel Complaints Policy).

350.5.4 PART-TIME OFFICER EVALUATIONS

While in training part-time officers will be continuously evaluated using standardized daily and weekly observation reports. The part-time officer will be considered a trainee until all of the training phases have been completed. Part-time officers, having completed their field training, will be

Winnebago Police Department

Winnebago PD Policy Manual

Part-Time Officers

evaluated annually using performance dimensions applicable to the duties and authorities granted to that of full-time officers.

350.6 FIREARMS REQUIREMENTS

350.6.1 CARRYING WEAPON ON DUTY

It is the policy of this Department to allow part-time officers to carry firearms while on duty or off duty.

Part-time officers who are permitted to carry a firearm, other than the assigned duty weapon, may do so only after verifying that the weapon conforms to Departmental standards. The weapon must be registered properly and be inspected and certified as fit for service by a Departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, part-time officers shall have demonstrated proficiency with the carried weapon.

350.6.2 CONCEALED FIREARMS PROHIBITED

Part-time officers are permitted to carry a concealed firearm while in an off-duty capacity. An instance may arise where part-time officers are assigned to a plainclothes detail for their assigned tour of duty. Under these circumstances, part-time officers may be permitted to carry a weapon more suited to the assignment, with the knowledge and approval of the Supervisor in charge of the detail.

350.6.3 PART-TIME OFFICER FIREARM TRAINING

All part-time officers are required to maintain proficiency with firearms used in the course of their assignments. Part-time officers shall comply with all requirements set forth by ILETSB.

350.7 EMERGENCY CALL-OUT FOR PART-TIME PERSONNEL

The Chief of Police or designee shall develop a plan outlining an emergency call-out procedure for part-time personnel.

Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

352.2 POLICY

It is the policy of the Winnebago Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

352.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency shall be approved, taking into consideration the requirements to provide timely police services to the citizens of Winnebago. Members shall not volunteer or respond to calls outside Winnebago unless requested, or if the nature of the call and the proximity to the village is reasonable and the potential for loss of life or serious injury are a possibility.

When another law enforcement agency requests assistance from this department, members shall generally accommodate the request if, the member(s) are available due to time and call volume in this department's jurisdiction. Members shall return to the Village of Winnebago immediately upon the arrival of adequate numbers of officers from the assisted agency. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of the department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

352.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Winnebago Police Department shall notify his/her supervisor or the Chief of Police and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

Outside Agency Assistance

352.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

352.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Chief of Police.

352.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Chief of Police or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Chief of Police to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Chief of Police should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Winnebago Police Department will address issues associated with certain offenders residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

356.2 POLICY

It is the policy of the Winnebago Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

The Chief of Police or designee shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Illinois State Police (ISP) and to the Illinois Attorney General (730 ILCS 150/3(a-10); 730 ILCS 150/8; 730 ILCS 154/45).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.4 CONTENTS OF REGISTRATION

The Chief of Police shall assign a department member to reasonably accommodate registration. The assigned department member will (730 ILCS 150/3; 730 ILCS 150/8; 730 ILCS 154/45):

- (a) Obtain proof of identity and residency.
- (b) Conduct a criminal history check.
- (c) Utilize the appropriate ISP Offender Registration Form to process registration and obtain the offender's signature on the completed form.
- (d) Photograph and fingerprint the individual.
- (e) Provide the offender with a registration receipt.
- (f) Enter registration information into Law Enforcement Agencies Database System (LEADS).

Registered Offender Information

356.5 MONITORING OF REGISTERED OFFENDERS

The Chief of Police or designee should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the ISP website.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the assigned member.

The Chief of Police or designee should also establish a procedure to routinely disseminate information regarding registered offenders to Winnebago Police Department personnel, including timely updates regarding new or relocated registrants.

356.6 DISSEMINATION OF OFFENDER INFORMATION

Officers will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Officers who identify a significant risk or other public safety issue associated with a registrant should promptly advise their Supervisor. The Supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the [Illinois Sex Offender Information website](#) or the Winnebago Police Department's website.

The Records Supervisor shall release local registered offender information to residents in accordance with applicable state law and in compliance with a Freedom of Information Act request (730 ILCS 152/120; 730 ILCS 154/95).

356.6.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

Winnebago Police Department

Winnebago PD Policy Manual

Registered Offender Information

356.6.2 MANDATORY OFFENDER INFORMATION DISSEMINATION

Information on registered offenders shall be posted at department headquarters (730 ILCS 152/120; 730 ILCS 154/95) and must be made available for public inspection to any person, no later than 72 hours or three business days from the date of a request (730 ILCS 152/120; 730 ILCS 154/95).

Upon registration of a juvenile sex offender who is also enrolled in school, the department shall provide a copy of the sex offender registration form only to the principal or chief administrative officer of the school and any counselor designated by the chief administrative officer (730 ILCS 152/121).

356.6.3 OFFENDER INFORMATION AVAILABLE VIA THE INTERNET

Information that may be posted on the department's website regarding registered offenders includes (730 ILCS 152/120; 730 ILCS 154/95):

- (a) The offender's name, address, and date of birth.
- (b) The offense for which the offender was convicted.
- (c) The offender's photograph or other such information that will help identify the sex offender or violent offender against youth.
- (d) Offender employment information.
- (e) For sex offenders, the following additional information may be posted on the department's website: adjudication as a sexually dangerous person, email addresses, instant messaging identities, chat room identities, and other internet communications identities, all Uniform Resource Locators (URLs) registered or used by the sex offender, and all blogs and other internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information.

Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The Winnebago Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Chief of Police. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on duty or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to an officer - on duty or off duty
- Death of a prominent Winnebago official
- Arrest of Department officer or prominent Winnebago official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

358.4 CHIEF OF POLICE RESPONSIBILITY

The Chief of Police is responsible for making the appropriate notifications. The Chief of Police shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Chief of Police shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first and then by pager or cellular phone.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Chief of Police shall be notified.

Winnebago Police Department

Winnebago PD Policy Manual

Major Incident Notification

358.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond, the immediate Supervisor of the appropriate detail shall be contacted who will then contact the appropriate Winnebago County Sheriff's Police Supervisor.

358.4.3 ACCIDENT INVESTIGATOR NOTIFICATION

In the event of a traffic fatality or major injury, the Chief of Police or designee shall be notified, who will then contact the appropriate accident investigator.

358.4.4 CHIEF OF POLICE (PIO)

The Chief of Police shall be called when it appears the media may have a significant interest in the incident.

Death Investigation

360.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS

Death investigations require certain actions be taken. Paramedics shall be called in all suspected death cases unless the cause of death is obvious (e.g., when the subject has been decapitated or the body is decomposed). Officers are not authorized to pronounce death. A Supervisor shall be notified in all death investigations. The Coroner should be notified in all deaths, and shall be notified under those conditions listed below in this policy.

The responsible Supervisor should determine whether follow-up investigation is required and ensure that a Winnebago County Sheriff's Police Supervisor is notified when appropriate. Only officers who have successfully completed the Illinois Law Enforcement Training and Standards Board (ILETSB) program in death, and homicide investigations, or who have been granted a waiver by the board, shall be assigned as lead investigator on any death or homicide investigation (50 ILCS 705/10.11).

360.2.1 CORONER REQUEST

Every Coroner has the responsibility to investigate the following as soon as he knows or is informed that the dead body of any person is found, or lying within his/her county, whose death is suspected of being (55 ILCS 5/3-3013):

- (a) A sudden or violent death, whether apparently suicidal, homicidal or accidental
- (b) A maternal or fetal death due to abortion, or any death due to a sex crime or a crime against nature
- (c) A death where the circumstances are suspicious, obscure, mysterious or otherwise unexplained or where, in the written opinion of the attending physician, the cause of death is not determined
- (d) A death where addiction to alcohol or to any drug may have been a contributory cause
- (e) A death where the decedent was not attended by a licensed physician

The body shall not be disturbed or moved from the position or place of death without permission of the Coroner.

360.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in 55 ILCS 5/3-3013. The only exception is

Winnebago Police Department

Winnebago PD Policy Manual

Death Investigation

that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card. If such a donor card is located, the Coroner or Deputy Coroner shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or Deputy Coroner; the investigating officer shall first obtain verbal consent from the Coroner or Deputy Coroner (55 ILCS 5/3-3019).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Deputy Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner or Medical Examiner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned officers and or Winnebago County Sheriff's Police personnel may need to talk to the next-of-kin.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, a Winnebago County Sheriff's Police Supervisor shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

360.3 SPECIMEN SUBMISSION

As soon as possible, but no later than 30 days after receipt of any blood, buccal or tissue specimen from the Coroner, the Chief of Police or his designee shall ensure the specimen and department case number is submitted to an approved National DNA Index System (NDIS) participating laboratory within this state for analysis and categorizing into genetic marker groupings and that the results are submitted to the Illinois State Police (55 ILCS 5/3-3013).

360.4 UNUSED MEDICATIONS

If an officer collects any unused prescription medication at the scene of a death investigation, the officer shall (210 ILCS 150/18(g)):

Winnebago Police Department

Winnebago PD Policy Manual

Death Investigation

- (a) Document the number or amount of medication to be disposed of.
- (b) If the medication is collected as evidence, photograph the unused medication and its container or packaging, if available, and include the photograph and documentation with the report.

Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft shall initiate a report for victims residing within the jurisdiction of this department (720 ILCS 5/16-35). For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 - 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides.
- (b) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (c) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus and U.S. Postal Service with all known report numbers).
- (d) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

362.3 VICTIM ASSISTANCE

- (a) Officers should provide all victims of identity theft with the Attorney General's Identity Theft Resource Guide.
- (b) In a case where another person has been arrested, cited, or charged in the victim's name, where a criminal complaint was filed against a perpetrator in the victim's name, or where the victim's name has been mistakenly associated with a criminal conviction, the reporting officer should inform the victim of identity theft of his/her right to obtain an expedited judicial determination of factual innocence (720 ILCS 5/16-35(b)).

Limited English Proficiency

368.1 PURPOSE AND SCOPE

This policy provides guidance to officers when communicating with individuals with Limited English Proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English Proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Qualified bilingual officer - An officer of the Winnebago Police Department, designated by the Department, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language, but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the Winnebago Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs, and activities, while not imposing undue burdens on its officers.

The Department will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

368.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that officers could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement

Winnebago Police Department

Winnebago PD Policy Manual

Limited English Proficiency

contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number, or proportion of LEP individuals eligible to be served, or likely to be encountered by officers, or who may benefit from programs or services within the jurisdiction of the Department, or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with officers, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

368.4 TYPES OF LEP ASSISTANCE AVAILABLE

Winnebago Police Department officers should never refuse service to a LEP individual who is requesting assistance, nor should they require a LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine a LEP individual's primary language.

LEP individuals may choose to accept Department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

368.5 WRITTEN FORMS AND GUIDELINES

Vital documents, or those that are frequently used should be translated into languages most likely to be encountered. The Chief of Police or designee will arrange to make these translated documents available to officers and other appropriate individuals, as necessary.

368.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.7 QUALIFIED BILINGUAL MEMBERS

Bilingual officers may be qualified to provide LEP services when they have demonstrated through established Department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Officers utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual officers must be able to communicate

Limited English Proficiency

technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence, or conveying rights or responsibilities.

When a qualified bilingual officer from this Department is not available, personnel from other Village departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

368.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case, or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the Chief of Police or designee which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this Department, and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

368.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Officers may use these services with the approval of a Supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual officers of this Department or personnel from other Village departments
- Individuals employed exclusively to perform interpretation services
- Contracted in-person interpreters, such as state or federal court interpreters, among others

Limited English Proficiency

- Interpreters from other agencies who have been qualified as interpreters by this Department, and with whom the Department has a resource-sharing, or other arrangement that they will interpret according to Department guidelines

368.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual officers or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, officers must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of a LEP individual may offer to assist with communication or interpretation, officers should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon, except in exigent or very informal and non-confrontational situations.

368.9 CONTACT AND REPORTING

While all law enforcement contacts, services, and individual rights are important, this Department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any officer of this Department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Officers should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Winnebago Police Department will take reasonable steps to develop in-house language capacity by hiring or appointing qualified officers proficient in languages representative of the community being served.

368.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Officers and/or Supervisors must assess each situation to determine the need and availability of

Limited English Proficiency

language assistance to all involved LEP individuals, and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that officers are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with a LEP individual.

If available, officers should obtain the assistance of a qualified bilingual officer or an authorized interpreter before placing a LEP individual under arrest.

368.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of a LEP individual and a qualified bilingual officer is unavailable, or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized officer or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of a LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview a LEP individual.

368.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual officers or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual officer or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

Limited English Proficiency

368.14 BOOKINGS

When gathering information during the booking process, officers should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Officers should seek the assistance of a qualified bilingual officer whenever there is concern that accurate information cannot be obtained, or that booking instructions may not be properly understood by a LEP individual.

368.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding officers of this Department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the Chief of Police or designee.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with a LEP individual during an investigation should not be officers of this Department.

Any notice required to be sent to a LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

368.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Department are important to the ultimate success of more traditional law enforcement duties. This Department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

368.17 TRAINING

To ensure that all officers who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access Department-authorized telephonic and in-person interpreters and other available resources.

The Chief of Police or designee shall be responsible for ensuring new officers receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every 2 (two) years thereafter. The Chief of Police or designee shall maintain records of all LEP training provided, and will retain a copy in each officer's training file in accordance with established records retention schedules.

368.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All officers on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and

Winnebago Police Department

Winnebago PD Policy Manual

Limited English Proficiency

understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Officers on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Chief of Police or designee shall be responsible for coordinating the annual refresher training, and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY), , videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing and seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42USC § 12102)

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters. Qualified interpreters shall have a valid Illinois license to practice interpreting for the deaf (225 ILCS 443/15), unless they are exempt under 225 ILCS 443/25.

370.2 POLICY

It is the policy of the Winnebago Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects, and arrestees have equal access to law enforcement services, programs and activities. Officers must make efforts to communicate effectively with individuals with disabilities.

The Department shall not discriminate against, or deny any individual access to services, rights, or programs based upon disabilities.

370.3 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, officers of this Department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Officers should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs, and activities. These factors may include, but are not limited to:

Communications with Persons with Disabilities

- (a) Officers should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, officers should ask the individual to communicate back or otherwise demonstrate his/her understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

370.4 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, officers should remain alert to the possibility of communication problems.

Officers should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when an officer knows or suspects an individual requires assistance to effectively communicate, the officer shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual
- (b) The nature, length and complexity of the communication involved
- (c) The context of the communication

In emergency situations involving an imminent threat to the safety or welfare of any person, officers may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language, but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The officer should inquire as to the individual's preference and give primary consideration to that preference.

Winnebago Police Department

Winnebago PD Policy Manual

Communications with Persons with Disabilities

If an individual who is deaf, hard of hearing, or has impaired speech must be handcuffed while in the custody of the Winnebago Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.5 TYPES OF ASSISTANCE AVAILABLE

Winnebago Police Department officers shall never refuse to assist an individual with disabilities who is requesting assistance. The Department shall not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services, or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.6 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, officers may read aloud from the appropriate form, for example, a personnel complaint form, or provide forms with enlarged print.

370.7 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee), if the individual to be interviewed normally relies on sign language or speech reading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time, but in no event longer than one hour if requested
- (b) Experienced in providing interpretation services related to law enforcement matters
- (c) Familiar with the use of VRS and/or video remote interpreting services
- (d) Certified in either American Sign Language (ASL) or Signed English (SE)
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser
- (f) Knowledgeable of the ethical issues involved when providing interpreter services

Winnebago Police Department

Winnebago PD Policy Manual

Communications with Persons with Disabilities

Officers should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than fifteen (15) minutes after a request for an interpreter has been made, or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.8 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking, or attorney contacts), officers must also provide those who are deaf, hard of hearing, or have impaired speech the opportunity to place calls using an available TTY or TDD. Officers shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

370.9 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Department officers must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.10 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, officers should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

Communications with Persons with Disabilities

- (b) The person with the disability requests that the adult interpret or facilitate communication, and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.11 REPORTING

Whenever any officer of this Department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Officers should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the officer must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

370.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer of this Department. Officers and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that officers are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.12.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location, or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing, or has impaired speech

Communications with Persons with Disabilities

- (b) Exchange of written notes or communications
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly
- (d) Use of computer, word processing, personal communication device, or similar device to exchange texts or notes
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment

Officers should be aware that these techniques may not provide effective communication as required by law, and this policy, depending on the circumstances.

370.13 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this Department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist, or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter, or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.14 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, officers should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, officers should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

Communications with Persons with Disabilities

370.15 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding officers of this Department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Deputy Village Clerk.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be officers of this Department.

370.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Department are important to the ultimate success of more traditional law enforcement duties. This Department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

370.17 TRAINING

To ensure that all officers who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Chief of Police shall be responsible for ensuring new officers receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Chief of Police shall maintain records of all training provided, and will retain a copy in each officer's training file in accordance with established records retention schedules.

Child and Dependent Adult Safety

379.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

379.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Winnebago Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

379.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, the officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends, and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

The officer shall assist the arrestee in the placement of the children or dependent adult with a relative or other responsible person designated by the arrestee. If the officer has reasonable cause to believe that a child may be a neglected child as defined in the Abused and Neglected Child Reporting Act, he/she shall report it immediately to the Department of Children and Family Services (725 ILCS 5/107-2(2)).

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian, or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Child and Dependent Adult Safety

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

379.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Illinois Department of Children and Family Services, if appropriate.
- (e) Notify the field supervisor or Chief of Police of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Child and Dependent Adult Safety

379.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

379.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

379.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

379.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Winnebago Police Department

Winnebago PD Policy Manual

Child and Dependent Adult Safety

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

379.5 TRAINING

The Chief of Police is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

381.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

381.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, the horse is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i); 720 ILCS 5/48-8).

Service animal also includes any animal that is trained in obedience and task skills to meet the needs of a person with a disability or that is trained or being trained as a hearing animal, a guide animal, an assistance animal, a seizure alert animal, a mobility animal, a psychiatric service animal, an autism service animal, or an animal trained for any other physical, mental or intellectual disability (510 ILCS 70/2.01c; 720 ILCS 5/48-8).

381.2 POLICY

It is the policy of the Winnebago Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

381.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.

Service Animals

- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or to follow daily routines.

381.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed (720 ILCS 5/48-8; 775 ILCS 30/3). Department members are expected to treat individuals with service animals with the same courtesy and respect that the Winnebago Police Department affords to all members of the public (28 CFR 35.136).

381.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

381.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

381.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to

Winnebago Police Department

Winnebago PD Policy Manual

Service Animals

an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

381.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Abandoned Newborn Infant Protection

383.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper managing of incidents of newborn infant abandonment according to the Abandoned Newborn Infant Protection Act (325 ILCS 2/10).

383.2 ACCEPTANCE

Officers must accept a newborn infant relinquished at the Department (325 ILCS 2/20 (c)). The State of Illinois defines a newborn infant as a child who a licensed physician reasonably believes is thirty (30) days old or less at the time the child is initially relinquished (325 ILCS 2/10). The relinquishing person must leave the infant with an on-duty officer directly, and shall not leave the infant unattended. Although a person relinquishing a newborn infant retains the right to limited immunity and anonymity, officers should request the person's personal information. Absent any other information, officers should attempt to obtain any known medical information about the newborn infant. Any information obtained should be documented in the report and, if appropriate, transmitted to the hospital or medical facility to which the newborn infant is taken.

If there is no evidence of abuse or neglect of the newborn infant, the relinquishing person has the right to remain anonymous and leave the premises at any time without being pursued or followed. The act of relinquishing a newborn infant does not, in and of itself, constitute a basis for a finding of abuse, neglect, or abandonment. If there is suspected abuse or neglect that is not based solely on the newborn infant's relinquishment, the relinquishing person no longer has the right to remain anonymous (325 ILCS 2/30).

383.3 MEDICAL CONSIDERATIONS

After accepting a relinquished newborn infant the officer will request paramedics for a medical evaluation and transportation to the nearest hospital (325 ILCS 2/20 (c)).

383.4 NOTICE TO RELINQUISHING PERSON

When accepting a newborn infant, officers will offer the relinquishing person an information packet prepared and maintained by the Department for this purpose (325 ILCS 2/35). If possible, the employee will also inform the relinquishing person of the following:

- His/her acceptance of the information is completely voluntary.
- Registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary.
- He/she will remain anonymous if a Denial of Information Exchange form is completed.
- He/she has the option to provide medical information only and still remain anonymous.
- By relinquishing the child anonymously, he/she will have to petition the court of jurisdiction if he/she desires to prevent the termination of parental rights and regain custody of the child.

Abandoned Newborn Infant Protection

383.4.1 SUPERVISOR NOTIFICATION

When accepting a newborn infant, officers shall notify their immediate Supervisor and the Chief of Police as soon as practical.

383.4.2 DOCUMENTATION

When accepting a newborn infant, officers will generate a report and document all pertinent information.

383.5 RIGHT OF PARENT TO RETURN

If the parent of a relinquished newborn infant returns to reclaim the infant within seventy-two (72) hours after relinquishing the infant at the Department, an officer must inform the parent of the name and location of the hospital where the infant was transported (325 ILCS 2/20 (c)).

383.6 INFORMATION DISCLOSURE

Employees will not publicly disclose any information concerning the relinquishment of a newborn infant and the individuals involved, except as otherwise provided by law (325 ILCS 2/37).

383.7 INVESTIGATIVE RESPONSIBILITIES

Neither a child protective investigation nor a criminal investigation should be initiated solely because a newborn infant is relinquished (325 ILCS 2/25 (c)).

After accepting a newborn infant, or upon being contacted to assist in regard to a newborn infant relinquished elsewhere, the handling employee should take the necessary steps to ensure that the infant is not a missing child.

If there is suspected child abuse or neglect that is not based solely on the newborn infant's relinquishment, as mandated reporters under the Abused and Neglected Child Reporting Act officers shall report their observations (325 ILCS 2/25(b)). In this instance, officers shall begin their criminal investigation.

383.8 REQUIRED SIGNAGE

The Chief of Police will ensure that an appropriate sign is posted in a conspicuous place on the exterior of the police facility informing persons that a newborn infant may be relinquished at the facility. The sign and its placement will comply with the prescribed specifications to ensure statewide uniformity (325 ILCS 2/22).

Off-Duty Law Enforcement Actions

387.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off duty can place an officer, as well as others, at great risk, and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Winnebago Police Department with respect to taking law enforcement action while off duty.

387.2 POLICY

Initiating law enforcement action while off duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving, or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

387.3 FIREARMS

Officers of this Department may carry firearms while off duty in accordance with federal regulations and Department Policy. All firearms and ammunition must meet guidelines as described in the Department Firearms and Qualification Policy. When carrying firearms while off duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

387.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects
- (b) The inability to communicate with responding units
- (c) The lack of equipment, such as handcuffs, OC, or baton

Winnebago Police Department

Winnebago PD Policy Manual

Off-Duty Law Enforcement Actions

- (d) The lack of cover
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene
- (f) Unfamiliarity with the surroundings
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

387.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call, or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on scene and should be provided a description of the officer, if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a Winnebago Police Department officer until acknowledged. Official identification should also be displayed.

387.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

387.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

387.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

387.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Chief of Police as soon as practicable. The Chief of Police shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested, or as appropriate.

Workplace Violence

388.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines for responding to incidents involving workplace violence.

388.1.1 DEFINITIONS

Definitions related to this policy include:

Workplace violence - The commission or threatened commission of an act of violence, harassment or stalking as defined under the Illinois Criminal Code of 2012 against a person at his/her place of work. Place of work means any property that is owned or leased by the employer and at which the official business of the employer is conducted, as defined by the Workplace Violence Prevention Act (820 ILCS 275/10).

388.2 POLICY

It is the policy of this department to investigate workplace violence as a serious crime and to facilitate employer and victim access to appropriate civil remedies and community resources whenever feasible.

388.3 INVESTIGATIONS

The following guidelines should be followed by officers when investigating workplace violence cases:

- (a) Calls of reported, threatened, imminent or ongoing workplace violence may also involve incidents of domestic violence. Officers should consider whether a related domestic violence investigation should also be conducted, as provided in the Domestic Violence Policy.
- (b) Officers should take reasonable steps to prevent any further workplace violence, including making an arrest where appropriate.
- (c) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (d) Officers should advise the employer and victim about seeking medical attention and preserving evidence (specifically including photographs of injury or damage).
- (e) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

Workplace Violence

- (f) All responses to calls of workplace violence should be documented in an appropriate report.

388.4 EMPLOYER AND VICTIM ASSISTANCE

Officers should:

- (a) If a suspect is arrested, advise the employer and victim that there is no guarantee the suspect will remain in custody.
 - 1. Officers should also provide the employer's and victim's contact information to the jail staff to enable notification upon the suspect's release from jail.
- (b) If no arrest is made, inform the victim of the victim's right to request that a criminal proceeding be initiated where appropriate, including specific times and places for meeting with the State's Attorney's office, a warrant officer or other official in accordance with local procedure.
- (c) Provide the victim with the Department's domestic violence information handout, if appropriate.
- (d) Advise the parties of available resources, such as victim advocates, shelters or other community resources.
- (e) Accompany the victim to his/her place of residence for a reasonable period of time to remove essential items of personal property if appropriate.
- (f) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (g) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (h) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (i) Assist the employer and victim in obtaining an emergency order if appropriate.
 - 1. Victims may require assistance with transportation to apply for an emergency order of protection.
 - 2. Employers may apply for workplace protection orders if any act of violence, harassment or stalking has been carried out or threatened to be carried out at the workplace (820 ILCS 275/15).
- (j) Officers who are investigating a workplace violence incident and encounter a workplace violence suspect who is on bail or bond for a domestic violence arrest, should attempt to determine if there are reasonable grounds to believe that the individual is violating a condition of bond or bail, for example by making contact or

Workplace Violence

communicating with a domestic violence victim within 72 hours of release (725 ILCS 5/110-10(d)).

388.5 REPORTS AND RECORDS

The Winnebago Police Department is required to record, compile and report to the Illinois State Police information regarding workplace crimes (750 ILCS 60/303).

- (a) Officers shall include in their reports the employer's and victim's statements as to the frequency and severity of prior incidents of violence, harassment or stalking by the person and the number of prior calls for law enforcement assistance.
- (b) The Chief of Police or designee shall maintain and periodically report workplace violence information in the form and manner required by the Illinois State Police.

Department Use of Social Media

389.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

389.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

389.2 POLICY

The Winnebago Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

389.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

389.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Winnebago Police Department

Winnebago PD Policy Manual

Department Use of Social Media

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

389.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Chief of Police or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

389.5 PROHIBITED CONTENT

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the Winnebago Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

389.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

Winnebago Police Department

Winnebago PD Policy Manual

Department Use of Social Media

The Department may provide a method for members of the public to contact department members directly.

389.5.2 BOOKING PHOTOGRAPHS

Booking photographs in connection with civil, petty, and business offenses, and Class B and C misdemeanors may not be published on department social media sites unless the photograph is posted to assist in the search for a fugitive, person of interest, missing person, or individual wanted in relation to a crime other than a petty or business offense, or Class B or C misdemeanor (5 ILCS 140/2.15).

389.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

389.7 RETENTION OF RECORDS

The Chief of Police should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

389.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Private Person's Arrest

390.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

390.2 POLICY

It is the policy of the Winnebago Police Department to accept a private person's arrest only when legal and appropriate.

390.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another when the person has probable cause to believe the other person has committed an offense other than an ordinance violation (725 ILCS 5/107-3).

390.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

390.5 PRIVATE PERSON'S ARREST FORM

The arresting person should be asked to complete and sign a private person's arrest form. If the person fails or refuses to do so, the arrested individual should be released, unless the officer has a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

Community Relations

394.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

394.2 POLICY

It is the policy of the Winnebago Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

394.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

Community Relations

394.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Patrol Chief of Police to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending Village council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

394.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

Community Relations

A written summary of the compiled results of the survey should be provided to the Chief of Police.

394.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

394.7 INFORMATION SHARING

The community relations coordinator should work with the Chief of Police to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

394.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Community Relations

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

394.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

394.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Chief of Police should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

394.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the Village Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

Community Relations

394.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

394.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Firearms Restraining Orders

395.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving firearms restraining orders and accounting for firearms, ammunition, firearm parts that could be assembled to make an operable firearm, any Firearm Owner's Identification card, and concealed carry licenses obtained pursuant to those orders.

395.1.1 DEFINITIONS

Definitions related to this policy include:

Firearms Restraining Order - A court order prohibiting and enjoining a named person from having in the person's custody or control, purchasing, possessing, or receiving any firearms, ammunition, or firearm parts that could be assembled to make an operable firearm (430 ILCS 67/5).

395.2 POLICY

It is the policy of the Winnebago Police Department to petition for and serve firearms restraining orders in compliance with state law, and to properly account for firearms, any Firearm Owner's Identification Card, and concealed carry licenses obtained by the Department pursuant to such orders.

395.3 FIREARMS RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a firearms restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for a firearms restraining order by the Department (430 ILCS 67/1 et seq.)
- (b) Developing and maintaining procedures for the receipt and service of firearms restraining orders consistent with the requirements of 430 ILCS 67/50. Procedures should include:
 1. Acceptance of voluntarily surrendered firearms, ammunition, firearm parts, any Firearm Owner's Identification card, and concealed carry license from a person who is the subject of the restraining order.
 2. Assessing a firearms restraining order prior to service to determine whether the order should be served pursuant to the Warrant Service Policy and the Operations Planning and Deconfliction Policy.
 3. Preparing or obtaining a search warrant prior to attempting service of the firearms restraining order.
- (c) Coordinating with the Chief of Police to provide officers who may be involved in petitioning for or serving firearms restraining orders with appropriate training. Training should include determining when a petition is appropriate, the process for seeking a firearms restraining order, and the service of firearms restraining orders.

Firearms Restraining Orders

- (d) Reviewing each petition for a firearms restraining order (and associated affidavits or court documents, if applicable) to ensure compliance with this policy, department procedures, and state law.

395.4 FIREARMS RESTRAINING ORDERS

An officer who reasonably believes that a firearms restraining order is appropriate should obtain supervisor approval prior to seeking an order.

395.4.1 STANDARDS

Firearms restraining orders may be appropriate if a person poses an immediate and present danger of causing personal injury to him/herself or others by having a firearm in his/her custody or control (430 ILCS 67/35; 430 ILCS 67/40).

395.4.2 REQUIREMENTS OF PETITION

An application for a firearms restraining order should be prepared consistent with state law and the procedures developed by the Firearms Restraining Order coordinator (430 ILCS 67/1 et seq.).

395.4.3 NOTICE TO FAMILIES AND PERSONS AT RISK

Upon the application for a firearms restraining order, officers should make a good faith effort to provide notice to a family or household member of the person who is the subject of the firearms restraining order and to any other person reasonably known to be at risk of violence.

Officers shall also make reasonable efforts to provide notice to any and all intimate partners if the petition alleges that the named person poses a significant danger of causing personal injury to them.

The notice shall include (430 ILCS 67/35; 430 ILCS 67/40):

- (a) The department's intention to petition the court for a firearms restraining order.
- (b) Information and referrals to appropriate resources, such as counseling services, domestic violence or stalking advocacy, if applicable.

Officers should document all reasonable efforts to provide notice.

395.5 SERVICE

Officers shall serve a copy of a firearms restraining order, including renewals or terminations of orders, and any accompanying notice of hearing and petition, on the person named in the order as soon as practicable if the named person was not present in court when the order was issued (430 ILCS 67/50). Service of firearms restraining orders takes precedence over the service of other orders, except for orders of a similar emergency nature.

If applicable, officers may serve a firearms restraining order upon the named person via short form notification (430 ILCS 67/50).

Winnebago Police Department

Winnebago PD Policy Manual

Firearms Restraining Orders

395.5.1 SAFETY CONSIDERATIONS

Upon receipt of a firearms restraining order, the operations director or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service.

When appropriate based on the circumstances and department procedures, service of firearms restraining orders should be executed pursuant to the Operations Planning and Deconfliction Policy.

In no circumstances should fewer than two officers be present when a firearms restraining order is being served.

395.5.2 SURRENDER OF FIREARMS, ANY FIREARM OWNER'S IDENTIFICATION CARD, AND CONCEALED CARRY LICENSE

Officers serving a firearms restraining order should request that the person who is the subject of the order immediately surrender all firearms, ammunition, and firearm parts in the person's custody, control, or possession along with any Firearm Owner's Identification card and concealed carry license issued to the person. Officers shall take custody of any items surrendered (430 ILCS 67/35; 430 ILCS 67/40).

395.5.3 RECEIPT OF COURT-ORDERED ITEMS

A receipt identifying all surrendered items should be prepared by the officers and a copy given to the person. The officers should ensure the original receipt is forwarded to the Records Supervisor as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Room Policy.

Officers shall notify the Illinois State Police within seven days of receipt of a concealed carry license (430 ILCS 66/70).

395.5.4 SEARCH WARRANTS

If the person subject to the firearms restraining order refuses to surrender all items subject to the order or if an officer serving a firearms restraining order reasonably believes there are items ordered to be relinquished in the person's custody, control, or possession that have not been surrendered, the officer should consider whether to seek a search warrant.

Officers should be prepared to file a search warrant prior to attempting service of a firearms restraining order. Preparation and service of the search warrant should be done in accordance with the Warrant Service Policy.

395.5.5 SEARCH WARRANT RETURN

A return of a search warrant that was issued in relation to a firearm restraining order is required to be filed with the court within four days of issuance (430 ILCS 67/35; 430 ILCS 67/40).

Winnebago Police Department

Winnebago PD Policy Manual

Firearms Restraining Orders

395.6 RELEASE OF FIREARMS, FIREARM OWNER'S IDENTIFICATION CARD, AND CONCEALED CARRY LICENSE

Any person requesting the release of any firearm, ammunition, firearm parts, Firearm Owner's Identification card, or license to carry a concealed weapon or firearm in department custody pursuant to a firearms restraining order should be referred to the Property and Evidence Room (430 ILCS 67/35; 430 ILCS 67/40).

395.7 RENEWAL OF FIREARMS RESTRAINING ORDER

The Detective Bureau supervisor is responsible for the review of any firearms restraining order obtained by the Department to determine if renewal or extension of a firearms restraining order should be requested within the time prescribed by law (430 ILCS 67/45).

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Winnebago, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws, and respond to emergencies when an officer is on duty.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations, and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc
- (c) Calls for service, both routine and emergency in nature
- (d) Investigation of both criminal and non-criminal acts
- (e) The apprehension of criminal offenders
- (f) Community-Oriented Policing and Problem-Solving activities such as citizen assists and individual citizen contacts of a positive nature
- (g) The sharing of information between the Patrol and other sections within the Department, as well as other outside governmental agencies
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community-Oriented Policing and Problem-Solving strategies
- (i) Traffic direction and control

400.1.2 TERRORISM

It is the goal of the Winnebago Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a Supervisor as soon as practicable of any activity believed to be terrorism related, and should document such incidents with a written report or Field Interview (FI). The Supervisor should ensure that all terrorism related reports and FIs are forwarded to the Chief of Police or designee in a timely fashion.

Winnebago Police Department

Winnebago PD Policy Manual

Patrol Function

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various sections of the Winnebago Police Department.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to a Supervisor for review and any follow-up instructions.

400.2.2 INFORMATION BINDERS

Several information binders will be maintained in the Patrol room and will be available for review by officers within the Department. These will include, but not be limited to, the vacation check binder, training binder, and the squeal binder.

400.2.3 BULLETIN BOARDS

A bulletin board will be kept in the Patrol room for display of suspect information, intelligence reports, and photographs. New Departmental Directives will be made available for Supervisors and will be discussed during departmental meetings. A copy of the Departmental Directive will be placed in the Patrol room binder.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, civic, social and business events, public displays, parades, and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A Supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact, or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location, and when voluntary compliance with the law is not achieved.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Winnebago Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

402.2 POLICY

The Winnebago Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

Winnebago Police Department

Winnebago PD Policy Manual

Bias-Based Policing

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING STOPS

The Chief of Police or the authorized designee shall ensure stop cards are created and available to members, and contain all of the information required by 625 ILCS 5/11-212 for traffic and pedestrian stops. Officers shall complete one of these cards when they detain, conduct a pat-down search of or arrest a pedestrian in a public place, issue a summons to a pedestrian, search a pedestrian's property or conduct a traffic stop.

402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

402.6 STATE REPORTING

The Chief of Police or designee shall compile the required data on the standardized law enforcement data compilation form and transmit the data to the Illinois Department of Transportation. This shall be done by March 1 for data collected during July through December of the previous calendar year, and by August 1 for data collected during January through June of the current calendar year (625 ILCS 5/11-212).

Bias-Based Policing

402.7 ADMINISTRATION

Each year, the Chief of Police should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the required state reporting forms and the annual report and discuss the results with those they are assigned to supervise.

402.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Section.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Winnebago Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.3 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

406.4 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

Crime and Disaster Scene Integrity

406.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

Ride-Alongs

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

410.1.1 ELIGIBILITY

The Winnebago Police Department Ride-Along Program is offered to residents, students and those employed within the Village. Every attempt will be made to accommodate interested persons; however, any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal and/or traffic action
- Pending lawsuit against the Village
- Denial by any Supervisor

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police or designee.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Chief of Police. The participant shall complete a Release and Indemnity Agreement Form provided by the Department. Information requested will include a valid ID or Illinois driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Release and Indemnity Agreement Form.

The Chief of Police will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective officer as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six (6) months. An exception would apply to the following: Cadets, Explorers, Retired and Senior Volunteer

Winnebago Police Department

Winnebago PD Policy Manual

Ride-Alongs

Program (RSVP), Chaplains, Part-time and Auxiliary officers, police applicants, and all others with approval of the Chief of Police.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks, and shoes. Sandals, T-shirts, tank tops, shorts, and ripped or torn blue jeans are not permitted. Hats and ball caps shall not be worn in the police vehicle. The Chief of Police or designee may refuse a ride-along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty officers of this department or any other law enforcement agency will not be permitted to ride along with on-duty officers without the express consent of the Chief of Police. In the event that such a ride-along is permitted, the off-duty officer shall not be considered on duty, and shall not represent himself/herself as a peace officer, or participate in any law enforcement activity, except as emergency circumstances may require.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and an automated check through LEADS prior to their approval as a Ride-Along with a law enforcement officer (provided that the Ride-Along is not an employee of the Winnebago Police Department).

410.3 OFFICER'S RESPONSIBILITY

The officer shall advise the telecommunicator that a Ride-Along is present in the vehicle before going into service. Officers shall consider the safety of the Ride-Along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and, if feasible, let the participant out of the vehicle in a well-lighted place of safety. The telecommunicator will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The Ride-Along may be continued or terminated at this time. The Chief of Police shall be immediately notified of any injury or noteworthy incident involving the Ride-Along.

The Chief of Police is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the officers patrol log shall be returned to the Chief of Police with any comments which may be offered by the officer. Any injury or noteworthy incident involving the Ride-Along shall be documented or reported appropriately.

410.4 CONTROL OF RIDE-ALONG

The assigned officer shall maintain control over the Ride-Along at all times and instruct him/her in the conditions that necessarily limit his/her participation. These instructions should include:

- (a) The Ride-Along shall follow the directions of the officer.

Winnebago Police Department

Winnebago PD Policy Manual

Ride-Alongs

- (b) The Ride-Along shall not become directly involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The Ride-Along may terminate the ride at any time, and the officer may return the Ride-Along to his/her home or to the station if the Ride-Along interferes with the performance of the officer's duties.
- (d) The Ride-Along may be allowed to continue riding during the transportation and booking process provided this does not jeopardize his/her safety.
- (e) Officers will not allow any Ride-Along to be present in any residence(s) or situations that would jeopardize his/her safety, or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian Ride-Along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment, and reactivity, has the capability of inflicting harm during exposure. Hazardous materials are characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer, and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Officers may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When officers come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify type of hazardous substance. Identification can be determined by placard, driver's manifest, or statements from the person transporting the material.
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas dependent on substance. Voluntary evacuation should be considered; however depending on the substance, mandatory evacuation may be necessary.

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a Supervisor. Each exposure shall be documented by the officer in a memorandum that shall be forwarded via chain of command to the Supervisor. Should the affected officer be unable to document the exposure for any reason, it shall be the responsibility of the notified Supervisor to complete the memorandum.

Injury or illness caused, or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

When a Supervisor has been informed that an officer has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained, and appropriate action is taken to mitigate the exposure.

Winnebago Police Department

Winnebago PD Policy Manual

Hazardous Material Response

To ensure the safety of officers, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain, or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution, as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores, or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

414.2 POLICY

It is the policy of the Winnebago Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders, and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions, and obtain the suspect's surrender.

When available, department-authorized negotiators or negotiators from another agency should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

414.3.1 EMERGENCY COMMUNICATIONS

Should circumstances at the scene permit, Department Supervisors or negotiators may promptly contact the Office of the State's Attorney for assistance in obtaining an ex parte order to intercept audio communications at the scene (725 ILCS 5/108B-3).

Hostage and Barricade Incidents

Additionally, Department negotiators or individuals summoned by officers to provide assistance, may use an eavesdropping device, including a camera or audio device, during an ongoing hostage and barricade incident when such use is necessary to protect the safety of officers or members of the general public (720 ILCS 5/14-3(o)).

414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a Supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the Supervisor until relieved by a Supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved, and to bystanders, and the resources currently available.

The handling officer should brief the arriving Supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation, in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure, or vehicle, and attack, use deadly force, attempt to escape, or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources, and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt, or obtain, a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards, or injuries.
- (g) Establish an inner and outer perimeter as circumstances require, and resources permit, to prevent unauthorized access.

Winnebago Police Department

Winnebago PD Policy Manual

Hostage and Barricade Incidents

- (h) Evacuate bystanders, residents, and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence, or additional information.
- (i) Determine the need for, and notify, the appropriate persons within and outside the Department, such as a Supervisor and the Chief of Police.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive, or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape, or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure, or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.
- (e) Request additional personnel, resources, and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt, or obtain, a line of communication and gather as much information about the suspect as possible, including any weapons, victims, and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter, as resources and circumstances permit, to prevent unauthorized access.

Winnebago Police Department

Winnebago PD Policy Manual

Hostage and Barricade Incidents

- (k) Evacuate bystanders, residents, and businesses within the inner and then outer perimeter, as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence, or additional information.
- (l) Determine the need for, and notify, the appropriate persons within and outside the Department, such as a Supervisor and the Chief of Police.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the Supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response, if appropriate, from another agency, and apprising the CRU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources, or equipment as appropriate.
- (d) Establish a command post location, as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the Village during the incident. The Supervisor should direct non-essential personnel away from the scene unless they have been summoned by the Supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the Chief of Police or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

Winnebago Police Department

Winnebago PD Policy Manual

Hostage and Barricade Incidents

414.6 REPORTING

Unless otherwise relieved by a Supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist officers of the Winnebago Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

416.2 POLICY

It is the policy of the Winnebago Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 RECEIPT OF BOMB THREAT

Department officers receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The officer receiving the bomb threat should ensure that the Chief of Police is immediately advised and informed of the details. This will enable the Chief of Police to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 WINNEBAGO POLICE DEPARTMENT FACILITY

If the bomb threat is against the Winnebago Police Department facility, the Chief of Police will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Winnebago Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Chief of Police deems appropriate.

Winnebago Police Department

Winnebago PD Policy Manual

Response to Bomb Calls

416.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

416.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the Village of Winnebago, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Chief of Police is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

416.5.1 ASSISTANCE

The Chief of Police should be notified when police assistance is requested. The Chief of Police will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Chief of Police determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

Winnebago Police Department

Winnebago PD Policy Manual

Response to Bomb Calls

- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

416.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Chief of Police including:
 - 1. The time of discovery.

Winnebago Police Department

Winnebago PD Policy Manual

Response to Bomb Calls

2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

416.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

416.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

416.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Chief of Police
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

Winnebago Police Department

Winnebago PD Policy Manual

Response to Bomb Calls

416.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Chief of Police should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Civil Commitments

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under a civil commitment (405 ILCS 5/1-100 et seq.).

418.2 POLICY

It is the policy of the Winnebago Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

418.3 AUTHORITY

An officer responding to or handling a call involving a suspected civil commitment may take that person into custody and transport him/her to an approved mental health facility when the officer has reasonable grounds to believe the person is in need of immediate hospitalization to protect him/herself or others from physical harm (405 ILCS 5/3-606).

Upon arrival at the facility, the officer should complete the written petition for involuntary admission, which includes (405 ILCS 5/3-601):

- A detailed statement of the reason for the commitment, including observed signs and symptoms, a description of any acts, threats, other behavior or pattern of behavior, and the time and place of occurrence.
- The name and address of the spouse, parent, guardian, substitute decision-maker, if any, and close relative, or if none, the name and address of a known friend. If this information is unavailable, the officer shall state that diligent inquiry was made.

If the petition is not completed by the officer transporting the person, the transporting officer's name, badge number and department shall be included in the petition (405 ILCS 5/3-606).

418.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

Civil Commitments

418.3.2 RESTRAINTS

If the patient is violent, or potentially violent, the officer shall notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.3 MENTAL HEALTH DOCUMENTATION

The officer shall complete a Petition for Involuntary Admission and provide it to the staff member assigned to that patient. The officer shall retain a copy of the petition for inclusion in the case report. The officer shall also provide a verbal summary to the appropriate staff member regarding the circumstances leading to the involuntary admission.

418.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons, or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearms shall be secured in the appropriate gun locker at the facility or in the police unit.

418.3.5 MINORS

An officer may take a minor into custody and transport the minor to a mental health facility when there is reasonable grounds to believe that the minor has a mental illness or emotional disturbance of such severity that hospitalization is necessary to protect him/herself or others from physical harm, and that the minor is likely to benefit from inpatient treatment (405 ILCS 5/3-503; 405 ILCS 5/3-504(b)).

Upon arrival at the facility, the officer should complete the written petition for involuntary admission and shall further include (405 ILCS 5/3-503; 405 ILCS 5/3-504(b)):

- A detailed statement of the reason for the commitment, including a description of any acts or significant threats, and the time and place of occurrence.
- The name, address and telephone number of any witness.

418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions
- (b) Community or neighborhood mediation services
- (c) Conflict resolution and de-escalation techniques
- (d) Community or other resources available to assist in dealing with mental health issues

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil Commitments

Civil commitments should be preferred over arrest for individuals who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

418.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have the Communication Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

An officer may transport individuals in a patrol vehicle, and shall secure them in accordance with the Handcuffing and Restraint Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during transport, supervisory approval is required before transport commences.

418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

- (a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Chief of Police who shall be responsible for contacting the Illinois State Police Firearms Owners Identification Section.
- (b) Under no circumstances shall any firearm be returned to any individual unless and until such person presents a valid Illinois Firearms Owners Identification Card.
- (c) In no case in which a firearm, or other deadly weapon, is not retained as evidence shall the Department be required to retain such firearm, or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm, or other deadly weapon, is available for return. At the expiration of such period, the firearm, or other deadly weapon, may be processed for disposal in accordance with applicable law.

418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written petition for involuntary admission and remain present to provide clarification of the grounds for the detention, upon request (405 ILCS 5/3-606).

Absent exigent circumstances, the transporting officer should not assist facility staff with the admissions process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints, and will be available to assist during the admission process, if requested. Under normal circumstances, an officer will not apply facility-ordered restraints.

418.7 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officer should seek to determine if the individual owns, or has access to, any firearm, or other deadly weapon.

Winnebago Police Department

Winnebago PD Policy Manual

Civil Commitments

An officer should consider whether it is appropriate and consistent with current search and seizure law, under the circumstances to seize any such firearm, or other dangerous weapon (e.g. for safekeeping, as evidence, with consent).

Officers are cautioned that a search warrant may be needed before seizing weapons, or entering a residence, or other place to search, unless lawful, warrantless entry has already been made (e.g. under exigent circumstances, with consent).

The handling officer shall further advise the individual of the procedure for the return of any confiscated firearm, or other weapon, that has been taken into custody.

418.7.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer should detail those facts and circumstances in the report. The report should be forwarded to the Chief of Police or designee, who shall be responsible for contacting the Illinois State Police Firearm Services Bureau.

418.8 DOCUMENTATION

The officer should complete a petition for involuntary admission, provide it to the facility staff member assigned to the individual and retain a copy of the petition for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

418.8.1 NOTIFICATION TO ILLINOIS STATE POLICE

A member who reasonably determines that a person poses a clear and present danger because he/she has engaged in verbally or physically threatening behavior (e.g., violent, suicidal or assaultive threats or actions), shall ensure this information is reported to the Illinois State Police (ISP) within 24 hours (430 ILCS 65/8.1). The fact that the ISP has been notified and the manner of notification should be documented.

418.9 CRIMINAL OFFENSES

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the

Winnebago Police Department

Winnebago PD Policy Manual

Civil Commitments

individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.10 TRAINING

This Department will endeavor to provide training approved by the Illinois Law Enforcement Training and Standards Board on interaction with mentally disabled persons, civil commitments, and crisis intervention.

Notice to Appear or Summons Releases

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Winnebago Police Department with guidance on when to release adults who are suspected offenders on a summons, notice to appear in court, or citation for a criminal offense, rather than having the person held in custody for a court appearance or on condition of pretrial release.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

420.2 RELEASE

An officer shall issue a citation to appear within 21 days in court for an individual accused of traffic and Class B and C criminal misdemeanor offenses or petty and business offenses when the individual (725 ILCS 5/109-1):

- (a) Presents valid identification.
- (b) Poses no obvious threat to members of the community or any person.
- (c) Does not reasonably appear to have any obvious medical or mental health issues that pose a risk to his/her safety

An officer may issue a summons to appear within 21 days when arresting an individual for an offense for which pretrial release may not be denied (725 ILCS 5/109-1). A notice to appear may also be issued for certain individuals arrested without a warrant (725 ILCS 5/107-12).

420.3 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

420.4 POLICY

The Winnebago Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a summons, notice to appear, or citation when authorized to do so.

Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Winnebago Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No note b	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No note b	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes note a	Yes	Yes	Yes	No for official acts Yes otherwise note a	No immunity or inviolability note a
Career Consul Officer	Yes if for a felony and pursuant to a warrant note a	Yes note d	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise note a	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employee	Yes note a	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise note a	No immunity or inviolability note a

Winnebago Police Department

Winnebago PD Policy Manual

Foreign Diplomatic and Consular Representatives

Int'l Org Staff note b	Yes note c	Yes note c	Yes	Yes note c	No for official acts Yes otherwise note c	No immunity or inviolability
Diplomatic- Level Staff of Missions to Int'l Org	No note b	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

422.3 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

422.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

Winnebago Police Department

Winnebago PD Policy Manual

Foreign Diplomatic and Consular Representatives

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 1. Diplomatic-level staff of missions to international organizations and recognized family members
 2. Diplomatic agents and recognized family members
 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 2. Support staff of missions to international organizations
 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 4. Honorary consular officers

422.5 POLICY

The Winnebago Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

422.6 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

Winnebago Police Department

Winnebago PD Policy Manual

Foreign Diplomatic and Consular Representatives

- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089 , or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

Rapid Response and Deployment

424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

424.2 POLICY

The Winnebago Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.

Winnebago Police Department

Winnebago PD Policy Manual

Rapid Response and Deployment

- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.4 TRAINING

The Chief of Police should include rapid response to critical incidents in the department training plan.

This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

424.5 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

424.6 PLANNING

The Chief of Police should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.

Rapid Response and Deployment

- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

424.6.1 SCHOOL SAFETY DRILLS

The Chief of Police should work with the administration of public and private elementary and secondary schools that offer education to persons under 21 to schedule annual on-site drills within 90 days after the first day of the school year to respond to school shooting incidents (105 ILCS 128/15; 105 ILCS 128/20).

Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Winnebago Police Department relating to immigration and interacting with federal immigration officials.

428.2 POLICY

It is the policy of the Winnebago Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Illinois constitutions.

428.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (5 ILCS 805/15).

An officer shall not inquire into an arrestee's immigration or citizenship status or country of birth unless there is a connection between the information and an investigation into a violation of state or local criminal law (5 ILCS 805/15).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, the officer may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

Immigration Violations

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

428.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

428.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor.

No member of the Winnebago Police Department, unless presented with a federal criminal warrant or otherwise required by federal law, shall (5 ILCS 805/15):

- (a) Participate in federal immigration enforcement operations, including offering collateral assistance such as the use of equipment, transporting individuals, or establishing a security or traffic perimeter.
- (b) Give federal immigration agents access, including by telephone, to any individual in the Winnebago Police Department's custody.
- (c) Transfer any person into a federal immigration agent's custody.
- (d) Permit federal immigration agents the use of department facilities or equipment, including any agency electronic databases not available to the public, for investigative interviews or any other investigative or immigration enforcement purpose.
- (e) Enter into or maintain any agreement with any federal agency enforcing civil immigration violations granting direct access to any electronic database or other data-sharing platform maintained by the Winnebago Police Department.
- (f) Provide to any federal immigration agent information not otherwise available to the public relating to an individual's release or contact information, or otherwise facilitate

Immigration Violations

an immigration agent's apprehension or questioning of an individual for immigration enforcement.

428.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; 5 ILCS 805/5):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

428.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 or any other hold request unless the person has been charged with a federal crime or the detainer is accompanied by a judicial warrant. Notification to the federal authority issuing the detainer should be made prior to the release (5 ILCS 805/15).

428.7.2 REPORTING TO THE ILLINOIS ATTORNEY GENERAL

The Chief of Police or designee shall ensure that data regarding the number of requests for assistance from federal immigration authorities and of civil immigration detainers and warrants received is collected and provided to the Custodian of Records for required reporting to the Attorney General (see the Records Maintenance and Release Policy) (5 ILCS 805/25).

428.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). The Chief of Police or designee is designated to complete the law enforcement certification for a U visa.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). The Chief of Police or designee is designated to complete a law enforcement declaration for a T visa (5 ILCS 825/10).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Chief of Police or designee assigned to oversee the handling of any related case. The Chief of Police or designee should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

Winnebago Police Department

Winnebago PD Policy Manual

Immigration Violations

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. There is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation, or prosecution of a qualifying crime if the victim has not refused or failed to provide information or assistance (5 ILCS 825/10).
 3. The appropriate form should be completed within 90 business days of the request unless (5 ILCS 825/10):
 - (a) There is a written agreement with the victim or the victim's representative extending the time to complete the form.
 - (b) The victim is eligible for expedited completion of the form.
 4. Complete and reissue an appropriate form within 90 days of a request to reissue by a victim unless the circumstances of the victim require expedited completion (5 ILCS 825/10).
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

The Chief of Police and any designee processing requests should receive periodic training regarding the requirements of 5 ILCS 825/10 (5 ILCS 825/25).

428.8.1 NON-DISCLOSURE OF IMMIGRATION STATUS

No member shall disclose the immigration status of the victim or the person requesting the certification form unless authorized in writing by the individual or as required by law (5 ILCS 825/10).

428.8.2 PUBLICATION OF DECLARATION AND CERTIFICATION FORM PROCESS

The Detective Bureau supervisor should make the department's procedures for certification requests publicly available for victims and their representatives (5 ILCS 825/10).

428.8.3 DENIAL OF CERTIFICATION

If certification is denied, the Chief of Police or designee shall inform the victim or the victim's representative in writing of the reason for the denial and the opportunity to appeal the decision. The Chief of Police or designee should respond to any appeals within 30 business days of receipt (5 ILCS 825/11).

428.8.4 U VISA AND T VISA DOCUMENTATION AND REPORTING

The Chief of Police or designee shall collect written documentation regarding the number of requests that were (5 ILCS 825/20):

- (a) Received by the Winnebago Police Department with the dates of receipt.
- (b) Granted and with the dates granted.
- (c) Denied and with the dates denied.

Winnebago Police Department

Winnebago PD Policy Manual

Immigration Violations

The Chief of Police or the authorized designee should ensure that the information collected regarding certification forms is transmitted in a timely manner to the Custodian of Records for annual reporting to the Illinois Attorney General.

428.9 TRAINING

The Chief of Police should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

Emergency Utility Service

430.1 PURPOSE AND SCOPE

The Village Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this Department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

The Village's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the Village side of the meter, emergency personnel should be called as soon as practical by the 911 Communications Center.

430.1.2 ELECTRICAL LINES

Village Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The appropriate utility company or Public Works employee should be promptly notified.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the public water equipment and may maintain other municipal utility equipment as well. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the 911 Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

Traffic signals are maintained by the Illinois Department of Transportation.

430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the 911 Communications Center of the location and problem with the signal. The telecommunicator should make the necessary notification to the proper maintenance agency.

Aircraft Accidents

434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

434.2 POLICY

It is the policy of the Winnebago Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

434.3 DOCUMENTATION

All aircraft accidents occurring within the Village of Winnebago shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of WNPd members deployed to assist; other Village resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

434.3.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

Aircraft Accidents

- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

434.3.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

434.4 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

434.5 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

434.6 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and

Aircraft Accidents

the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

434.7 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

434.8 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

434.9 MEDIA RELATIONS

The Chief of Police (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community.

Winnebago Police Department

Winnebago PD Policy Manual

Aircraft Accidents

Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training

436.1 PURPOSE AND SCOPE

The Field Training Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Winnebago Police Department.

It is the policy of this Department to assign all new police officers to a structured Field Training Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, skillful, productive, and professional manner. This Field Training Program shall be developed and supervised by the Chief of Police or designee, with utilization of a Field Training Officer, when available.

436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of four years of patrol experience, two of which shall be with this Department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by Supervisors and or current FTOs
- (f) Possess an Illinois Law Enforcement Training and Standards Board (ILETSB) certificate

436.2.2 TRAINING

An officer selected as an FTO shall successfully complete the Department-approved FTO course prior to being assigned as an FTO.

All FTOs must complete an FTO update course approved by this Department every (3) three years while assigned to the position of FTO

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program Supervisor will be the Chief of Police or his/her designee and shall, when practical, have completed the ILETSB certified (40 hour) Field Training Officer's Course.

The responsibilities of the FTO Program Supervisor include the following:

Field Training

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update, and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor the overall FTO Program.
- (g) Maintain liaison with FTO Coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

The FTO Program Supervisor will be required to successfully complete an ILETSB approved Field Training Administrator's Course, preferably within one year of appointment to this position.

436.4 TRAINEE DEFINED

Any entry level, lateral police officer, or person granted Conservators of the Peace Power newly appointed to the Winnebago Police Department who has successfully completed an ILETSB training course.

436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of ten (10) weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of four (4) weeks.

To the extent practicable, officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Winnebago Police Department. The manual is not intended to cover every contingency, but will be periodically reviewed and adjusted as appropriate. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations enacted by the Winnebago Police Department.

Field Training

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Completion and submission of a written evaluation on the performance of his/her assigned trainee to the FTO program Supervisor on a daily basis.
- (b) Review of the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Completion of a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Signing off on all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR

The FTO program Supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Chief of Police.

436.6.3 FIELD TRAINING ADMINISTRATOR

The Chief of Police will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through the FTO program Supervisor.

436.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of his/her FTOs and on the Field Training Program.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End of phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Obtaining Air Support Assistance

438.1 PURPOSE AND SCOPE

The use of a law enforcement helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested, and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a Supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Chief of Police, or his/her designee, will call the closest agency having helicopter support available. The Chief of Police or designee will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law Enforcement helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

Contacts and Temporary Detentions

440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

440.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

440.2 POLICY

The Winnebago Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

Contacts and Temporary Detentions

440.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Winnebago Police Department to strengthen community involvement, community awareness, and problem identification.

440.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

440.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

Contacts and Temporary Detentions

- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

440.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

440.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Chief of Police with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Chief of Police should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Chief of Police will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.

Contacts and Temporary Detentions

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

440.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

440.6 STOP RECEIPTS

Whenever an officer stops a person in a public place and pat-down searches the person or the person's property, the officer should issue a stop receipt providing the reason for the stop and containing the member's name and badge number (725 ILCS 5/107-14).

440.7 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Winnebago Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges, or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members, or affiliates. This does not include temporary information files.

442.2 POLICY

The Winnebago Police Department recognizes that certain criminal activities, including, but not limited to, gang crimes and drug trafficking, often involve some degree of regular coordination, and may involve a large number of participants over a broad geographical area.

It is the policy of this Department to collect and share relevant information while respecting the privacy and legal rights of the public.

442.3 CRIMINAL INTELLIGENCE SYSTEMS

No Department employee may create, submit to, or obtain, information from a criminal intelligence system unless the Chief of Police has approved the system for Department use.

Any criminal intelligence system approved for Department use should meet or exceed the standards of 28 CFR 23.20.

A Supervisor will be responsible for maintaining each criminal intelligence system that has been approved for Department use. The Supervisor or the authorized designee should ensure the following:

- (a) Employees using any such system are appropriately selected and trained
- (b) Use of every criminal intelligence system is appropriately reviewed and audited
- (c) Any system security issues are reasonably addressed

442.3.1 SYSTEM ENTRIES

It is the Supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photograph, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this Department, such as open or public source documents, or documents that are on file at another agency, the Supervisor should ensure copies of those documents are retained by the Winnebago Police Department. Any

Criminal Organizations

supporting documentation for an entry shall be retained by the Winnebago Police Department in accordance with the established records retention schedule, and for at least as long as the entry is maintained in the system.

The Supervisor should ensure that any documents retained by the Winnebago Police Department are appropriately marked as intelligence information. An officer may not purge such documents without the written approval of the Chief of Police or designee.

442.3.2 SWORD SYSTEM ENTRIES

It is the Supervisor's responsibility to approve the entry of any information into the Statewide Organized Criminal Gang Database (SWORD) criminal intelligence system (20 ILCS 2605/2605-305). Entries into such a database should be based upon on reasonable suspicion of criminal activity or actual criminal activity, and should be supported by documentation, where documentation is available.

The Supervisor may approve creation or submission of information into the SWORD criminal intelligence system when the individual has been arrested, and there is a reasonable belief that the individual is a member or affiliate of an organized gang. The Supervisor may notify the appropriate prosecutor of the individual's alleged gang membership or gang affiliate status (20 ILCS 2640/15).

442.4 TEMPORARY INFORMATION FILE

No officer may create or keep files on individuals that are separate from the approved criminal intelligence system. However, an officer may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved Criminal Intelligence System (CIS), only as provided in this section. Once information qualifies for inclusion, it should be submitted to the Supervisor responsible for consideration of CIS entries.

442.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one (1) year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of a Department Supervisor.
- (b) Should not be originals that would ordinarily be retained by the Winnebago Police Department, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Communications Center records, or booking forms.
- (c) Shall not include opinions. No person, organization, or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

Criminal Organizations

442.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one (1) year. At the end of one (1) year the contents must be purged, or entered in an authorized criminal intelligence system, as applicable.

The Supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the Supervisor.

442.5 INFORMATION RECOGNITION

An officer should document facts that suggest an individual, organization, or enterprise is involved in criminal activity, and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence
- (b) Information related to a drug-trafficking operation
- (c) Vandalism indicating an animus for a particular group
- (d) Information related to an illegal gambling operation

A Supervisor who utilizes an authorized criminal intelligence system should work with the Chief of Police to train officers to identify information that may be particularly relevant for inclusion.

442.6 RELEASE OF INFORMATION

An officer shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to Department officers and other law enforcement agencies on a need-to-know basis, and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the Supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

442.7 CRIMINAL STREET GANGS

The Supervisor should ensure that there are an appropriate number of Department officers who can:

- (a) Coordinate with other agencies in the region regarding criminal street gang crimes and information
- (b) Assist other officers in identifying gang indicia, and investigate criminal street gang-related crimes

Criminal Organizations

442.8 TRAINING

The Chief of Police or designee should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties
- (b) Participation in a multiagency criminal intelligence system
- (c) Submission of information into a multiagency criminal intelligence system, or the receipt of information from such a system, including any governing federal and state rules and statutes
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file
- (e) The review and purging of temporary information files

Mobile Audio/Video

446.1 PURPOSE AND SCOPE

The Winnebago Police Department has equipped patrol cars with Mobile Audio and Video (MAV) recording systems to provide records of events and assist uniformed officers in the performance of their duties by providing a visual and/or audio record of patrol-related activities when permitted by law (720 ILCS 5/14-3(h)). This policy provides guidance on the use of these systems.

446.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car video and Mobile Audio Video (MAV) system -Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

446.2 POLICY

It is the policy of the Winnebago Police Department to use mobile audio and video technology to more effectively fulfill the Department's mission, and to ensure these systems are used securely and efficiently.

446.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Winnebago Police Department identified and labeled media with tracking numbers are to be used.

At the start of each shift, officers shall test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, badge number, and the current date and time at the start and again at the end of each shift. If the system is

Mobile Audio/Video

malfunctioning, the officer shall take the vehicle out of service unless a Supervisor requests the vehicle remain in service.

446.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled, and should be activated manually by the officer, whenever appropriate. When audio is being recorded, the video will also record.

446.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated as soon as practicable in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian stops
 - 9. DWI/DUI investigations including field sobriety tests
 - 10. Crimes in progress
 - 11. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify the Communications Center
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

Mobile Audio/Video

1. Domestic violence calls
 2. Disturbance of peace calls
 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

446.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

446.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or actively on patrol.

No officer of this Department may surreptitiously record a conversation of any other officer of this Department except with a court order, or when lawfully authorized by the Chief of Police, or the authorized designee, for the purpose of conducting a criminal or administrative investigation.

446.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images, and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the Department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements.
- (b) By a Supervisor investigating a specific act of officer conduct.
- (c) By a Supervisor to assess officer performance.
- (d) To assess proper functioning of MAV systems.
- (e) By a Department investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.

Winnebago Police Department

Winnebago PD Policy Manual

Mobile Audio/Video

- (f) By Department personnel who request to review recordings.
- (g) By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data, for any purpose relating to his/her employment.
- (h) By court personnel through proper process, or with permission of the Chief of Police or the authorized designee.
- (i) By the media through proper process, or with permission of the Chief of Police or the authorized designee.
- (j) To assess possible training value.
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to a Supervisor to determine if the training value outweighs the officer's objection.

Officers desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Chief of Police. Approved requests should be fulfilled by the Chief of Police or designee.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

446.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

446.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 90 days and disposed of in compliance with the established records retention schedules (720 ILCS 5/14-3(h-15)).

446.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a Supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order, or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

446.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer, or against the Winnebago Police Department,

Mobile Audio/Video

should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

446.7.3 RECORDING RETENTION REQUIREMENTS

Notwithstanding the 90 day retention period in 720 ILCS 5/14-3(h-15), if the Department receives funds under the Illinois Law Enforcement Camera Grant Act, MAV video records must be stored for no less than two years (50 ILCS 707/15).

446.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify, or tamper with MAV recordings. Only a Supervisor, MAV technician or other authorized designee may erase and reissue previous recordings, and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

446.9 CHIEF OF POLICE OR DESIGNEE RESPONSIBILITIES

The Chief of Police or designee is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the Chief of Police or designee:
 - 1. Ensures it is stored in a secure location with authorized controlled access

Winnebago Police Department

Winnebago PD Policy Manual

Mobile Audio/Video

2. Makes the appropriate entries in the chain of custody log
- (c) Erasing of media:
 1. Pursuant to a court order
 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value
- (d) Assigning all media an identification number prior to issuance to the field in order to maintain a record of issued media
- (e) Ensuring that an adequate supply of recording media is available
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the Department evidence storage protocols and the records retention schedule

446.9.1 ADDITIONAL MAV TECHNICIAN RESPONSIBILITIES FOR GRANT FUNDING

If the Department receives any grants under the Illinois Law Enforcement Camera Grant Act, the MAV technician is also responsible for (50 ILCS 707/15):

- (a) Remaining familiar with the applicable requirements of the Illinois Law Enforcement Camera Grant Act including any model rules developed by the Illinois Law Enforcement Training and Standards Board (ILETSB).
- (b) Ensuring the MAV system includes audio of the officer when the officer is outside of the vehicle.
- (c) Limiting access to the camera to the officer's supervisor.
- (d) Working with the Records Supervisor to develop procedures to process requests from other law enforcement agencies and local State's Attorneys for video recordings, including procedures for protecting identities of individuals not related to the recorded incident.
- (e) Completing the annual MAV report required by 50 ILCS 707/15.

446.10 TRAINING

All officers who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

446.11 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:

Winnebago Police Department

Winnebago PD Policy Manual

Mobile Audio/Video

1. The tracking number of the MAV system media.
 2. The date it was issued.
 3. The law enforcement operator or the vehicle to which it was issued.
 4. The date it was submitted.
 5. Law enforcement operators submitting the media.
 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

446.12 ACTIVATION OF THE MAV

The MAV system shall be activated continuously throughout the officer's shift (50 ILCS 707/15).

Mobile Data Computer Use

448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

448.2 POLICY

Winnebago Police Department officers using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

448.3 PRIVACY EXPECTATION

Officers forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

448.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Officers shall not access the MDC system if they have not received prior authorization and the required training. Officers shall immediately report unauthorized access or use of the MDC by another officer to their supervisors or Chief of Polices.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that an officer has questions about sending a particular message or accessing a particular database, the officer should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another officer's name or to use the password of another officer to log in to the MDC system unless directed to do so by a supervisor. officers are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

448.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Mobile Data Computer Use

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Chief of Police or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

448.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

448.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Chief of Police are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

448.6 EQUIPMENT CONSIDERATIONS

448.6.1 MALFUNCTIONING

Whenever possible, officers will not use vehicles with malfunctioning MDCs. Whenever officers must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

Winnebago Police Department

Winnebago PD Policy Manual

Mobile Data Computer Use

448.6.2 BOMB CALLS

When investigating reports of possible bombs, officers should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Portable Audio/Video Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties (50 ILCS 706/10-20). Portable audio/video recording devices include all recording systems whether body-worn, hand-held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Winnebago Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

450.1.1 DEFINITIONS

Definitions related to this policy include (50 ILCS 706/10-10):

Body-worn camera or camera - An electronic camera system for creating, generating, sending, receiving, storing, displaying and processing audiovisual recordings that may be worn about the person of a law enforcement officer.

Law enforcement-related activities - Activities in which the officer is enforcing the law, including traffic or pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd and traffic control. It does not include tasks unrelated to the investigation of a crime such as participating in town halls or other community outreach; helping a child find his/her parents; providing death notifications; performing in-home or hospital well-being checks on the sick, elderly or persons presumed missing; or completing paperwork while alone or only in the presence of another law enforcement officer.

Portable recorder or recorder - Either an audio-only recording device or a body-worn camera.

450.2 POLICY

The Winnebago Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public (50 ILCS 706/10-15).

450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in

Portable Audio/Video Recorders

good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable (50 ILCS 706/10-20). Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, WNPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

450.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

Members wearing body-worn cameras and any clothing or any indication they are law enforcement shall have the body-worn camera turned on at all times while they are on-duty and are responding to calls for service or engaged in law enforcement-related activities (50 ILCS 706/10-20).

Other portable recorders should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which an officer would normally notify the Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

If exigent circumstances prevent an officer from turning on a body-worn camera when required, the camera shall be turned on as soon as practicable (50 ILCS 706/10-20).

Winnebago Police Department

Winnebago PD Policy Manual

Portable Audio/Video Recorders

Members shall not record interactions with confidential informants unless exigent circumstances exist or the informant has or is committing a crime (50 ILCS 706/10-20).

Members should remain sensitive to the dignity of all individuals being recorded and unless recording with a body-worn camera is required, exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Illinois law prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential (720 ILCS 5/14-2).

However, officers using body-worn cameras are not prohibited from recording a private conversation if the person is provided notice of the recording and proof of that notice is captured on the recording. If exigent circumstances exist that prevent the officer from providing notice, notice must be provided as soon as practicable (50 ILCS 706/10-20).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

450.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Body-worn cameras shall be turned off when a victim, or a witness or a community member reporting a crime requests that the camera be turned off. The request should be captured on the recording. However, an officer may continue to record or resume recording a victim or witness if exigent circumstances exist or the officer has a reasonable articulable suspicion that the victim or witness has committed or is in the process of committing a crime. Under these circumstances, the officer should indicate on the recording the reason for continuing to record despite the request of the victim or witness (50 ILCS 706/10-20).

Officers are permitted to turn off body-worn cameras while inside a patrol car equipped with Mobile Audio/Video (MAV). Cameras may also be turned off when the officer is not engaged in law enforcement-related activities, when completing paperwork alone or while only in the presence of another member, or when inside a correctional facility or courthouse with a camera system (50 ILCS 706/10-20).

Portable Audio/Video Recorders

450.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Chief of Police. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

450.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.
- (g) The recording or portions of the recording may be protected under the Freedom of Information Act or the Law Enforcement Officer-Worn Body Camera Act (5 ILCS 140/7.5; 50 ILCS 706/10-20).

Portable Audio/Video Recorders

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

450.7.1 BODY-WORN CAMERAS

With respect to body-worn camera recordings, the recording member and supervisor are prohibited from redacting, labelling, duplicating, or altering the recording (50 ILCS 706/10-20).

450.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings, and use them as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less-detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

The supervisor of the recording member shall document in the report or other documentation if the supervisor or the recording member reviewed body-worn camera recordings prior to completing the report or other documentation.

No member shall have access to or review the member's own body-worn camera recordings or the body-worn camera recordings of another officer prior to completing reports or other documentation when the member:

- (a) Has been involved in or is a witness to an officer-involved shooting, use of deadly force incident, or use of force incident resulting in great bodily harm.
- (b) Is ordered to write a report in response to or during the investigation of a misconduct complaint against the member.

If the member prepares a report related to the circumstances listed above, subject to a supervisor's approval, a member may file a supplemental report after viewing body-worn camera recordings. The member shall document in the supplemental report that the member reviewed recordings (50 ILCS 706/10-20).

Recorded files may also be reviewed:

- Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- By media personnel with permission of the Chief of Police or the authorized designee.
- In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

Winnebago Police Department

Winnebago PD Policy Manual

Portable Audio/Video Recorders

All recordings should be reviewed by the Chief of Police prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

450.9 BODY-WORN CAMERA COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for (50 ILCS 706/10-20):

- (a) Identifying members who are assigned body-worn cameras.
- (b) Identifying members permitted to access recordings in order to redact, label, or duplicate recordings.
- (c) Ensuring body-worn cameras acquired on or after July 1, 2015, are equipped with pre-event recording of least the 30 seconds prior to camera activation and are capable of recording for a period of at least 10 hours.
- (d) Establishing procedures for:
 - 1. The care and maintenance of body-worn cameras, including reasonable efforts to be made by supervisors to correct or repair body-worn camera equipment upon notice from a member experiencing technical difficulties, failures, or problems with the equipment.
 - 2. Compliance with the Law Enforcement Officer-Worn Body Camera Act and guidelines established by the Illinois Law Enforcement Training and Standards Board (ILETSB) for the use of body-worn cameras.
 - 3. Security of recordings including access controls.
 - 4. Redacting, labeling, and duplicating recordings.
 - 5. Supervisor and member review of recordings.
- (e) Providing an annual report to the ILETSB pursuant to 50 ILCS 706/10-25.
- (f) Ensuring the Department uses authorized body-worn camera recording media (50 ILCS 706/10-10).
- (g) Designating members permitted to redact, label, or duplicate recordings (50 ILCS 706/10-20).

450.10 RETENTION OF RECORDINGS

All recordings other than those made with body-worn cameras shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 90 days unless the recordings are made a part of an arrest or the recordings are deemed evidence in any criminal, civil, or administrative proceeding and then the recordings must only be destroyed upon a final disposition and an order from the court (720 ILCS 5/14-3(h-15)).

Portable Audio/Video Recorders

450.10.1 RETENTION REQUIREMENTS FOR BODY-WORN CAMERA RECORDINGS

Recordings made on body-worn cameras shall be retained for 90 days. Recordings shall not be altered, erased, or destroyed prior to the expiration of the 90-day storage period. In the event any recording is altered, erased, or destroyed prior to the expiration of the 90-day storage period, the Chief of Police shall maintain a written record including the name of the individual who made such alteration, erasure, or destruction, and the reason for any such alteration, erasure, or destruction for one year (50 ILCS 706/10-20).

After the 90-day storage period, recordings must be destroyed unless any of the following occur (50 ILCS 706/10-20):

- (a) A formal or informal complaint has been filed.
- (b) The officer discharged a firearm or used force during the encounter.
- (c) Death or great bodily harm occurred to any person in the recording.
- (d) The encounter resulted in a detention or arrest other than a traffic stop resulting in only a minor traffic offense or a petty offense with a fine of more than \$1,000.
- (e) The officer is the subject of an internal investigation or otherwise being investigated for possible misconduct.
- (f) The supervisor of the officer, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution.
- (g) The recording officer requests that the video be retained for official purposes related to the officer's official duties.

Under these circumstances, the recording of the encounter shall not be altered or destroyed for two years. If the recording is used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.

Recordings may be retained any time a supervisor designates the recording for training purposes and may be viewed by officers, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with department policies.

450.10.2 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

Medical Marijuana

452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of cannabis under the Illinois Compassionate Use of Medical Cannabis Program Act (the Act) (410 ILCS 130/1 et seq.).

452.1.1 DEFINITIONS

Definitions related to this policy include (410 ILCS 130/10):

Authorized amount - No more than 2.5 ounces of usable cannabis unless the person has a Department of Public Health-approved quantity waiver for more than 2.5 ounces. The pre-mixed weight of cannabis used in making cannabis-infused products shall apply toward the authorized amount of cannabis.

Cardholder - A person who has been issued a valid registry identification card or valid provisional registration by the Department of Public Health (410 ILCS 130/55).

Dispensary - An organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to cardholders.

Medical use of cannabis - The acquisition, administration, delivery, possession, transfer, transportation, or use of cannabis to treat or alleviate a person's debilitating medical condition or symptoms associated with the debilitating medical condition.

Qualifying patient - A person who has been diagnosed by a physician, an advanced practice registered nurse, or a physician assistant as having a debilitating medical condition listed in 410 ILCS 130/10(h).

Registered designated caregiver - A person who has a valid registry identification card to assist a qualifying patient with the medical use of cannabis.

Registry identification card - A document issued by the Department of Public Health that identifies a person as a registered qualifying patient or registered designated caregiver.

Usable cannabis - The seeds, leaves, buds, and flowers of the cannabis plant. It does not include the stalks and roots of the plant or the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food, or drink.

452.2 POLICY

It is the policy of the Winnebago Police Department to prioritize resources to avoid making arrests related to cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Medical Marijuana

Illinois medical cannabis laws are intended to provide protection from arrest and prosecution to those who comply with the registration requirements of the law, and who use, possess, or provide care to mitigate the symptoms of certain chronic or debilitating medical conditions, or produce, or deliver cannabis. However, Illinois medical cannabis laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of cannabis. The Winnebago Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Illinois law, and the resources of the Department.

452.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of cannabis generally fall into one of two categories:

- (a) Investigations when no person makes a medicinal claim
- (b) Investigations when a medicinal claim is made by a cardholder

452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production, or use of cannabis or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use of marijuana (410 ILCS 705/10-5). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

452.3.2 INVESTIGATIONS INVOLVING A CARDHOLDER

No enforcement action should be taken when a person is in possession of, delivers, or uses cannabis or cannabis paraphernalia when the following amounts of cannabis are not exceeded (410 ILCS 130/25; 410 ILCS 130/10; 410 ILCS 705/10-5):

- (a) 2.5 ounces of cannabis obtained from a dispensary
- (b) More than 2.5 ounces of cannabis obtained from a dispensary if the person has a Department of Public Health-approved quantity waiver
- (c) Five plants more than 5 inches tall (unless properly licensed to possess more plants under a special license)

The total amount possessed between the patient and caregiver shall not exceed the patient's adequate supply.

Despite the existence of a valid registry identification card, if there is evidence that the conduct related to cannabis was not for the purpose of treating or alleviating the qualifying patient's medical condition or symptoms associated with the medical condition, a criminal investigation should occur (410 ILCS 130/25(a)-(d)).

Registered qualifying patients and their designated caregivers are required to possess their registry identification cards at all times when engaging in the medical use of cannabis (410 ILCS

Medical Marijuana

130/70). However, officers who reasonably believe that a person who does not have a registry identification card in his/her possession has been issued a card may treat the investigation as if the person has the card in his/her possession.

452.3.3 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving cannabis possession, delivery, production, or use (410 ILCS 130/25):

- (a) No person may be arrested solely for:
 - 1. Selling cannabis paraphernalia to a cardholder, if the person is employed and registered as a dispensing agent of a dispensary.
 - 2. Being in the presence or vicinity of the medical use of cannabis.
 - 3. Assisting a qualifying patient in possession of a registry identification card with the act of administering cannabis.
- (b) Cannabis, cannabis paraphernalia, illegal property, or interest in legal property that is possessed, owned, or used in connection with the medical use of cannabis may not be seized or forfeited. However, nothing in this policy prohibits cannabis exceeding the authorized amounts or unrelated to any cannabis that is possessed, manufactured, transferred, or used under the Act from being seized or forfeited
- (c) Possession of, or application for, a registry identification card or registration certificate does not itself constitute reasonable suspicion or probable cause to search, nor does it preclude the existence of other independent probable cause.
- (d) Because enforcement of medical cannabis laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at another time.
 - 2. The case would benefit from review by a person with expertise in medical cannabis investigations.
 - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 - 4. There are any other relevant factors, such as available department resources and time constraints.
- (e) Registered cultivation centers and dispensaries, as well as their officers, agents, and employees, may not be searched or seized solely because they are a cultivation center or dispensary, or are officers, agents, or employees of such facilities.
- (f) Before proceeding with enforcement related to a cultivation center, officers should consider conferring with appropriate legal counsel or the medical department of the state police (410 ILCS 705/15-135).

Winnebago Police Department

Winnebago PD Policy Manual

Medical Marijuana

452.3.4 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person (410 ILCS 130/30):

- (a) Undertakes any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct.
- (b) Possesses or uses cannabis:
 - 1. In a school bus, except as provided under 105 ILCS 5/22-33.
 - 2. On the grounds of any preschool, or primary, or secondary school, except as provided under 105 ILCS 5/22-33.
 - 3. In any correctional facility.
 - 4. In a vehicle, except that a person may possess medical cannabis if it is in a reasonably secured, sealed, container and is reasonably inaccessible while the vehicle is moving (see 625 ILCS 5/11-502.15 for how recreational marijuana may be transported in a motor vehicle).
 - 5. In a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.
- (c) Uses cannabis:
 - 1. In any motor vehicle.
 - 2. In any place except a private residence where an individual could reasonably be expected to be observed by others, except as provided under 105 ILCS 5/22-33.
 - 3. Knowingly in close physical proximity to anyone under the age of 18, except as provided under 105 ILCS 5/22-33.
 - 4. As an active duty law enforcement officer, correctional officer, correctional probation officer, or firefighter.
 - 5. As a person with a school bus permit or a Commercial Driver's License (CDL).
- (d) Smokes medical cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act.
- (e) Operates, navigates, or is in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis, in violation of Sections 11-501 and 11-502.1 of the Illinois Vehicle Code.
- (f) Uses or possesses cannabis if that person does not have a debilitating medical condition and is not a registered qualifying patient or registered designated caregiver.
- (g) Allows another person who is not allowed to use cannabis under the Act to use cannabis that a cardholder is allowed to possess.
- (h) Transfers cannabis to any person contrary to the provisions of the Act
- (i) Drives any vehicle in violation of Section 11-503 of the Illinois Vehicle Code (reckless driving).

Medical Marijuana

452.4 FEDERAL LAW ENFORCEMENT

An officer should provide information regarding a cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities, or whenever the officer believes those authorities would have a particular interest in the information.

452.5 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or designee should ensure that cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis, is not destroyed. The Chief of Police or designee is not responsible for caring for live cannabis plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges, or an acquittal, the Chief of Police or designee should return to the person from whom it was seized any useable cannabis, plants, drug paraphernalia, or other related property.

The Chief of Police or designee should not destroy cannabis that was alleged to be for medical purposes, except upon receipt of a court order.

The Chief of Police or designee may release cannabis to federal law enforcement authorities upon presentation of a valid court order, or by a written order of the Chief of Police or designee.

Citation Dismissal, Correction, and Voiding

457.1 PURPOSE AND SCOPE

This policy outlines the responsibility for citations, the procedure for dismissal, correction, and voiding of citations.

457.2 RESPONSIBILITIES

The Chief of Police or designee shall be responsible for the development and design of all Department citations in compliance with County standards, state law, or the Illinois Supreme Court.

The Chief of Police or designee shall be responsible for the supply and accounting of all citations issued to officers of this Department.

457.3 DISMISSAL OF CITATIONS

Officers of this Department do not have the authority to dismiss a citation once it has been issued. Only the prosecutor or the Court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Chief of Police. Upon a review of the circumstances involving the issuance of the citation, it is the decision of the Chief of Police to recommend dismissal of the citation if there appears there was something legally problematic about its issuance. If approved, the citation will be forwarded to the prosecutor's office with a recommendation for dismissal, along with a detailed explanation of the facts that support the Chief of Police's conclusion that there was something legally problematic about the issuance of the citation. All recipients of citations whose request for the dismissal of a citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a citation should be dismissed in the interest of justice, or where prosecution is deemed inappropriate, the officer may request the prosecutor to dismiss the citation, but the ultimate decision to dismiss lies with the prosecutor. Upon dismissal of the citation by the Court, the officer shall notify his/her immediate Supervisor of the circumstances surrounding the dismissal and shall complete any paperwork, as directed or required. The citation dismissal shall then be forwarded to the Chief of Police for review.

457.4 VOIDING CITATIONS

Voiding a citation may occur when a citation has not been completed, or where it is completed, but not issued. All copies of the citation shall be presented to a Supervisor to approve the voiding of the citation.

457.5 CORRECTION OF CITATIONS

When a citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate Supervisor. A Supervisor shall prepare a letter of correction to the recipient of the citation, with a copy sent to the prosecutor.

Winnebago Police Department

Winnebago PD Policy Manual

Citation Dismissal, Correction, and Voiding

457.6 DISPOSITION OF CITATIONS

The court and file copies of all citations issued by officers of this Department shall be forwarded to the officer's immediate Supervisor for review, before sending of the original citation(s) to the Winnebago County Circuit Clerk's Office. The citation file copies shall then be filed at the Winnebago Police Department within the Daily Ticket Transmittal file.

Upon separation from employment with this Department, all officers issued citations books shall return any unused citations to the Winnebago Police Department.

Foot Pursuits

459.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue a pursuit of suspects on foot.

459.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

459.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances present at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

Foot Pursuits

- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

459.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm, radio, or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

Foot Pursuits

- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

459.5 RESPONSIBILITIES IN FOOT PURSUITS

459.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

459.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

459.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the

Winnebago Police Department

Winnebago PD Policy Manual

Foot Pursuits

supervisor does not need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

459.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Chief of Police as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

459.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

Winnebago Police Department

Winnebago PD Policy Manual

Foot Pursuits

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Homeless Persons

465.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless, and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Winnebago Police Department recognizes that members of the homeless community are often in need of special protection and services. It is the goal of the Winnebago Police Department to address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

465.1.1 POLICY

It is the policy of the Winnebago Police Department to provide law enforcement services and to protect the rights, dignity, and private property of all members of the community, regardless of their socioeconomic status. Homelessness is not a crime, and officers of this Department will not use homelessness solely as a basis for detention or law enforcement action.

465.2 HOMELESS COMMUNITY LIAISON

If appropriate for proper handling of contacts with homeless persons and adherence to this policy, the Chief of Police may designate an officer of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:
 - 1. Proper posting of notices of trespass and clean-up operations.
 - 2. Proper retention of property after clean-up, including procedures for owners to reclaim their property in accordance with the Property and Evidence Room Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

Winnebago Police Department

Winnebago PD Policy Manual

Homeless Persons

1. This should include what constitutes a reasonable expectation of privacy for the property of a homeless person (775 ILCS 45/5).

465.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support, and for community-oriented policing purposes. When encountering a homeless person who has committed a non-violent misdemeanor, and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers may consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest. However, nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

465.3.1 OTHER CONSIDERATIONS

Homeless members of the community shall receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses, or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and, if so, proceed in accordance with the Adult Abuse Policy § 326.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

465.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting,

Homeless Persons

and retaining the personal property of homeless persons, and should not destroy or discard the personal property of homeless persons.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a Supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property. It will be the Supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a Supervisor. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Chief of Police.

Officers who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property, and should inform the Chief of Police or designee if such property appears to involve a trespass, blight to the community, or is the subject of a complaint. It will be the responsibility of the Chief of Police or designee to address the matter in a timely fashion.

465.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Civil Commitments Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

465.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community, and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to our environment has occurred, or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs, and Supervisor notification.

Firearm Concealed Carry

466.1 PURPOSE AND SCOPE

This policy provides guidance for responding to situations involving individuals who possess concealed carry handgun licenses under the provisions of the Illinois Firearm Concealed Carry Act (430 ILCS 66/1 et seq.).

466.2 POLICY

The Winnebago Police Department respects the rights of individuals to carry concealed handguns in compliance with the Illinois Firearm Concealed Carry Act.

It is the policy of the Winnebago Police Department to not unreasonably interfere with, or discriminate against, individuals who lawfully carry concealed handguns.

466.3 OFFICER RESPONSIBILITY

When an officer initiates an investigative stop, including, but not limited to, a traffic stop, and determines that any persons contacted, including passengers, are in possession of concealed firearms, and are license holders, the duration of the contact may only be extended by the amount of time reasonably necessary to verify the validity of the license or to verify that possession of the weapon is lawful, absent reasonable suspicion of other criminal activity.

If an officer reasonably believes a person is a clear and present danger because the person has engaged in verbally or physically threatening behavior (e.g. violent, suicidal or assaultive threats or actions), the officer shall report this information to the Illinois State Police (ISP) within twenty-four (24) hours (430 ILCS 65/8.1). The fact that ISP has been notified, and the manner of notification, shall be documented.

The officer should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. for safekeeping, as evidence, with consent). Officers are cautioned that a search warrant may be needed before seizing weapons or entering a residence or other place to search, unless a lawful, warrantless entry has already been made (e.g. under exigent circumstances, with consent).

466.3.1 OFFICER SAFETY

If an officer reasonably believes it is necessary for the safety of anyone present, the officer may secure a firearm or direct that it be secured during any contact with a licensee lawfully carrying a firearm or non-resident lawfully transporting a firearm in a vehicle. The officer shall return the firearm to the person after it is determined he/she is not a threat to the safety of any person present unless he/she is being transported to another location for treatment, in which case the officer shall proceed as provided in the Firearms in Non-Custody Situations section of this policy (430 ILCS 66/10(h-1)).

Firearm Concealed Carry

466.4 FIREARMS IN CUSTODY SITUATIONS

No person shall be transported in a Department vehicle, or be brought into a Department facility, or other prohibited facility while armed. If no other reasonable accommodation for the firearm is available, officers should take possession of the firearm, safely secure it during transport, and retain possession until the person is released. If the person is not released, the firearm will be submitted to the Property and Evidence Room as evidence, or for safekeeping.

If a licensee's vehicle is towed and his/her firearm is in the vehicle, officers should handle the vehicle inventory in a manner that is consistent with the Vehicle Towing Policy. The officer shall remove any firearms and submit them to the Property and Evidence Room for either safekeeping or evidence, whichever is appropriate for the circumstances.

If the firearm is locked in a storage container inside the vehicle, and is not considered evidence, officers should ask the licensee whether he/she prefers to have the firearm secured for safekeeping in the Property and Evidence Room or left with the vehicle. If the licensee chooses to leave the firearm with the vehicle, his/her decision shall be documented in the incident report or towed vehicle report.

The handling officer shall provide a receipt, along with instructions for regaining possession of the firearm. Any firearm retained and stored for safekeeping shall be returned to the lawful owner, without fees, in accordance with the Property and Evidence Policy.

466.5 FIREARMS IN NON-CUSTODY SITUATIONS

If a licensee who is in lawful possession of a firearm is encountered under circumstances where he/she cannot adequately secure the firearm, (i.e., is incapacitated or being transported to the hospital for medical reasons), the firearm shall be retained and submitted to the Property and Evidence Room for safekeeping.

The handling officer should provide a receipt documenting the make, model, caliber and serial number of the firearm, along with instructions for regaining possession of the firearm. Any firearm retained and stored for safekeeping shall be returned to the lawful owner, without fees, in accordance with the Property and Evidence Room Policy (430 ILCS 66/10(h-1)).

466.6 OBJECTIONS TO LICENSE APPLICATIONS

State law allows law enforcement agencies to file an objection to a license applicant when there is reasonable suspicion that the applicant is a danger to him/herself or others, or poses a threat to public safety (430 ILCS 66/15(a)). Any officer who becomes aware of a license applicant who the officer reasonably suspects is a danger to him/herself or others, or who poses a threat to public safety, shall promptly forward an incident report to the Chief of Police or the authorized designee for approval and forwarding to ISP.

466.7 SURRENDER OR SEIZURE OF LICENSES

Officers receiving a concealed carry license that has been voluntarily surrendered to the Department because it has been revoked, suspended, or denied shall provide the individual

Winnebago Police Department

Winnebago PD Policy Manual

Firearm Concealed Carry

surrendering the license with a receipt and ensure that the license is forwarded to ISP (430 ILCS 66/70).

Officers shall seize concealed carry licenses when the officer serves an order of protection and the person served is known to possess a concealed carry license. A notification of the order and the license must be forwarded to ISP within seven (7) days of the date the order was served (430 ILCS 66/70).

It is a misdemeanor for a person to fail to surrender a concealed carry license within forty-eight (48) hours of receiving notice of the revocation, denial, or suspension of the license. Officers observing a license in the possession of a person whose license has been revoked, suspended, or denied should consider seizing the license as evidence, if there are articulable facts that establish the person was aware of the revocation, suspension, or denial. If the license is seized as evidence, ISP should be notified as soon as practicable. A copy of the report should be forwarded to ISP.

Crisis Intervention Incidents

466.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

466.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

466.2 POLICY

The Winnebago Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

466.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Crisis Intervention Incidents

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

466.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate department member to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

466.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

Crisis Intervention Incidents

466.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

466.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

466.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

Crisis Intervention Incidents

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Chief of Police.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

466.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

466.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

466.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

Crisis Intervention Incidents

466.11 EVALUATION

The Chief of Police or authorized designee shall coordinate the crisis intervention strategy for this department and should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

466.12 TRAINING

Subject to available resources, the Department will provide training to department members to enable them to effectively interact with persons in crisis.

Training may include the ILETSB's training on crisis response (50 ILCS 705/10.17).

Public Recording of Law Enforcement Activity

467.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence (50 ILCS 706/10-20).

467.2 POLICY

The Winnebago Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

467.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (720 ILCS 5/14-2; 50 ILCS 706/10-20).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to (50 ILCS 706/10-20):
 - 1. Inciting others to violate the law.
 - 2. Being so close to the activity as to present a clear safety hazard to the officers.
 - 3. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
 - 4. Engaging in any other action that could interfere with an officer's ability to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations or protect the public safety and order.

467.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Public Recording of Law Enforcement Activity

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

467.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

467.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

Winnebago Police Department

Winnebago PD Policy Manual

Public Recording of Law Enforcement Activity

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Room Policy.

467.7 DISCIPLINE

Departmental discipline consistent with the Personnel Complaints Policy and criminal prosecution may result from unlawful confiscation or destruction of a public recording of law enforcement activity (50 ILCS 706/10-20).

Medical Aid and Response

468.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

468.2 POLICY

It is the policy of the Winnebago Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

468.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so (720 ILCS 5/7-15).

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Medical Aid and Response

468.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

468.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

468.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

468.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

Winnebago Police Department

Winnebago PD Policy Manual

Medical Aid and Response

The Patrol Chief of Police should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

468.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after he/she has successfully completed a course of instruction in accordance with the standards of a nationally recognized organization or rules existing under the AED Act, 410 ILCS 4/20.

468.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Chief of Police who is responsible for ensuring appropriate maintenance.

Winnebago Police Department

Winnebago PD Policy Manual

Medical Aid and Response

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member using an AED shall notify the Communications Center as soon as possible and request response by EMS (410 ILCS 4/20).

468.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

468.8.3 AED TRAINING AND MAINTENANCE

The Chief of Police shall ensure that the Winnebago Police Department is equipped with at least one operational and functional AED and that all AEDs are appropriately maintained and tested (55 ILCS 5/3-6040; 65 ILCS 5/11-1-13; 410 ILCS 4/20).

Records of all maintenance and testing should be maintained in accordance with the established records retention schedule.

The Chief of Police shall ensure that an adequate number of members receive training in the use of an AED (55 ILCS 5/3-6040; 65 ILCS 5/11-1-13; 410 ILCS 4/20).

468.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

The Chief of Police shall maintain written procedures to manage the department's acquisition, storage, transportation, training and administration of opioid overdose medication (20 ILCS 301/5-23).

Members who have received training may administer opioid overdose medication in accordance with protocol specified by the health care professional who prescribed the overdose medication for use by the member (20 ILCS 301/5-23).

468.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Chief of Police.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

468.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

468.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Chief of Police should ensure training is provided to members authorized to administer opioid overdose medication that includes information and training on drug overdose prevention,

Medical Aid and Response

recognition, the administration of an overdose medication and care for the person after administration of the medication as provided in 20 ILCS 301/5-23.

468.10 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS

The Chief of Police shall create and maintain procedures for the acquisition, storage, transportation, administration and disposal of epinephrine auto-injectors (50 ILCS 705/10.19(e)).

Members who have successfully completed ILETSB-approved training program to recognize and respond to anaphylaxis and administer an epinephrine auto-injector may carry and administer an epinephrine auto-injector for suspected anaphylaxis (50 ILCS 705/10.19(d)).

468.10.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to carry and administer epinephrine should handle, store and administer epinephrine auto-injectors consistent with their training, any protocol specified by the health care professional who prescribed epinephrine auto-injectors to the Winnebago Police Department and department procedures.

Members should check the auto-injectors at the beginning of their shift to ensure they are not expired. Any expired medication should be removed from service and given to the Chief of Police or disposed of in accordance with department procedures.

Any member who administers epinephrine should contact the Communications Center as soon as possible and request response by EMS.

468.10.2 EPINEPHRINE REPORTING

Any member who administers epinephrine should detail its use in an appropriate report.

468.10.3 EPINEPHRINE TRAINING

The Chief of Police should ensure that members authorized to administer an epinephrine auto-injector are provided with initial and refresher training that meets the requirements of 50 ILCS 705/10.19(c).

468.11 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems

Winnebago Police Department

Winnebago PD Policy Manual

Medical Aid and Response

or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

468.12 FIRST AID TRAINING

Subject to available resources, the Chief of Police should ensure officers receive periodic first aid training appropriate for their position.

Suspicious Activity Reporting

469.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

469.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

469.2 POLICY

The Winnebago Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism, and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

469.3 RESPONSIBILITIES

The Chief of Police and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Chief of Police include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

Suspicious Activity Reporting

- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

469.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

469.5 HANDLING INFORMATION

Members will forward copies of SARs, in a timely manner, to the following:

- Supervisor
- Chief of Police
- Other authorized designees

Civil Disputes

470.1 PURPOSE AND SCOPE

This policy provides members of the Winnebago Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Illinois law.

470.2 POLICY

The Winnebago Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

470.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Civil Disputes

470.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

470.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

470.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

470.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Winnebago Police Department

Winnebago PD Policy Manual

Civil Disputes

First Amendment Assemblies

471.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

471.2 POLICY

The Winnebago Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

471.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disorderly conduct. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

First Amendment Assemblies

471.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

Care should be taken to ensure that any simultaneous audio recording does not violate the Illinois Eavesdropping Act (720 ILCS 5/14-2; 720 ILCS 5/14-3).

471.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

471.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

471.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

Winnebago Police Department

Winnebago PD Policy Manual

First Amendment Assemblies

- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

471.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with Village government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

First Amendment Assemblies

- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

471.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

471.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

471.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Electro-muscular-disruption-technology-device (EMDT)s should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial

First Amendment Assemblies

property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

471.8 ARRESTS

The Winnebago Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

471.9 MEDIA RELATIONS

The Chief of Police should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

471.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

First Amendment Assemblies

promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

471.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

471.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with Village legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

471.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment, and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This Department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Winnebago Police Department. Traffic crash information provided by the Illinois Department of Transportation is a valuable resource for traffic accident occurrences and, therefore, officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours, and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action, when appropriate, against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones, or special events.

500.3 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws, and take into account the degree and severity of the violation committed. This Department does not establish ticket quotas. The number of citations issued by any officer shall not be used as criterion for evaluating officer overall performance, but the number of traffic stops completed, arrests, written warnings, and crime prevention measures are appropriate evaluation criterion (55 ILCS 5/5-1136; 65 ILCS 5/11-1-12).

Several methods are effective in the reduction of collisions:

Winnebago Police Department

Winnebago PD Policy Manual

Traffic Function and Responsibility

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Criminal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Reckless homicide
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVER'S LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to 625 ILCS 5/6-303. If an arrest is made for the violation of driving with a suspended or revoked driver's license, in accordance with Village of Winnebago Ordinance 2013-12, as amended, the involved vehicle shall be impounded, regardless of whether or not another driver who possesses a valid driver's license is present.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of officers who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery, and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the officer.

Winnebago Police Department

Winnebago PD Policy Manual

Traffic Function and Responsibility

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an officer will be exposed to the hazards of approaching traffic, or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures, and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, an officer should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a Supervisor.

Vests may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VEST

High-visibility vests shall be maintained in the trunk of each patrol unit, and in the gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service, each officer shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the property/evidence room for replacement of damaged or unserviceable vests. The Chief of Police or designee should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 STOP RECEIPTS

Whenever an officer stops a motorist under 725 ILCS 5/107-14 and pat-down searches the person or the person's property, the officer should issue a stop receipt providing the reason for the stop and containing the member's name and badge number.

500.7 SEIZURE OF ITEMS

Officers who reasonably believe that any certificate of title, registration card, permit, license, registration plate, license plate, disability license plate, parking decal or device, or registration sticker is fictitious, expired, revoked, cancelled, suspended or unlawfully issued shall seize such items for return of the items to the Secretary of State (625 ILCS 5/2-111).

Traffic Crash Reporting

502.1 PURPOSE AND SCOPE

The Winnebago Police Department prepares traffic crash reports in compliance with the Illinois Department of Transportation, Division of Traffic Safety Illinois Traffic Crash Report (Form SR 1050) Manual and as a public service makes traffic crash reports available to the community with some exceptions.

502.2 RESPONSIBILITY

A Sergeant will be responsible for distribution of the Illinois Traffic Crash Report Manual. A Sergeant will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC CRASH REPORTING

All traffic crash reports taken by members of this department shall be forwarded to a supervisor for approval and data entry into the Records Management System. The Sergeant will be responsible for monthly and quarterly reports on traffic crash statistics to be forwarded to the Chief of Police, or other persons as required.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC CRASHES INVOLVING VILLAGE VEHICLES

Traffic crash investigation reports shall be taken when a Village-owned vehicle is involved in a traffic crash upon a roadway or highway or on private property when any damage or injury results. Whenever there is damage to a Village vehicle, a Vehicle Damage Report shall be completed and forwarded to the Chief of Police.

Photographs of the crash scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.4.2 TRAFFIC CRASHES WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic crash within the jurisdiction of the Winnebago Police Department resulting in a serious injury or fatality, the Sergeant or the Chief of Police, should notify an allied agency, the County Sheriff, or the Illinois State Police for assistance.

The term serious injury is defined as any injury that may result in a fatality.

502.4.3 TRAFFIC CRASHES WITH OTHER VILLAGE EMPLOYEES OR OFFICIALS

The Sergeant or on-duty member should request assistance from an allied agency, the County Sheriff, or the Illinois State Police for the investigation of any traffic crash involving any Village official or employee where a serious injury or fatality has occurred.

Winnebago Police Department

Winnebago PD Policy Manual

Traffic Crash Reporting

502.4.4 TRAFFIC CRASHES ON PRIVATE PROPERTY

Generally, traffic crash reports shall not be taken for traffic crashes occurring on private property, unless there is a death or injury to any person involved, damage to the property of any one person in excess of \$1,500 (or \$500 if any of the involved vehicles are uninsured in violation of 625 ILCS 5/7-601), a hit-and-run violation, other criminal traffic violation, or a school bus is involved. An Incident Report may be taken at the discretion of any supervisor.

502.4.5 TRAFFIC CRASHES ON ROADWAYS OR HIGHWAYS

Traffic crash reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the crash.
- (b) When there is damage to the property of any one person valued over \$500, including the driver.
- (c) When there is an identifiable violation of the Illinois Vehicle Code or similar local ordinance.
- (d) When a report is requested by any involved drivers.
- (e) Whenever a school bus is involved.

502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic crash, the Chief of Police shall notify the County Sheriff or the Illinois State Police to relate the circumstances of the traffic crash and seek assistance.

Vehicle Towing, Seizure, and Impoundment Policy

510.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

510.2 POLICY

The Winnebago Police Department will tow vehicles when appropriate and in accordance with the law.

510.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through the Communications Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (625 ILCS 5/4-203).

Vehicles that are not the property of the Village should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

510.3.1 SEIZURE AND IMPOUNDMENT PROCEDURES

Whenever a police officer has probable cause to believe the driver of a Motor Vehicle has committed an offense eligible for the seizure and impoundment of a vehicle, the officer may provide for the towing of that Motor Vehicle to a Village approved towing or impound facility. The Village shall place an administrative hold on the Motor Vehicle until its release from impound is ordered as provided for in Section 510.3.2. The registered owner of the vehicle shall receive notice of the seizure and impoundment as detailed in Section 510.4.1.

A motor vehicle that is used in connection with any of the following violations listed herein below may be subject to seizure and impoundment by the Village of Winnebago. Regardless of whether the registered owner was driving the vehicle at the time of the seizure and impoundment, the registered owner of said motor vehicle shall be liable to the Village of Winnebago for an administrative fee of Five Hundred and 00/100 Dollars (\$500.00) related to the Village's administrative processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of a vehicle, in addition to any and all applicable fines, costs, and towing and storage fees. Eligible offenses are any Class A misdemeanor or felony listed in the following categories:

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Towing, Seizure, and Impoundment Policy

- (a) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 5/36-1 of the Criminal Code of 2012; or
- (b) Driving under the influence of alcohol, drug(s), intoxicating compound(s), or any combination thereof, in violation of 625 ILCS 5/11-501, as amended from time to time; or
- (c) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Cannabis Control Act, 720 ILCS 550/et seq., as amended from time to time; or
- (d) Operation or use of a motor vehicle in the commission of, in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act, 720 ILCS 570/et seq., as amended from time to time; or
- (e) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 5/24-1, 5/24-1.5 (both dealing with unlawful use of weapons), or 5/24-3.1 (unlawful possession of firearms and firearm ammunition) of the Criminal Code of 2012; or
- (f) Driving while driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked in violation of 625 ILCS 5/6-303, as amended from time to time, except that vehicle shall not be subject to seizure or impoundment if the suspension is for an unpaid citation(s) (parking or moving), due to failure to comply with emissions testing; or
- (g) Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act, 720 ILCS 550/et seq., or the Illinois Controlled Substances Act, 720 ILCS 570/et seq., as amended from time to time; or
- (h) Operation or use of a motor vehicle with an expired driver's license, or in violation of 625 ILCS 5/6-101, as amended from time to time, if the period of expiration is greater than one year; or
- (i) Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 5/6-101 of the Illinois Motor Vehicle Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
- (j) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer to charges that the driver violated Sections 5/6-101, 5/6-303, or 5/11-501 of the Illinois Motor Vehicle Code, 625 ILCS 5/et seq., as amended from time to time; or

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Towing, Seizure, and Impoundment Policy

- (k) Operation or use of a motor vehicle in the commission of, or in an attempt to commit, an offense in violation of Article 16 (Theft) or 16A (Retail Theft) of the Criminal Code of 2012; or
- (l) Aggravated fleeing or attempting to elude a police officer in violation of 625 ILCS 5/11-204.1, as amended from time to time; or
- (m) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 2012, when so provided by ordinance.

510.3.2 RELEASE FROM IMPOUND

Motor vehicles seized and impounded under this policy shall remain impounded until the occurrence of one (1) of the following events:

- (a) The registered owner, or registered owner's agent, appears before the Village Clerk of the Village of Winnebago, or the Chief of Police, or duly authorized officer of the Village of Winnebago Police Department, admits liability, and stipulates to the same in writing, and remit full payment of the Five Hundred and 00/100 Dollar (\$500.00) administrative fee payable only by cash, cashier's check, or other certified funds; or
- (b) The registered owner, registered owner's agent, lessee, or lienholder of record appears before the Village Clerk of the Village of Winnebago or the Chief of Police or duly authorized officer of the Village of Winnebago Police Department and remits bond in the amount of Five Hundred and 00/100 Dollars, (\$500.00), and requests an administrative hearing to contest the validity of the impoundment; or
- (c) The registered owner: (i) does not remit bond, but requests a hearing to contest the validity of the impound; and (ii) a determination is made by the Administrative Hearing Officer that the vehicle was not used in a manner which violates any of the provisions of Section 510.3 of this policy.

Upon receiving written proof from the registered owner or the registered owner's agent of the occurrence of either (a), (b), or (c) above, the Village Clerk shall inform the private towing company that the Village is releasing its hold on the vehicle. Regardless of whether the Village's hold on the vehicle is released pursuant to (a), (b), or (c) above, the private towing company shall have the right to hold the vehicle until costs associated with the towing and storage have been paid in full, or other arrangements for payment have been made in a manner consistent with the company's normal practices. All bond money posted pursuant to this policy shall be held by the Village until the hearing officer issues a decision, or, if there is a timely judicial review, until the Court issues its final decision.

510.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Towing, Seizure, and Impoundment Policy

appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

510.4.1 NOTICE REQUIRED

- (a) If the driver of the vehicle is the registered owner of the vehicle at the time of the incident, he/she will be personally served with written notice that his/her impounded vehicle is subject to a Five Hundred and 00/100 Dollar (\$500.00) administrative fee under Section 510.3 in addition to any costs imposed by the private towing company. This notice shall inform the owner of the seizure and impound, that the vehicle shall remain subject to the administrative hold pending administrative hearing or payment of the administrative fee or bond pursuant to Section 510.3.2 section (a) or (b) of this policy and payment of the towing and storage fees, his/her right to contest this fee at an administrative hearing, and will set forth the procedure for requesting such a hearing. The registered owner shall receive this notice before being released from police custody.
- (b) If the registered owner is found to be one of the passengers in the vehicle at the time of the incident, he/she will be personally served with written notice that his/her impounded vehicle is subject to a Five Hundred and 00/100 Dollar, (\$500.00) administrative fee under this Section, in addition to any costs imposed by the private towing company. This notice shall conform to the notice requirements of section (a) of this policy, and the registered owner shall receive the notice at the scene of the incident.
- (c) If the driver of the vehicle is not the registered owner, or if the registered owner is not a passenger in the vehicle at the time of the incident, the Village shall provide notice

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Towing, Seizure, and Impoundment Policy

which conforms to the notice requirements of section (a) of this policy to the registered owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense. This notice shall be sent via certified mail and regular U. S. mail, postage prepaid, within three (3) calendar days of the impoundment of the vehicle to the last known address of the registered owner or lessee as taken from the vehicle registration database of the Illinois Secretary of State at the time of the alleged offense.

- (d) Upon receipt of a request for an administrative hearing under section (b) or (c) above, the Village shall schedule an administrative hearing on the matter at the Village's next regularly scheduled administrative hearing date after which Notice of Hearing has been sent. Said administrative hearing shall be scheduled and convened no later than forty-five (45) calendar days after the date of mailing the Notice of Hearing to the registered owner or lessee of the vehicle, and any lienholder of record. No administrative hearing shall be required to be scheduled in any case where all parties entitled to a hearing have signed the Vehicle Impound Stipulation Form waiving the right to an administrative hearing.

510.4.2 ADMINISTRATIVE REVIEW OF SEIZURE AND IMPOUNDMENT

- (a) Registered owners or lessees of motor vehicles seized and impounded under this policy who wish to contest the imposition of the Five Hundred and 00/100 (\$500.00) Dollar administrative fee may do so by appearing in person within five (5) calendar days of the seizure and impoundment to file a written request for an administrative hearing to the Village Clerk of the Village of Winnebago at the following address: Village Clerk, Village of Winnebago, 108 West Main Street, Winnebago, Illinois 61088
- (b) All written request for administrative hearings must include: (1) the name of the registered owner or lessee of the vehicle; (2) the make, model, and license plate number of the vehicle; (3) the date seized; (4) the location of the vehicle when seized; (5) the address and telephone number of the registered owner or lessee making the request; (6) identification of the driver of the motor vehicle at the time of seizure and impoundment; and (7) the name and address of any lienholder of record.
- (c) If no request is made after five (5) calendar days of the seizure and impoundment, or all parties entitled to a hearing have not signed the Vehicle Impound Stipulation Form waiving the right to an administrative hearing, the matter will be set for administrative hearing at the first regularly scheduled hearing after Notice of Hearing is sent, but in no case shall the hearing be scheduled and convened more than fifty-five (55) calendar days after the date the vehicle is impounded
- (d) Notice of Hearing shall be served upon the registered owner or lessee of the vehicle and any lienholder of record no later than ten (10) calendar days after the vehicle is impounded. Service of Notice of Hearing shall be either by personal service or first class mail, postage prepaid, to the interested party's address registered with the Illinois

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Towing, Seizure, and Impoundment Policy

Secretary of State. If served by mail, Notice shall be effective upon date of mailing. The Notice of Hearing shall contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than forty-five (45) days after the date of the mailing of notice of hearing.

- (e) The registered owner or lessee of the vehicle and/or his/her legal counsel must appear in person at this hearing to contest the administrative fee, regardless of whether the registered owner was the person operating the vehicle at the time it was seized and impounded
- (f) All administrative hearings under this policy shall be conducted pursuant to 625 ILCS 5/11-208.3(b)(4) and shall be held at the Village of Winnebago Village office located at 108 West Main Street, Winnebago, Illinois 61088. An Administrative Hearing Officer shall preside over the proceedings and shall have the power to issue Subpoenas to secure the attendance and testimony of witnesses, if necessary. The Administrative Hearing Officer will determine whether, by a preponderance of the evidence, the vehicle was seized and impounded was being used in violation of one of the offenses enumerated on Section 510.3 of this policy. Formal rules of evidence shall not apply at this administrative hearing and hearsay shall be admissible. The hearings shall be recorded, and the person conducting the hearing shall be empowered to administer oaths and to secure by Subpoena both the attendance and testimony of witnesses, and the production of relevant books and papers. Persons represented at a hearing under this policy may be represented by counsel at their expense.
- (g) The following shall not be considered valid defenses to the administrative fee at the administrative hearing; however this list of invalid defenses is not exclusive:
 - 1. That the registered owner was not the driver of the vehicle;
 - 2. That a criminal charge against the driver of the vehicle related to the incident has been dismissed or otherwise disposed of.
- (h) At the conclusion of the hearing, the Administrative Hearing Officer shall make his/her ruling either sustaining or overruling the vehicle impoundment, and the Administrative Hearing Officer shall issue a written Finding, Decision, and Order reflecting said ruling.
 - 1. If the Administrative Hearing Officer determines the motor vehicle was used in violation of this policy he/she shall (i) order forfeiture of any bond previously posted and may order payment of an additional amount for costs incurred by the Village in conducting the hearing; or (ii) order the payment of the administrative fee in addition to costs deemed appropriate, and direct that the Village's administrative hold on the vehicle shall not be released until all administrative fees, towing, and storage charges have been paid in full.
 - 2. If the Administrative Hearing Officer determines the motor vehicle was not used in violation of one of the offenses enumerated in Section 510.3 of this policy, he

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Towing, Seizure, and Impoundment Policy

shall make a written finding reflecting that determination, and the Village shall notify the private towing company that the administrative hold is released.

3. If the Administrative Hearing Officer determines that the motor vehicle was not used in violation of the offenses enumerated in Section 510.3 of this policy, and the Five Hundred and 00/100 (\$500.00) Dollar bond has been posted, he/she shall order the Village to issue a full refund. This refund shall be remitted to the registered owner or lessee of the vehicle within thirty (30) calendar days of the order.
 - (i) The Administrative Hearing Officer does not have the authority to order the refund of costs assessed by the private towing company. These costs must be paid regardless of the outcome of the administrative hearing. In addition, the ruling of the Administrative Hearing Officer shall have no effect on any pending criminal charges related to the incident for which the vehicle was seized and impounded.
 - (j) The order of the Administrative Hearing Officer shall be subject to appeal under the provisions of the Illinois Administrative Review Law codified at 735 ILCS 5/3-101 et seq. The amount ordered to be paid by the Village in fines, penalty, or administrative fee shall become a debt due and owing to the Village after the period for judicial review has expired, and may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

510.4.3 STOLEN VEHICLES

The administrative fee imposed by the Village under this policy shall be waived by the Village upon verifiable proof the motor vehicle was stolen at the time the vehicle was impounded.

510.4.4 ABANDONED AND UNCLAIMED VEHICLES

- (a) Any motor vehicle impounded under this policy which is not picked up, from the towing facility or storage facility within thirty-five (35) calendar days after the administrative hearing officer issues a written decision, or where no bond is posted and no judicial review is pending, shall be deemed abandoned, and said motor vehicle may be disposed of in any manner provided by law for the disposition of abandoned vehicles as provided in 625 ILCS 5/4-200 et seq., subject to the provisions of subsection (b) below.
- (b) The disposal of motor vehicles impounded under this policy shall be stayed pending judicial review of a finding of liability by the Administrative Hearing Officer at a hearing held under the provisions of this policy, as provided in the Administrative Review Law, codified at 735 ILCS 5/3-101 et seq. Failure of a vehicle owner to file a timely appeal of the Administrative Hearing Officer's finding of liability shall result in a finding of abandonment as provided in (a) above.

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Towing, Seizure, and Impoundment Policy

510.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

510.6 RECORDS

Members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

510.6.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete a vehicle tow report. The report should be submitted with the original report as soon as practicable after the vehicle is towed.

A copy of the vehicle tow report for a vehicle towed pursuant to 625 ILCS 5/4-202 or 625 ILCS 5/4-203 shall be provided to the tow service (625 ILCS 5/4-204).

510.6.2 NOTICE OF TOW

A notice of tow should be sent to all registered owners, lienholders and others having a recorded interest in the vehicle within 48 hours, excluding weekends and holidays, but in no event shall the notice be sent later than 10 business days after the tow. Notice shall be sent to all such individuals by certified mail (625 ILCS 5/4-205). The notice shall include:

- (a) The name, address and telephone number of the Winnebago Police Department.
- (b) The location where the vehicle is stored.
- (c) A description of the vehicle, including:
 - 1. Color.
 - 2. Manufacturer year.
 - 3. Make and model.
 - 4. License plate number and/or Vehicle Identification Number (VIN).
 - 5. Mileage.
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
- (f) A request for disposition for the vehicle and any information regarding a public sale of the vehicle, if applicable.

If the registered owner, lienholder or other persons having a recorded interest in the vehicle cannot be immediately determined, the notice shall be sent no later than two days after such determination can be made (625 ILCS 5/4-205).

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Towing, Seizure, and Impoundment Policy

510.7 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation system established by the Department for tow services should be followed (625 ILCS 5/4-203.5).

510.7.1 TOW ROTATION LIST

A supervisor is responsible for ensuring that tow rotation lists to be used by department members when authorizing tows is established and maintained (625 ILCS 5/4-203.5). All complaints regarding the process for inclusion on a tow rotation list or the use of a tow rotation list shall be forwarded to the Chief of Police.

Members should only deviate from the rotation list in the following circumstances (625 ILCS 5/4-203.5):

- (a) A safety emergency justifies deviation.
- (b) The tow service next on the list is incapable of or not properly equipped for handling a specific task related to the tow that requires special skills or equipment.

Members should document the reason for any deviation.

Towing firms are prohibited from soliciting tows that have not been requested by a member or the owner or operator of a disabled vehicle. Members should tell any such tow operator who is present or arrives to leave the scene (625 ILCS 5/4-203.5).

510.8 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will be opened for inventory purposes if the container can be opened without damaging it.

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Towing, Seizure, and Impoundment Policy

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report.

When practicable and appropriate, cash, jewelry or other small valuables located during the inventory process should be removed from the vehicle and given to the owner, or booked into property for safekeeping in accordance with the Property and Evidence Room Policy. A copy of the property record should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

510.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

Vehicle Tow, Storage and Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings.

512.2 VEHICLE TOWS, STORAGE OR IMPOUNDS

When a vehicle is towed or stored by any member of the Winnebago Police Department, a hearing may be conducted upon the request of the registered or legal owner of the vehicle or their agent. Hearings for vehicles that are impounded pursuant to a local impound ordinance shall follow hearing procedures provided within the ordinance. Vehicles that are impounded for the purpose of statutory seizure shall have hearings in compliance with the statute.

512.2.1 HEARING PROCEDURES

The vehicle tow or storage hearing is an informal process to evaluate the validity of the tow or storage of a vehicle. Any relevant evidence may be submitted and reviewed by the hearing officer to determine if the vehicle in question was properly towed and/or stored in accordance with the law and Winnebago Police Department policies and procedures. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a towed and/or stored vehicle shall be submitted in person, writing, or by telephone within ten days of the date appearing on the notice. The Chief of Police will generally serve as the hearing officer; another agency member may be assigned by the Chief of Police or a Chief of Police. The person requesting the hearing may record the hearing at his/her own expense.

The vehicle storage/towing hearing officer shall consider all information provided and determine the validity of the towing and/or storage of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of period the vehicle is impounded.

If a decision is made that the vehicle was properly towed and/or stored within the law and department policy, and that mitigating circumstances are not a factor, the hearing officer shall so advise the inquiring party.

A decision that the vehicle was not towed and/or stored in a lawful manner or within department policy will require that the vehicle in storage be released immediately and any or all towing and storage fees will be waived.

If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage, or assessment of fees as warranted.

If a decision is made that the vehicle was not towed and/or stored in a lawful manner or within department policy, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Chief of Police. The hearing officer will

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Tow, Storage and Impound Hearings

recommend to the appropriate Chief of Police that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department officers who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY

The Winnebago Police Department is committed to the safety of the roadways and the community, and will pursue fair, but aggressive, enforcement of Illinois's impaired driving laws.

514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Illinois or another jurisdiction.

514.4 FIELD TESTS

The Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.4.1 MEDICAL CANNABIS CARDHOLDER

A person who is a medical cannabis card holder and is reasonably suspected of driving or in actual physical control of a motor vehicle while impaired by the use of cannabis is deemed to have consented to standardized field sobriety tests (625 ILCS 5/11-501.9(a)).

Impaired Driving

514.5 CHEMICAL TESTS

A person implies consent under Illinois law to a chemical test or tests, and to providing the associated sample, under any of the following:

- (a) The arresting officer has probable cause to believe that the person was driving or in actual physical control of a vehicle while under the influence of alcohol, drugs, intoxicating compounds or any combination thereof (625 ILCS 5/11-501.1).
- (b) The person is arrested for driving a vehicle involved in a motor vehicle accident resulting in personal injury or death of any person (625 ILCS 5/11-401).
- (c) The person was driving or in actual physical control of a vehicle and involved in a personal injury or fatality accident (625 ILCS 5/11-501.6).
- (d) The person is under the age of 21, was driving or in actual physical control of a vehicle and the officer has probable cause to believe that the person has consumed any amount of an alcoholic beverage (625 ILCS 5/11-501.8).

Chemical tests shall be taken pursuant to the standards promulgated by the Department of State Police (625 ILCS 5/11-501.2(a)).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 BREATH SAMPLES

The Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Sergeant.

514.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (625 ILCS 5/11-501.2(a)(2)). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability

Impaired Driving

to take a blood test shall not be treated as a refusal. However, that arrestee may be required to complete another available and viable test.

514.5.3 URINE SAMPLES

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the person giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

514.5.4 STATUTORY NOTIFICATIONS

An officer requesting that a person submit to a chemical test, or to a field sobriety test during an investigation of a medical marijuana cardholder driving while impaired by the use of cannabis, shall provide the person with the mandatory statutory warning.

If the person refuses to acknowledge in writing receipt of the warning regarding failure to submit to a chemical test, the officer shall document on the warning that the person refused to sign (See generally, 625 ILCS 5/11-501.1; 625 ILCS 5/11-501.6; 625 ILCS 5/11-501.8; 625 ILCS 5/11-501.9).

514.5.5 DESIGNATION OF CHEMICAL TESTS

The Sergeant shall designate which type of chemical tests may be administered by officers.

Officers may generally administer up to two additional tests of urine or other bodily substance even if a blood or breath test, or both, has been administered (625 ILCS 5/11-501.1(a); 625 ILCS 5/11-501.6(a); 625 ILCS 5/11-501.8(a)).

514.6 REFUSALS

When an arrestee refuses to provide a chemical sample during a DUI investigation, or to submit to field sobriety tests during an investigation of a medical marijuana cardholder driving while impaired by the use of cannabis, officers should:

- (a) Advise the arrestee of the requirement to provide a sample or submit to field sobriety tests (see generally, 625 ILCS 5/11-501.1; 625 ILCS 5/11-501.6; 625 ILCS 5/11-501.8; 625 ILCS 5/11-501.9).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

514.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test, or to submit to a field sobriety test during an investigation of a medical marijuana cardholder driving while impaired by the use of cannabis as required by

Impaired Driving

law, officers shall personally serve the notice of statutory summary suspension or revocation upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person and issue the person a temporary driving permit (625 ILCS 5/11-501.1(f); 625 ILCS 5/11-501.9).

514.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to a crash investigation or medical treatment of the person.
- (c) Exigent circumstances exist and the person was driving or in actual physical control of a vehicle while under the influence of alcohol, drugs, intoxicating compounds or any combination thereof and caused death or personal injury to another person (625 ILCS 5/11-501.2).

514.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

Impaired Driving

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 PRELIMINARY BREATH SCREENING TEST

An officer having reasonable suspicion to believe that a person is DUI may, prior to arrest, request that the person provide a sample of his/her breath for a preliminary breath screening (PBS) test using a portable device approved by the Illinois State Police. The person may refuse the test; however, if a test is administered, the results may be used by the officer for the purpose of determining whether probable cause exists to require a chemical test as authorized by 625 ILCS 5/11-501.1 and 625 ILCS 5/11-501.2 (625 ILCS 5/11-501.5).

514.7.2 ADDITIONAL TESTING

A person submitting to a chemical test may have qualified medical personnel of his/her own choosing administer an additional chemical test (625 ILCS 5/11-501.2(a)(3)).

514.7.3 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test or submits to a test that discloses a prohibited alcohol or drug concentration, the officer shall immediately submit a sworn statement of such fact to the circuit court of venue and the Secretary of State (SOS) (625 ILCS 5/11-501.1(d)).

If a medical marijuana card holder refuses to submit to field sobriety tests or submits to a test that discloses impairment by the use of cannabis, the officer shall immediately submit a sworn statement of such fact to the circuit court of venue and the SOS (625 ILCS 5/11-501.9(e)).

514.7.4 COLLISIONS

An officer having probable cause to believe that a motor vehicle driven by, or in actual physical control of a person under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, has caused the death or personal injury of another person, shall request that the person submit to a chemical test (625 ILCS 5/11-501.2(c)(2)).

514.7.5 REPORTING

The Chief of Police or designee shall ensure that the Department complies with all state reporting requirements pursuant to 20 ILCS 2630/5.

Impaired Driving

514.7.6 IMPOUNDMENT

An officer making an arrest for DUI should impound the vehicle driven by the arrestee when no other person is available to take lawful control of the vehicle and the arrestee may be released and have access to the vehicle within 12 hours (625 ILCS 5/4-203).

514.8 ADMINISTRATIVE HEARINGS

A Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the SOS.

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the SOS file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Bureau should forward this to the prosecuting attorney as part of the case file.

514.9 TRAINING

The Chief of Police should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Chief of Police should confer with the prosecuting attorney's office and update training topics as needed.

Notice of Parking Violation Appeal Procedure

516.1 PURPOSE AND SCOPE

This policy outlines the issuance and appellant process for parking citations issued under the Illinois Vehicle Code as adopted by the Village of Winnebago Ordinance 87-2 and other Village related ordinances.

516.2 RESPONSIBILITIES

The Sergeant shall be responsible to ensure parking violation and appeals are monitored for accuracy and compliance with this policy.

516.3 PARKING CITATION ISSUANCE

Any parking violation issued in the Village shall be so issued on the standard Department-approved parking violation form. Ordinance based violations shall carry the fine amounts approved by the Chief of Police or designee. Violations based upon the Illinois Vehicle Code, even though these violations may have been adopted in conjunction with Village of Winnebago Ordinance, 87-2 shall carry the fine amount of one hundred and twenty (120.00) dollars, per state statute.

516.3.1 GUIDELINES

Issuance of parking citations on unattended motor vehicles shall include all the pertinent information required to positively identify the vehicle involved, but shall not include any personal information of that of any registered owner. After the carbonless copy of the citation is issued, the registered owner(s) information shall then be completed in its entirety prior to submission of the citation for processing.

516.4 TIME REQUIREMENTS

The alleged violator, or responsible party has ten (10) days to enter a plea of guilty, waiving any right to future appeals by signing the back of the citation and remitting the signed guilty plea along with payment of any outstanding fines to the Village of Winnebago, or sign the Demand for Hearing notice on the back of the parking citation, therefore entering a plea of not guilty and demanding a prompt hearing on said charges.

516.4.1 DEMAND FOR HEARING

If the violator, or responsible party signs the Demand for Hearing, the involved party shall then be issued a Uniform Traffic Citation for the offense and an appearance will be required on the next Village of Winnebago traffic court day, but the date shall be at least fourteen (14) days after the issuance of the Uniformed Traffic Citation and no more than sixty (60) days from the date of issuance.

516.5 FAILURE TO RESPOND

If after ten (10) days have expired since the issuance of the original parking violation, the violator or responsible party has neither paid the outstanding fined, and entered a plea of guilty for the

Winnebago Police Department

Winnebago PD Policy Manual

Notice of Parking Violation Appeal Procedure

alleged violation, or entered a Demand for Hearing, the original issuing officer shall then locate the violator or responsible party and issue that person a Notice to Appear (NTA), requiring said person to appear in the Court of the 17th Judicial District to answer to such allegations. The date for appearance entered on the NTA shall follow the normal guidelines previously set forth in section 516.4.1 The Court shall then have the authority to render a decision as to the guilt or innocence of the party involved and set fine and fee amounts associated with the alleged violation along with any and all court costs.

Disabled Vehicles

520.1 PURPOSE AND SCOPE

All law enforcement agencies having responsibility for traffic enforcement should develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the telecommunicator should be advised of the location of the disabled vehicle and the need for assistance. The telecommunicator should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by officers of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

520.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The officer may stay with the disabled motorist or transport him/her to a safe area to await pickup.

520.4 POLICY

It is the policy of the Winnebago Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Officers should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

Abandoned or Derelict Vehicle Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the identifying inoperable and abandoned vehicles within the Village of Winnebago and enforcing the Village of Winnebago Inoperable and Abandoned Motor Vehicle Ordinance 02-05

524.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned vehicle - The term "abandoned vehicle" as used in this policy shall mean any motor vehicle or other vehicle that has not been moved or used for fourteen (14) consecutive days or more and is apparently deserted.

Inoperable motor vehicle- The term "inoperable motor vehicle" as used in this policy shall mean any motor vehicle from which, for a period of at least fourteen (14) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own power. The term "inoperable motor vehicle" shall not include a motor vehicle which has been temporarily, for a period not exceeding fourteen (14) days, incapable of being driven under its own power in order to perform ordinary service or repair operations.

Highway - the term "highway" means any street, alley, or public way within the village. State law reference—similar provision, Ill Rev. 625, § 5/1-101.05.

524.2 PUBLIC NUISANCE DECLARED

It is hereby declared that all inoperable motor vehicles, whether on public or private property in view of the general public, are a public nuisance. Any motor vehicle or part thereof which is inoperable or deteriorated or in need of repair which is located for fourteen (14) days or more upon public or private property within the Village of Winnebago, Illinois, outside any enclosure which encloses the vehicle completely from lateral view on all sides, is hereby declared to be a public nuisance. It shall also be unlawful and it is hereby declared to be a public nuisance to have more than one motor vehicle on property owned, leased or controlled by any person that does not display a current automobile license plate or sticker issued by any state of the United States to the particular motor vehicle on which it is displayed, whether or not said motor vehicle is operable or inoperable, except that this policy shall not apply (a) to any motor vehicle kept within a building or an enclosure which encloses the vehicle completely for lateral view on all sides so as not to be in the view of the general public, or (b) to new or used car lots which are properly zoned for the same.

524.2.1 REPAIR/TIME LIMITS

Any inoperable vehicle which has been rendered temporarily, for a period of fourteen (14) days or more, incapable of being driven under its own power in order to perform ordinary service or repair operations is hereby declared to be a public nuisance. Said inoperative motor vehicle which has been rendered temporarily, for a period of fourteen (14) days or more, incapable of being driven

Winnebago Police Department

Winnebago PD Policy Manual

Abandoned or Derelict Vehicle Violations

under its own power in order to perform ordinary service or repair operations shall be placed in an enclosure or building which encloses the vehicle completely from lateral view on all sides so that it is not in view of the general public.

524.2.2 EXCEPTIONS

Nothing in this policy shall apply to any motor vehicle that is kept within a building or enclosed structure which encloses the vehicle completely from view on all sides, so as not to be in view of the general public, or to a motor vehicle on the lawfully zoned premises of a place of business engaged in the repair, wrecking, or junking of motor vehicles, provided they are kept within an enclosure on all sides so as not to be in view of the general public.

524.2.3 PENALTY

Any owner or lessee or any other person in control of the premises and the owner or lessee or any other person in control of a motor vehicle who permits a public nuisance as declared by Article 1 of the Village of Winnebago Ordinance 02-05, to exist or who maintains such public nuisance shall, upon conviction, be punished to a fine of not less than One hundred and 00/100 dollars (\$100.00) nor more than Two hundred and 00/100 dollars (\$200.00), and upon second conviction within one (1) year be punished by a fine of not less than Two hundred fifty and 00/100 dollars (\$250.00), nor more than Five hundred and 00/100 dollars (\$500.00) and each day's failure to comply with the provisions of Village of Winnebago Ordinance 02-05 shall constitute a separate offense. Each motor vehicle which is permitted to exist as a public nuisance shall constitute the subject of a separate offense.

524.2.4 ENFORCEMENT

This policy shall be enforced by the Police Department of the Village of Winnebago, Illinois, or by such agencies of the County of Winnebago, Illinois as may from time to time be designated to enforce Village of Winnebago Ordinance 02-05 by the Village of Winnebago.

524.3 REMOVAL, AFTER NOTICE

524.3.1 INOPERABLE VEHICLE REMOVAL

Police officers of the Village of Winnebago Police Department, officer of the State of Illinois Police Department and Winnebago County Deputy Sheriffs are hereby authorized to remove, after fourteen (14) days from the issuance of the municipal notice, any inoperable motor vehicle or parts thereof.

524.3.2 NOTICE ISSUANCE

Prior to removing any inoperable motor vehicle or parts thereof, said law enforcement agency shall send a municipal notice to the owner or occupier of the public or private property involved where said offending inoperable motor vehicle or parts thereof are located, stating in substance, that said inoperable motor vehicle, or parts thereof, after reasonable describing of the same in said notice, are to be removed by said owner or occupier of the public or private property involved within fourteen (14) days after the date of service of said notice. Said notice shall also state that

Winnebago Police Department

Winnebago PD Policy Manual

Abandoned or Derelict Vehicle Violations

failure to do so may result in the filing of a complaint for the maintaining of a public nuisance, the penalty for which is a fine not less than One hundred and 00/100 dollars (\$100.00) nor more than Two hundred and 00/100 dollars (\$200.00), and upon a second conviction within one (1) year shall be punished by a fine not less than Two hundred and fifty and 00/100 dollars (\$250.00), nor more than Five hundred and 00/100 dollars (\$500.00) and each day's failure to comply with the provisions of Village of Winnebago Ordinance 02-05 shall constitute a separate offense. Each motor vehicle which is permitted to exist as a public nuisance shall constitute the subject of a separate offense, for each day's failure to do so may also result in the removal of the said inoperable motor vehicle or parts thereof and that the owner or occupier of the land involved and or the owner of said inoperable motor vehicle or the parts thereof shall be liable for the payment of reasonable charges for towing and storage of such inoperable motor vehicle or parts thereof as a condition to regaining possession. If the owner of the inoperable motor vehicle can be reasonably identified and it is determined the owner of the inoperable motor vehicle does not occupy the public or private property where said inoperable motor vehicle or thereof are located, a municipal notice shall also be sent to the inoperable motor vehicle's identified owner at the owner's last known address, with the substance and form of the notice to take the format declared above. Said municipal notice may be served by deposit in the U. S. Mail with sufficient postage for the delivery of same, or by personal service of said notice by said law enforcement agency of the village, or by deposit in the U. S. Mail by certified mail, return receipt requested, or registered mail with the proper postage prepaid addressed to said owner or occupier of the premises involved.

After fourteen (14) days from the issuance of said municipal notice, said inoperable motor vehicle or parts thereof which have not been removed shall be removed by said law enforcement agency of the village to a suitable storage area. The owner or occupier of the land involved or owner of said inoperable motor vehicle or parts thereof, shall be liable for the payment of reasonable charges for towing and storage of such inoperable motor vehicle or parts thereof as a condition of regaining possession.

524.4 ABANDONED VEHICLES

524.4.1 ABANDONMENT OF VEHICLE PROHIBITED

The abandonment of a motor vehicle or parts thereof on any highway in the village is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public anywhere in this village is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Chief of Police, after a waiting period of fourteen (14) days has expired. A violation of this section is subject to penalties set forth herein. State law reference —similar provisions, Ill Rev. Stat Ch. 625 § 5/4-201.

524.4.2 NOTIFICATION TO POLICE

When an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle comes into possession or custody of a person in this village, not the owner of the vehicle, such person shall

Winnebago Police Department

Winnebago PD Policy Manual

Abandoned or Derelict Vehicle Violations

immediately notify the village police department when the vehicle is within the corporate limits of the village. Upon receipt of such notification, the chief of the village police department shall authorize a towing service to remove and take possession of the abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle. The towing service shall safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this article. State law reference-similar provisions, IL Rev. State. Ch. 625 § 5/4-202.

524.4.3 PENALTY

Any owner or lessee or any other person in control of the premises and the owner or lessee or any other person in control of a motor vehicle who permits a public nuisance as declared in this Article to exist, or who maintains such public nuisance shall, upon conviction, be punished by a fine of not less than one hundred and 00/100 dollars (\$100.00) nor more than two hundred and 00/100 dollars (\$200.00), and upon a second conviction within one year shall be punished by a fine of not less than two hundred fifty and 00/100 dollars (\$250.00), nor more than five hundred and 00/100 and each day's failure to comply with the provisions of this Article shall constitute a separate offense. Each motor vehicle which is permitted to exist as a public nuisance shall constitute the subject of a separate offense.

524.4.4 REMOVAL; COSTS

When a motor vehicle or other vehicle is abandoned on a highway in the Village ten (10) hours or more, its removal by a towing service may be authorized by order of the chief of police.

When an abandoned, unattended, wrecked, burned, or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the chief of police.

When a vehicle is removed from either public or private property by order of the Chief of Police, the owner of the vehicle shall be responsible for all towing costs. State law reference—similar provisions, Ill. Rev. Stat. Ch. 625 § 5/4-203.

524.4.5 POLICE TO KEEP RECORD OF TOWED VEHICLES

When a motor vehicle or other vehicle is authorized to be towed away, the police department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacturer, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow. State law reference—similar provisions, Ill. Rev. Stat. Ch. 625 § 5/4-204.

524.4.6 DETERMINATION OF OWNERSHIP

When the Village police department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois

Winnebago Police Department

Winnebago PD Policy Manual

Abandoned or Derelict Vehicle Violations

to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The police department shall cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files shall be searched by the Illinois State Police. The information determined from these record searches shall be used by the police department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.

When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the police department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of the owner. State law reference—similar provisions, Ill. Rev. Stat. Ch. 625 § 5/4-205.

524.4.7 REDEMPTION BY OWNER

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the police department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid. State law reference—similar provisions, Ill. Rev. Stat. Ch. 625 § 5/4-207.

524.5 VEHICLES SEVEN YEARS OLD OR NEWER

524.5.1 SALE OF VEHICLES

Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the police department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale, the police department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the police department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by an legally entitled person to reclaim the vehicle.

Winnebago Police Department

Winnebago PD Policy Manual

Abandoned or Derelict Vehicle Violations

In those instances where the certified notification specified herein has been returned by the postal authorities to the police department due to the addressee having moved, or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice shall not be required.

When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this Article, the vehicle may be sold as provided herein or disposed of in the manner authorized by the Article without notice to the registered owner or other person legally entitled to the possession of the vehicle. State law reference—similar provisions, Ill. Rev. Stat. Ch. 625 § 5/4-209.

524.5.2 DISPOSAL OF VEHICLES

When an abandoned vehicle of more than seven (7) years of age is impounded as specified by the Article, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by U.S. mail, by public service or in person for a determination of disposition and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the registered owner, the chief of police will authorize the disposal of the vehicle as junk only.

524.5.3 REPORT OF SALE OR DISPOSAL

When a motor vehicle or other vehicle in the custody of the police department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this article, a report of the transaction shall be maintained by the police department for a period of one (1) year from the date of the sale or disposal. State law reference—similar provisions, Ill. Rev. Stat. Ch. 625 § 5/4-210.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Winnebago Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Chief of Police.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

Investigation and Prosecution

any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

All custodial interrogations at the Winnebago Police Department of suspects in investigations of offenses as provided in 725 ILCS 5/103-2.1 shall be electronically recorded in their entirety (motion picture, audiotape or videotape, or digital recording) (725 ILCS 5/103-2.1; 705 ILCS 405/5-401.5). Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Chief of Police. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes. Electronic recordings of a custodial interrogation in connection with an investigation for the offenses listed in 725 ILCS 5/103-2.1 shall be preserved until the conclusion of all criminal proceedings, including the exhaustion of habeas corpus appeals or the prosecution is barred by law (725 ILCS 5/103-2.1(c); 705 ILCS 405/5-401.5(c)).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

Investigation and Prosecution

- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by officers while on-duty and for purposes related to the mission of this department. If an officer encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the officer should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The officer, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses,

Investigation and Prosecution

requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Officers are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.9 CELL SITE SIMULATOR USE

A member may only use a cell site simulator device for the purpose of locating, tracking or identifying a communications device and only after obtaining a warrant unless an exception exists as provided by 725 ILCS 168/15 (725 ILCS 137/10).

The member shall delete non-target data that is obtained no later than once every 24 hours if a cell site simulator device is used to locate or track a known communications device, and no later than within 72 hours of the time that the unknown communications device is identified if a cell site simulator device is used to identify an unknown communication device (725 ILCS 137/15).

600.10 INVESTIGATIVE PROCEDURES

The Chief of Police or the authorized designee is responsible for the development of investigative procedures, including:

- (a) Management of criminal investigative case files.
- (b) Preliminary and follow-up criminal investigation responsibilities and checklists.
- (c) Multi-jurisdictional investigative task force roles and responsibilities.

Winnebago Police Department

Winnebago PD Policy Manual

Investigation and Prosecution

- (d) Use of polygraph examinations if available.
- (e) Cold case investigations.
- (f) Undercover, surveillance, decoy, and raid operations, including use of surveillance and undercover equipment.
- (g) Collecting, processing, and preserving digital evidence.
- (h) DNA collection from a known source if available.
- (i) Submission of ballistic evidence to the National Integrated Ballistics Information Network (NIBIN) or to an Illinois State Police laboratory for NIBIN processing (720 ILCS 5/24-8).

Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Winnebago Police Department seizes property for forfeiture or when the Winnebago Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture -

- (a) Profits, proceeds, property, etc. derived from or used for crimes set forth in 725 ILCS 5/124B-10 may be subject to forfeiture
- (b) Receipts obtained, and any interests in, claims against, receipts from, or property or rights resulting from calculated and gang criminal drug conspiracies (720 ILCS 570/405; 720 ILCS 570/405.2)
- (c) Profits, proceeds, property, etc. forfeitable through civil action under the Illinois Controlled Substances Act, the Cannabis Control Act, the Illinois Food, Drug and Cosmetic Act, or the Methamphetamine Control and Community Protection Act
- (d) Counterfeit trademark items and instrumentalities used for a violation of the Counterfeit Trademark Act (765 ILCS 1040/9)
- (e) Vehicles, vessels, or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit any of the offenses identified in 720 ILCS 5/36-1
- (f) Illegal gambling devices or funds (720 ILCS 5/28-5)
- (g) Profits, proceeds, property, etc. derived or used to launder money or conduct unlawful financial transactions (720 ILCS 5/17-10.6; 720 ILCS 5/29B-5)
- (h) Any interest in any enterprise, real property, or personal property including money in violation of the Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law (720 ILCS 5/33G-6)
- (i) Any profits, proceeds, and property derived or used or intended for use in any manner to facilitate street gang related activity (740 ILCS 147/40)

Winnebago Police Department

Winnebago PD Policy Manual

Asset Forfeiture

Seizure - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Winnebago Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Winnebago Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property that is subject to forfeiture because it constitutes evidence of a crime and may be legally seized as part of a criminal investigation, search warrant, or by other court order.
- (b) Property seized without a court order when there is probable cause to believe that the property is subject to forfeiture, the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable (i.e., property would be lost without immediate seizure), and the seizure is authorized by statute, as in:
 - 1. Seizure of vessels, vehicles, and aircraft under the Criminal Code of 2012 (720 ILCS 5/36-1.1).
 - 2. Money laundering (720 ILCS 5/29B-6).
 - 3. The Illinois Controlled Substances Act (725 ILCS 150/3.1).
 - 4. The Cannabis Control Act (725 ILCS 150/3.1).
 - 5. The Illinois Food, Drug and Cosmetic Act (410 ILCS 620/3.23; 725 ILCS 150/3.1).
 - 6. The Methamphetamine Control and Community Protection Act (725 ILCS 150/3.1).

Officers may request the Attorney General or any State's Attorney seek a court order to seize property when there is probable cause to believe that it may be subject to forfeiture upon a successful criminal prosecution (725 ILCS 5/124B-805; 725 ILCS 5/124B-150).

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

Asset Forfeiture

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing officer and a Supervisor. The currency will be placed in a money envelope, with the denomination of the currency, totals of each denomination, and total amount of currency enclosed noted on the money envelope. The officer counting money, and Supervisor verifying money, will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.

Currency seized will be given to and retained by a Supervisor, for deposit into the Illinois Down State Funds. If there is a need to book the currency into evidence/property, the currency will be booked on a single property form notating, "subject to asset forfeiture" in the comments section of the property form. The seizing officer shall notify the Chief of Police of the booked currency, and the circumstances of the seizure, as soon as possible.

606.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify a Supervisor of the seizure of the vehicle, and circumstances of the seizure, as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence, or for safekeeping.

606.3.4 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the statutory or State Attorney's current minimum forfeiture thresholds
- (b) If reasonably known to the officer, property held by a person known as an "innocent owner" or a "lender" who did not have knowledge or intent that would reasonably justify a seizure (720 ILCS 5/29B-17; 725 ILCS 5/124B-130; 725 ILCS 150/8)
- (c) Property that the officer reasonably believes would be excessive as it relates to the offense in question (720 ILCS 5/36-3.1; 725 ILCS 150/9.5)

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following (720 ILCS 5/36-1.2; 725 ILCS 150/3.2):

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized.

Winnebago Police Department

Winnebago PD Policy Manual

Asset Forfeiture

When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry, and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (720 ILCS 5/36-1.3; 725 ILCS 150/3.3).
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly the Seizure and Forfeiture Reporting Act, the Drug asset Forfeiture Procedure Act, and the forfeiture policies of the State's Attorney and the Illinois State Police (5 ILCS 810/10 et seq.).
- (b) Serving as the liaison between the Department, the State's Attorney, and the Illinois State Police and ensuring prompt legal review of all seizures.

Winnebago Police Department

Winnebago PD Policy Manual

Asset Forfeiture

1. Presentation for review should generally be accomplished as soon as practicable but within seven days of a seizure (720 ILCS 5/29B-8; 720 ILCS 5/29B-9; 720 ILCS 5/36-1.4; 720 ILCS 5/36-1.5; 725 ILCS 150/3.5; 725 ILCS 150/5).
2. Presentation for review shall include a form 4-64 when required.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 1. Names and contact information for all relevant persons and law enforcement officers involved.
 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 3. The signature of the person from whom cash or property is being seized.
 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized (720 ILCS 5/36-1.2; 725 ILCS 150/3.2).
 5. Any other information that may be required for reporting under 5 ILCS 810/10.
- (g) Ensuring that those who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Departmental Directive. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (720 ILCS 5/36-2.1; 720 ILCS 5/29B-10; 725 ILCS 150/4).
 4. Property is promptly released to those entitled to its return (720 ILCS 5/29B-25; 720 ILCS 5/36-2; 720 ILCS 5/36-6; 725 ILCS 150/9; 725 ILCS 150/13.1).

Winnebago Police Department

Winnebago PD Policy Manual

Asset Forfeiture

5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
 10. Inventories of seized property and their estimated value are forwarded to the Illinois State Police as appropriate (720 ILCS 5/29B-7; 720 ILCS 5/36-1.3; 725 ILCS 150/3.3).
- (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
 - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Winnebago Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.
 - (l) When the property seized for forfeiture is a vehicle, notifying the Secretary of State immediately that forfeiture proceedings are pending against the vehicle (720 ILCS 5/29B-8; 720 ILCS 5/36-1.4).
 - (m) Completing the required seizure reporting under 5 ILCS 810/10.
 - (n) Assisting the Auditor General when required (5 ILCS 810/15).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and Village financial directives.

606.7 DISPOSITION OF FORFEITED PROPERTY

Distribution and use of forfeited assets related to the Food, Drug and Cosmetic Act, Illinois Cannabis Control Act, Illinois Controlled Substances Act, and Methamphetamine Control and Community Protection Act should be conducted in accordance to the procedures set forth in the Drug Asset Forfeiture Procedure Act (410 ILCS 620/3.23; 720 ILCS 550/12; 720 ILCS 570/505; 720 ILCS 646/85; 725 ILCS 150/13.2).

Distribution and use of forfeited assets related to obscenity offenses should be conducted pursuant to the procedures set forth in 725 ILCS 5/124B-420.

Winnebago Police Department

Winnebago PD Policy Manual

Asset Forfeiture

Distribution and use of forfeited assets related to child pornography should be conducted pursuant to the procedures set forth in 725 ILCS 5/124B-505.

Distribution and use of forfeited assets related to computer and financial crimes should be conducted pursuant to the procedures set forth in 725 ILCS 5/124B-605.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Informants

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Winnebago Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Winnebago Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

608.2 POLICY

The Winnebago Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

608.3 USE OF INFORMANTS

608.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

608.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

Winnebago Police Department

Winnebago PD Policy Manual

Informants

608.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

608.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Winnebago Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department officers and informants shall always be ethical and professional.
 - 1. Officers shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Chief of Police or their designee.
 - 3. Officers shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Chief of Police or their designee.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

608.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Officers who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a

Winnebago Police Department

Winnebago PD Policy Manual

Informants

determination has been made by a supervisor, the informant should not be used by any officer. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

608.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Police Department. The Chief of Police or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, supervisor or their authorized designees.

The Chief of Police should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the authorized designee is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

Winnebago Police Department

Winnebago PD Policy Manual

Informants

608.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

608.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The supervisor will discuss the above factors with the Chief of Police and recommend the type and level of payment subject to approval by the Chief of Police.

608.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a buy/expense fund.

Winnebago Police Department

Winnebago PD Policy Manual

Informants

1. The Chief of Police shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 1. The check shall list the case numbers related to and supporting the payment.
 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 4. Authorization signatures from the Chief of Police and the Village President are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 1. The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Winnebago Police Department case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 2. The cash transfer form shall be signed by the informant.
 3. The cash transfer form will be kept in the informant's file.

608.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as other income and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

608.6.3 AUDIT OF PAYMENTS

The Chief of Police or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

Winnebago Police Department

Winnebago PD Policy Manual

Informants

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

Felony Investigation Discovery

610.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for proper management of discovery issues in homicide and "non-homicide felony" investigations as mandated by 725 ILCS 5/114-13.

610.2 INVESTIGATIVE MATERIALS

In every homicide investigation, and "non-homicide felony" investigation, conducted by the Department, or when the Department participates in an investigation of a homicide or "non-homicide felony," the Department shall exercise due diligence to provide to the State's Attorney's Office all investigative materials that have been generated, or come into the possession of the Department, concerning the homicide or "non-homicide felony."

Investigative materials include, but are not limited to, reports and memoranda. In homicide investigations, investigative materials also include field notes.

610.3 COMPLIANCE

The Chief of Police or designee shall implement appropriate procedures, including, but not limited to, the periodic review of all homicide and "non-homicide felony" case files to ensure that all investigative materials and exculpatory evidence has been provided to the State's Attorney's Office.

All Department personnel shall document in writing the tendering of investigative materials to the State's Attorney's Office and include the date, description of materials transmitted, and to whom the materials were tendered.

The Department shall cooperate with all requests for investigative materials made by the State's Attorney's Office in a timely and efficient manner.

610.4 CONTINUING OBLIGATIONS

The duty to disclose exculpatory information under this policy continues throughout the course of the prosecution of the case, remains after a defendant's conviction and until the fact-finding proceedings, or the possibility of further proceedings, have ended.

Eyewitness Identification

612.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when officers of this Department employ eyewitness identification techniques (725 ILCS 5/107A-2).

612.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

612.2 POLICY

The Winnebago Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

612.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

612.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Chief of Police shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (725 ILCS 5/107A-2):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

Winnebago Police Department

Winnebago PD Policy Manual

Eyewitness Identification

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) Notice that if an audio/video recording of the lineup is made it will be of the persons in the lineup and the witness.
- (j) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (k) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary to ensure compliance with 725 ILCS 5/107A-2 and applicable judicial decisions. The Chief of Police shall prepare written guidelines setting forth when simultaneous lineups may be conducted rather than sequential lineups.

612.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses shall view suspects or a lineup individually and outside the presence of other witnesses (725 ILCS 5/107A-2). Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses. Witnesses should be separated or monitored and the lineup administrator shall ensure that all eyewitnesses are monitored to prevent them from conferring with one another while waiting to view the lineup and during the lineup (725 ILCS 5/107A-2).

Whenever feasible, the eyewitness identification procedure shall be audio and/or video recorded and the recording should be retained according to current evidence procedures. If the witness

Eyewitness Identification

refuses to allow a recording of the process, the refusal shall be recorded and the member shall document in the report that no recording was made and the reason (725 ILCS 5/107A-2).

612.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification shall be documented in the case report (725 ILCS 5/107A-2). If practicable, an audio or video recording of the witness statements shall be made.

If a photographic lineup is utilized, the actual photographic lineup presented to the witness shall be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report. If a live lineup is utilized, a photograph or other visual recording shall be included in the case report (725 ILCS 5/107A-2).

If an automated computer process or other similar device is used to conduct a photographic lineup, the results of that lineup, including the photographs displayed, will be saved in a manner that permits the process to be repeated and shall be made part of the case report.

612.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup shall not be involved in the investigation of the case or know the identity of the suspect (725 ILCS 5/107A-2).

In no case should the member presenting a lineup to a witness know which photograph or person in the live lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

612.7.1 ADDITIONAL CONSIDERATIONS

Members presenting a lineup shall also ensure that (725 ILCS 5/107A-2):

- (a) Only one suspect is presented in a photo lineup and a minimum of five filler photos is utilized.
- (b) When practicable there should be five filler subjects used in a live lineup. In no case will fewer than three filler subjects be used.

Eyewitness Identification

- (c) No writings or information related to the persons presented is visible or made known to the witness.
- (d) If the witness requests to view a photograph or person again, he/she may do so, but only after first viewing each person or photograph.
- (e) If the witness identifies a person as the perpetrator, he/she shall not be provided with any information concerning the person until after the lineup is completed.
- (f) An automated computer program or other device may be used to display a photo lineup to an eyewitness provided the member administering the lineup cannot view the photos until completion of the lineup process.

612.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

Winnebago Police Department

Winnebago PD Policy Manual

Eyewitness Identification

- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show-up as the perpetrator, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Brady Material Disclosure

614.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called *Brady* information) to a prosecuting attorney.

614.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Winnebago Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

614.2 POLICY

The Winnebago Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Winnebago Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

614.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

614.4 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

Winnebago Police Department

Winnebago PD Policy Manual

Brady Material Disclosure

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the supervisor should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Chief of Police shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any materials pursuant to this process, the Chief of Police should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

614.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that an officer may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

614.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

614.7 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for Brady information. This person shall be directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the Village Attorney's office to establish systems and processes to determine what constitutes Brady information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have Brady information in their files or backgrounds.

Winnebago Police Department

Winnebago PD Policy Manual

Brady Material Disclosure

1. Updating this list whenever potential Brady information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

614.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have Brady information in their files or background, and shall alert the Chief of Police if a person on the list is subpoenaed.

Sexual Assault Investigations

615.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims (725 ILCS 203/15).

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

615.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any of the following (725 ILCS 203/10):

- (a) Any crime or attempted crime defined in 720 ILCS 5/11-1.20 through 720 ILCS 5/11-1.60 of the Criminal Code of 2012
- (b) Any crime or attempted crime defined in sections 720 ILCS 5/12-13 through 720 ILCS 5/12-16 of the Criminal Code of 1961
- (c) Any act of nonconsensual sexual conduct or sexual penetration as defined in 720 ILCS 5/11-0.1 of the Criminal Code of 2012
- (d) Any act of nonconsensual sexual conduct or sexual penetration as defined in 720 ILCS 5/12-12 of the Criminal Code of 1961

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

615.2 POLICY

It is the policy of the Winnebago Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

615.2.1 WRITTEN GUIDELINES

The supervisor should ensure that written procedures are in place for members responding to reports of sexual assaults or assigned to these investigations. These procedures shall be consistent with the Illinois Attorney General guidelines on response to, and investigation of, sexual assaults (725 ILCS 203/15).

615.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

Sexual Assault Investigations

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations (50 ILCS 705/10.21).
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

615.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

615.4.1 REPORTING REQUIREMENTS

Written reports shall include to the extent reasonably known to the reporting member the following (725 ILCS 203/20):

- (a) The victim's name or other identifier
- (b) The victim's contact information
- (c) The time, date and location of the offense
- (d) Information provided by the victim
- (e) The suspect's description and name, if known
- (f) The names of persons with information relevant to the time before, during or after the offense, and their contact information
- (g) The names of medical professionals who conducted a medical forensic examination of the victim, and any information provided about the offense
- (h) Whether an Illinois State Police Sexual Assault Evidence Collection Kit was completed, the name and contact information for the hospital, and whether the victim consented to testing of the Evidence Collection Kit by law enforcement
- (i) Whether a urine or blood sample was collected and whether the victim consented to testing of a toxicology screen by law enforcement
- (j) Information the victim related to medical professionals during a medical forensic examination and which the victim consented to disclose to law enforcement
- (k) Other relevant information

Sexual Assault Investigations

615.4.2 THIRD-PARTY COMPLAINTS

A written report shall be completed even if the information regarding a sexual assault or sexual abuse is reported by a third party, unless the third party fails to provide the following (725 ILCS 203/22):

- (a) His/her name and contact information
- (b) Affirmation that the victim of the sexual assault or sexual abuse gave consent to the third party to provide information about the sexual assault or sexual abuse

615.4.3 JURISDICTIONAL ISSUES

If the sexual assault investigation determines that the sexual assault occurred outside the jurisdiction of Winnebago, the Chief of Police should ensure that the report is forwarded to the appropriate agency within 24 hours by fax or email (725 ILCS 203/20).

Within 24 hours of receiving a report from a law enforcement agency in another jurisdiction regarding a sexual assault that occurred in our jurisdiction, the Chief of Police should ensure that a written confirmation or receipt is sent by fax or email or delivered in person. The written confirmation shall contain the name and identifier of the officer who is confirming receipt of the report and a name and contact phone number that will be given to the victim (725 ILCS 203/20).

In all reported or suspected cases of sexual assault that may have occurred in another jurisdiction, a report should still be written and forwarded to the appropriate law enforcement agency within 24 hours unless the other agency promptly responds to the location of the initiating interview and takes responsibility for the investigation (725 ILCS 203/20). If an agency from the other jurisdiction responds to take responsibility for the investigation, the Winnebago member who initially responded should report any statements obtained up until that point, relevant observations and the name and contact information of the member of the agency that is taking responsibility for the investigation.

615.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

615.6 TRAINING

Training will be provided to (725 ILCS 203/20; 50 ILCS 705/10.21):

- (a) Members who are first responders. This includes:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.

Sexual Assault Investigations

- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communication with victims to minimize trauma.

615.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

No victim shall be compelled or required to submit to an interview (725 ILCS 203/20).

Victims shall not be asked or required to take a polygraph examination or any form of a mechanical or electrical lie detector test (34 USC § 10451; 725 ILCS 200/1).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

615.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim. Victims should be permitted to have an advocate present during the medical evidentiary and physical examination whenever reasonably practicable. Victims may also have an additional person present for support during the examination (725 ILCS 120/4.6).

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Sexual Assault Investigations

Biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be collected.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should still be collected and stored appropriately.

615.8.1 MEMBER RESPONSIBILITIES

Members investigating sexual assaults or handling related evidence are further required to do the following (725 ILCS 203/30; 725 ILCS 202/10):

- (a) Take custody of sexual assault evidence as soon as practicable. Sexual assault evidence collected from a forensic examination shall be collected within five days after the completion of the exam.
- (b) Document the date and time the sexual assault evidence is picked up from a hospital and the date and time the sexual assault evidence was sent to a lab.
- (c) Prior to submitting forensic examination evidence for testing, obtain the appropriate written consent from the victim or authorized representative (410 ILCS 70/6.5(a)).
- (d) Document the date when consent was given by a victim to have his/her forensic examination evidence tested.
- (e) Submit any sexual assault evidence for testing within 10 business days of the consent of the victim or authorized representative.
- (f) Not be present in the examination room during a medical examination, unless summoned in an emergency (77 Ill. Adm. Code 545.60).
- (g) Provide the victim with information about the Illinois State Police sexual assault evidence tracking system, including the victim's unique log-in information to access the system (725 ILCS 203/11).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Room Policy.

615.8.2 RELEASE PROTOCOL

The Chief of Police shall ensure that a procedure is in place for responding to a victim who wants to sign a consent form for the release of sexual assault evidence for testing (725 ILCS 203/30).

615.8.3 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of the status and results of any DNA test (725 ILCS 203/35).

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available

Sexual Assault Investigations

information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

615.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Chief of Police.

Classification of a sexual assault case as unfounded requires the Chief of Police to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

615.10 CASE REVIEW

The Chief of Police should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

615.10.1 INVENTORY REPORT

The Chief of Police or the authorized designee is responsible for ensuring an annual inventory is conducted of all sexual assault cases in the custody of the Winnebago Police Department and that a written report of the findings is submitted to the local State's Attorney's office (725 ILCS 202/20).

615.11 CRIMINAL INVESTIGATION OF AN OFFICER

Any member uncovering or receiving a complaint of a criminal sexual assault involving an officer of the Winnebago Police Department should as soon as practicable notify his/her supervisor, who should immediately notify his/her chain of command so that the Chief of Police can contact an outside agency to conduct the criminal investigation (5 ILCS 815/10).

The Chief of Police or the authorized designee may pursue an intergovernmental or interagency agreement to facilitate such an investigation should it be needed (5 ILCS 815/20).

An administrative investigation of the involved officer may be conducted pursuant to the Personnel Complaints Policy and will be conducted in a manner that does not interfere with the criminal investigation (5 ILCS 815/15).

Warrant Service

616.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

616.2 POLICY

It is the policy of the Winnebago Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

616.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

616.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

616.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

Warrant Service

to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

616.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience, and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched (numerical address, location relative to other buildings, color, unique identifying features), including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).
- (i) Additional information required by 725 ILCS 5/108-8 (e.g., ability to record warrant execution).

616.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

Warrant Service

- (b) The warrant service is video-recorded when practicable and legal to do so under 720 ILCS 5/26-4. The warrant service may be audio-recorded if done in an open and conspicuous manner or with the consent of all parties (720 ILCS 5/14-2).
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

616.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

616.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts, and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

Officers shall notify a supervisor as soon as practicable if a warrant is executed at a location other than that listed in the warrant. Supervisors should take steps to arrange an internal investigation into the circumstances (725 ILCS 5/108-8).

Warrant Service

616.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Winnebago Police Department are utilized appropriately. Any concerns regarding the requested use of Winnebago Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Chief of Police should assume this role.

If officers intend to serve a warrant outside Winnebago Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Winnebago Police Department when assisting outside agencies or serving a warrant outside Winnebago Police Department jurisdiction.

616.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

616.12 TRAINING

The Chief of Police should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Officers may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required, depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Officers shall be responsible for the safekeeping, serviceable condition, proper care, use, and replacement of Department property assigned or entrusted to them. An officer's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Officers shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of, any Department-issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable Department property should be discontinued as soon as practical, and replaced with comparable Department property as soon as available, and following notice to a Supervisor.
- (c) Except when otherwise directed by competent authority, or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes, and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no officer shall attempt to repair the property without prior approval of a Supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the officer's immediate Supervisor. The Supervisor may require a separate written report of the loss or damage.

The Supervisor shall direct a memo to the Chief of Police, which shall include the results of his/her investigation, and whether the officer followed proper procedures. The Supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by a Supervisor and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the Village Treasurer.

Winnebago Police Department

Winnebago PD Policy Manual

Department-Owned and Personal Property

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the officer's immediate Supervisor as soon as circumstances permit.

A written report shall be submitted before the officer goes off duty, or within the time frame directed by the Supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any officer who damages, or causes to be damaged, any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the officer's immediate Supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the officer goes off duty, or within the time frame directed by the Supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If officers of another jurisdiction cause damage to real or personal property belonging to the Village, it shall be the responsibility of the officer present, or the officer responsible for the property, to make a verbal report to his/her immediate Supervisor as soon as circumstances permit. The officer shall submit a written report before going off duty, or as otherwise directed by the Supervisor.

These written reports, accompanied by the Supervisor's written report, shall promptly be forwarded to the Chief of Police.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Winnebago Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCDs issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

702.4 DEPARTMENT-ISSUED OR FUNDED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Winnebago Police Department

Winnebago PD Policy Manual

Personal Communication Devices

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to the provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Winnebago Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate

Personal Communication Devices

compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

Personal Communication Devices

2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles while performing official duties should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (625 ILCS 5/12-610.2). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

704.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

Documents describing the correction of the safety issue shall be promptly filed with the vehicle history.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 20 emergency road flares
- 2 sticks yellow crayon or chalk
- 1 roll crime scene barricade tape
- 1 first-aid kit and CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 bloodborne pathogen kit, including protective gloves and a National Institute for Occupational Safety and Health (NIOSH) particulate respirator mask

Vehicle Maintenance

- 1 sharps container
- 1 hazardous waste disposal bag
- 1 high-visibility vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- Spare tire, jack and lug wrench
- Rain gear
- Set of tire chains (seasonal)

704.3.2 UNMARKED VEHICLES

Members driving unmarked department vehicles shall ensure that the minimum following equipment, at a minimum, is in the vehicle:

- 20 emergency road flares
- 1 roll crime scene barricade tape
- 1 first-aid kit and CPR mask
- 1 blanket
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 high-visibility vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- Spare tire, jack and lug wrench
- Rain gear
- Set of tire chains (seasonal)

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, patrol vehicles shall not be placed into service with less than one-quarter tank of fuel. Patrol vehicles shall only be refueled at the authorized location.

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Maintenance

704.5 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the department.

Patrol officers shall obtain clearance from the before going to the car wash. Only one patrol vehicle should be at the car wash at a time unless otherwise approved by a supervisor.

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle provided for shredding this material.

704.6 POLICY

The Winnebago Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

704.7 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained and properly refueled and present a clean appearance.

Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the Village of Winnebago to provide assigned take-home vehicles.

706.2 POLICY

The Winnebago Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

Members shall ensure the vehicle utilized for their assigned shift is recorded on their daily patrol log, and is completed for each shift, which will be retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the patrol log.

706.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Chief of Police. A notation will be made on the shift roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Use

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.4 MOBILE DATA COMPUTER

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Data Computer Use Policy.

706.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Chief of Police approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

706.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

706.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than Village personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

706.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Use

706.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in the police garage when not in service.

706.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

706.3.11 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

706.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

706.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Winnebago Village limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Use

706.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the Village of Winnebago is a prime consideration for assignment of a take-home vehicle. Members who reside outside the Village of Winnebago may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a Village vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police.
 - 4. When the vehicle is being used by the Chief of Police, or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Use

2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Winnebago Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

706.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

Winnebago Police Department

Winnebago PD Policy Manual

Vehicle Use

- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crash Reporting Policy).

Damage to any department vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Chief of Police. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.6 TOLL ROAD USAGE

Law enforcement vehicles while performing emergency services or duties are not required to pay toll road charges (605 ILCS 10/19).

Members operating department vehicles for any reason other than in the discharge of their official duties shall pay the appropriate toll charge or utilize the appropriate toll way transponder.

Members may submit a request for reimbursement from the Village for any toll fees incurred in the course of official business.

706.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends, and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- crime reports
- booking information
- field Interview cards
- parole and probation records
- Computer-Aided Dispatch (CAD) data
- Illinois Traffic Crash Report SR 1050

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- frequency by type of crime
- geographic factors
- temporal factors
- victim and target descriptors
- suspect descriptors
- suspect vehicle descriptors
- modus operandi factors
- physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated unless impractical, hazardous, or in conflict with operations, to the appropriate officers on a timely basis. Information that is relevant to the operational and tactical plans of specific officers should be sent directly to them. Information relevant to the development of the Department's strategic plans

Winnebago Police Department

Winnebago PD Policy Manual

Crime Analysis

should be provided to the appropriate officers. When information pertains to tactical and strategic plans, it should be provided to all affected officers.

Property and Evidence Room

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping, lost or found property and abandoned property.

Evidence- Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

Lost or Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Abandoned Property - Includes property found by an employee or citizen that appears to be intentionally left or discarded by the owner.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

Winnebago Police Department

Winnebago PD Policy Manual

Property and Evidence Room

- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right-hand corner of the bag, or in the appropriate space on packaging.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by an electronic entry into the department Records Management System with pertinent details associated with the correct case number.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Chief of Police. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the property officer, or placed in the designated container for return to the Illinois Secretary of State. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property officer, or placed in the bicycle storage area until a property officer can log the property.

Winnebago Police Department

Winnebago PD Policy Manual

Property and Evidence Room

- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Chief of Police shall be contacted for cash in excess of \$1,000 for special handling procedures.

Village property, unless connected to a known criminal case, should be released directly to the appropriate Village department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics, dangerous drugs and drug paraphernalia.
- (b) Firearms (ensure they are unloaded and made temporarily inoperable by placing a zip-tie or other item through the barrel and breech). Firearms shall be booked separately from ammunition).
- (c) Property with more than one known owner.
- (d) Fireworks, explosives or flammable liquids/gases shall be photographed and taken to the Fire Department.
- (e) Contraband.

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by an electronic entry into the department Records Management System with pertinent details associated with the correct case number. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the property and evidence room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

Winnebago Police Department

Winnebago PD Policy Manual

Property and Evidence Room

804.5 RECORDING OF PROPERTY

The property officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on property tag and the property control card.

Any changes in the location of property held by the Winnebago Police Department shall be noted in the property logbook.

804.6 PROPERTY CONTROL

Each time the property officer receives property or releases property to another person, he/she shall enter this information in the appropriate electronic report file. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The property officer will check the evidence out of property, indicating the date and time in the appropriate electronic report file, and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information in the appropriate electronic report file, and on the evidence bag. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Winnebago Police Department for filing with the case.

The Chief of Police or designee will ensure that Illinois State Police Sexual Assault Evidence Kits are submitted to an approved laboratory in conformance with the rules set forth in 20 Illinois Administrative Code 1255.10 et seq.

804.6.3 STATUS OF PROPERTY

Each officer receiving property shall make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the appropriate electronic report file, stating the date, time and to whom released.

Winnebago Police Department

Winnebago PD Policy Manual

Property and Evidence Room

The property officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to the Winnebago Police Department evidence lock-up or properly released to another authorized person or entity.

The return of the property should be recorded in the appropriate electronic report file, indicating the date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Chief of Police shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon reasonable and satisfactory proof of ownership or right to possession. Release shall be granted upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form. The Department may require reimbursement for all reasonable expenses of such custody (765 ILCS 1030/2(a)).

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of six months. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available.

A property officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered in the appropriate electronic report file, the form shall be placed Records Bureau with the original case file. If some items of property have not been released, the property form will remain within the appropriate case file. Upon release, the proper entry shall be documented in the appropriate electronic report file..

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an Interpleader in court to resolve the disputed claim (735 ILCS 5/2-409).

Winnebago Police Department

Winnebago PD Policy Manual

Property and Evidence Room

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Evidence Officer will be responsible for the storage, control, and destruction of all narcotics, dangerous drugs and drug paraphernalia coming into the custody of this department. This includes forwarding the property to the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency, for disposition if required (720 ILCS 600/5(e)).

804.6.8 RELEASE OF FIREARMS

Any firearm held for safekeeping shall be returned to the person from whom it was obtained or to the lawful owner upon presentation of a valid Illinois Firearm Owner's Identification card (FOID) or concealed carry license, provided the person is lawfully entitled to possess the firearm. Firearms seized as evidence shall only be returned when approved by the Chief of Police and the prosecutor's office or as otherwise ordered by the court. Seized firearms shall only be released to the lawful owner and only upon presentation of a valid FOID or concealed carry license, provided the person is lawfully entitled to possess the firearm.

Prior to return of a firearm, the Illinois State Police prohibited persons portal or LEADS system should be accessed to confirm that the person's FOID is not revoked or suspended and is not surrendered (20 ILCS 2605/2605-304).

If the firearm or other weapon has not been retained as evidence, the Department is not required to retain the firearm any longer than 180 days after notice has been provided to the owner that it is available for return. At the expiration of such period, the firearm or other weapon may be processed for disposal in accordance with applicable law.

804.6.9 DOMESTIC VIOLENCE AND CONCEALED CARRY MATTERS

Any weapon seized in a domestic violence or concealed carry investigation shall be returned to the person from whom it was seized when it is no longer needed for evidentiary purposes, unless the court orders otherwise or the weapon was reported stolen. Weapons not returned shall be disposed of as provided in 720 ILCS 5/24-6 (750 ILCS 60/304(c)).

804.6.10 RELEASE OF FIREARMS IN MENTAL HEALTH COMMITMENT MATTERS

The Department shall maintain possession of any firearm received from a mental hospital that admitted a patient pursuant to any of the provisions of the Mental Health and Developmental Disabilities Code for a minimum of 90 days. After that time, the firearm may be disposed of pursuant to 720 ILCS 5/24-6(b).

804.6.11 OTHER MATTERS

A weapon seized and confiscated pursuant to court order under 720 ILCS 5/24-6 shall be retained for at least 90 days. At the expiration of such period, the firearm or other weapon may be processed for disposal in accordance with applicable law.

804.6.12 FIREARMS RESTRAINING ORDERS

Any firearm, ammunition, or firearms part seized pursuant to a firearms restraining order shall be returned to the person from whom it was seized upon the expiration of the period of safekeeping,

Winnebago Police Department

Winnebago PD Policy Manual

Property and Evidence Room

unless the court orders otherwise. Items not returned shall be disposed of as provided in 430 ILCS 67/35 or 430 ILCS 67/40.

804.6.13 REVOKED AND SURRENDERED FOID CARDS

The property officer should accept a revoked FOID card surrendered by the cardholder and provide a receipt. After confirming through the Illinois State Police prohibited persons portal that a surrendered FOID card has been revoked by the Illinois State Police, the FOID card shall be destroyed. The fact that the revoked FOID card has been destroyed and the date of its destruction should be documented and communicated to the Illinois State Police. If the surrendered FOID card has not been revoked, it shall be returned to the cardholder (430 ILCS 65/9.5; 20 ILCS 2605/2605-304).

It is a misdemeanor for a person to fail to surrender a FOID card within 48 hours of receiving notice of its revocation. Officers observing a FOID card in the possession of a person whose FOID card has been revoked should consider seizing the FOID card as evidence, if there are articulable facts that establish the person was aware of the revocation. If the FOID card is seized as evidence, the Illinois State Police should be notified as soon as practicable. A copy of the report should be forwarded to the Illinois State Police.

804.7 DISPOSITION OF PROPERTY

Property not held for any other purpose and not claimed within six months after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, the Chief of Police may donate property valued at less than \$100, and the donation is approved by the Department governing body, to a registered Illinois charitable organization. It may also be transferred to the government of which the law enforcement agency is a branch. If such property is not sold at auction or otherwise lawfully claimed, it may be offered or sold at a subsequent public auction without notice. The final disposition of all such property shall be fully documented in related reports (765 ILCS 1030/3).

Proceeds of the sale of the property at public auction, less reimbursement of the reasonable expenses of custody thereof, shall be deposited in the Village treasury (765 ILCS 1030/4). The property officer shall request a disposition or status on all property that has been held in excess of 180 days, and for which no disposition has been received from a supervisor.

804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Upon conviction, weapons used or possessed by an offender during the offense (720 ILCS 5/24-6)
- Weapons possessed by an individual admitted into a mental hospital (720 ILCS 5/24-6)

Winnebago Police Department

Winnebago PD Policy Manual

Property and Evidence Room

- Weapons declared by a court for safekeeping, not to exceed one year (725 ILCS 165/2)
- Confiscated property or evidence obtained for violation of the Wildlife Code (520 ILCS 5/1.25)
- Confiscated property or evidence obtained for violation of the Fish and Aquatic Life Code (515 ILCS 5/1-215)
- Gambling devices (720 ILCS 5/28-5)
- Vehicles, vessels, aircraft, or component parts (625 ILCS 5/4-107)
- Narcotics and drugs (720 ILCS 646/85; 720 ILCS 570/505; 720 ILCS 550/12; 210 ILCS 150/18)
- Drug paraphernalia (720 ILCS 600/5)
- Property seized for money laundering (720 ILCS 5/29B-1)
- Abandoned, lost, stolen, or unclaimed property (765 ILCS 1030/1; 765 ILCS 1030/2)
- Counterfeiting equipment
- Destructive devices

804.7.2 UNCLAIMED MONEY

Money found or seized under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen or otherwise illegally possessed that remains in the Department's possession for over 6 months may be deposited in the treasury of the Village of Winnebago. The Department shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession, prior to the conversion of money to the Village (765 ILCS 1030/0.01 et seq.).

804.7.3 DISPOSITION OF COURT SEIZED PROPERTY

Evidence seized upon service of a search warrant or other court order shall be retained until final disposition of the investigation or upon further directions of the court.

804.7.4 UNUSED MEDICATIONS

Unused prescription medications of a deceased individual collected at the scene of a death investigation should be disposed of in compliance with 210 ILCS 150/17 or other state- or federally-approved drug disposal program (210 ILCS 150/18).

If an autopsy is performed as part of the death investigation, no medication shall be disposed of until after receipt of the toxicology report (210 ILCS 150/18(h)).

804.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

Winnebago Police Department

Winnebago PD Policy Manual

Property and Evidence Room

- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the department shall be conducted by a Chief of Police (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

804.9 DISPOSITION OF BIOLOGICAL EVIDENCE

The supervisor shall preserve, subject to a continuous chain of custody, any physical evidence in his/her possession or control that is reasonably likely to contain forensic evidence, including biological material secured in relation to a trial, and with sufficient documentation to locate that evidence (725 ILCS 5/116-4(a)).

804.9.1 RETENTION PERIODS

Biological evidence shall be retained for the following periods (725 ILCS 5/116-4):

- (a) Permanently if a death sentence is imposed
- (b) Until the completion of the sentence for a homicide offense as set forth in 720 ILCS 5/9-1 et seq.
- (c) Until the completion of the sentence, including any period of supervised release, for any conviction for an offense set forth in:
 - 1. 720 ILCS 5/11-1.20 (Criminal Sexual Assault)
 - 2. 720 ILCS 5/11-1.30 (Aggravated Criminal Sexual Assault)
 - 3. 720 ILCS 5/11-1.40 (Predatory Criminal Sexual Assault of a Child)
 - 4. 720 ILCS 5/11-1.50 (Criminal Sexual Abuse)
 - 5. 720 ILCS 5/11-1.60 (Aggravated Criminal Sexual Abuse)
- (d) Seven years following any conviction for any felony for which the defendant's genetic profile may be taken and submitted for comparison in a forensic DNA database (725 ILCS 5/116-4(b))
- (e) All other biological evidence shall be retained for the minimum period established by law, the minimum period established by the Property and Evidence Room supervisor, or the expiration of any sentence imposed related to the evidence, whichever time period is greater

Winnebago Police Department

Winnebago PD Policy Manual

Property and Evidence Room

804.9.2 REQUEST FOR DESTRUCTION OF EVIDENCE PRIOR TO END OF RETENTION PERIOD

After a judgment of conviction is entered but prior to the end of the statutory retention period, the Department may petition the court to allow destruction of evidence when the evidence:

- (a) Has no significant value for forensic analysis and should be returned to its rightful owner.
- (b) Has no significant value for forensic analysis and is of a size, bulk, or physical character not usually retained by the Department and cannot practically be retained.
- (c) Is no longer needed because of the death of the defendant (does not apply if a sentence of death was imposed).
- (d) The court allows the defendant the opportunity to take reasonable measures to remove or preserve portions of the evidence for future testing (725 ILCS 5/116-4(d)).

The Department shall give notice of any such petition to the defendant or the defendant's estate and the defendant's attorney of record.

No evidence shall be disposed of until 30 days after the entry of a court order granting the petition and until the time period for any appeal has lapsed, or any appeal has concluded, whichever is longer.

804.9.3 NOTIFICATION BEFORE DESTRUCTION

Absent any court order arising from the process set forth herein, the Property and Evidence Room supervisor will ensure that no biological evidence is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant or the defendant's estate
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim (725 ILCS 203/30)
- (e) The Chief of Police.

Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after the date specified in the notice unless a motion seeking an order to retain the sample is served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the case file as well and forwarded to the Chief of Police for appropriate disposition.

Even after the retention period, biological evidence related to a homicide may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

All records associated with the possession, control, storage and destruction of biological evidence shall be retained for as long as the evidence exists and may not be destroyed without the approval of the local records commission (725 ILCS 5/116-4(d-10)).

Winnebago Police Records Procedures

806.1 PURPOSE AND SCOPE

The Chief of Police or designee shall maintain the Department's Police Records Procedures Manual on a current basis to reflect the procedures being followed within the Winnebago Police Records. Policies and procedures that apply to all officers of this Department are contained in this chapter.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically. Reports are numbered commencing with the last two (2) digits of the current year followed by a sequential number beginning with 0001 starting at midnight on the first (1st) day of January of each year. As an example, case number 15-0001 would be the first new case beginning January 1, 2015.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area, accessible only to authorized personnel.

Winnebago Police Department officers shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether hard copy or electronic file format, except in accordance with Department policy and with a legitimate law enforcement or business purpose, or as otherwise permissible by law.

806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Winnebago Police Department Records. Should an original report be needed for any reason, the requesting officer shall first obtain authorization from the Chief of Police or designee. All original reports removed from the Winnebago Police Department Records shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Winnebago Police Department Records. In such cases original reports shall only be removed after a Supervisor has ensured that an accurate and complete copy of the report has been made to take its place in the case file.

806.2.2 COURT FILES

The Chief of Police or designee shall be responsible for preparing files with all necessary documents for court appearances. In no case should original documents be sent to court unless specifically required by subpoena. If a subpoena is issued for an original document, a copy of the subpoena shall be placed in the appropriate case file and the requirements of Policy Manual § 806.21 shall also be followed.

Records Maintenance and Release

810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

810.2 POLICY

The Winnebago Police Department is committed to providing public access to records in a manner that is consistent with the Freedom of Information Act (5 ILCS 140/1 et seq.).

810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall be the Custodian of Records and Freedom of Information Officer. The responsibilities of the Custodian of Records include but are not limited to (5 ILCS 140/3.5; 5 ILCS 140/4; 5 ILCS 140/5; 5 ILCS 179/35):

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule, including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the section responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available.
 - 1. No fees shall be charged for the first 50 pages of copies as per 5 ILCS 140/6(b).
 - 2. Fees charged for copying public records shall be limited to the actual cost of duplication or publication.
 - 3. The cost of search, examination, review, and the redaction and separation of exempt from nonexempt information will not be assessed.
- (g) Ensuring the prominent display at the department's headquarters of information that conveys the department's mission, budget, office locations, number of employees, and an organizational chart that depicts the department structure and the relationship of the Department to Village government. This information also needs to be available on the Department or Village website.
- (h) Ensuring information identifying the department's Freedom of Information Officer, the categories of available records, and the process for requesting public records, including the address for submitting requests, will also be displayed.

Winnebago Police Department

Winnebago PD Policy Manual

Records Maintenance and Release

- (i) Working with the Freedom of Information Officer to develop a list of documents or categories of records that the Department shall immediately disclose upon request.
- (j) Promptly remediating any deficiencies in the department's Freedom of Information Officer's public records management activities.
- (k) Expeditiously advising the Village Attorney of any denials of public records requests, issues associated with the processing of records requests, and requests that may involve potentially sensitive or newsworthy matters.
- (l) Consulting with the Village Attorney in the event further information is needed regarding the appropriate response to a records request.
- (m) Submitting monthly reports to the Illinois State Police (ISP) regarding arrest-related deaths, firearm discharges by members (including pointing of firearms in the direction of a person), hate crimes, domestic crimes, index crimes, school incidents, incidents involving persons in mental health crisis, and use of force. The report should include information and data required by the Uniform Crime Reporting Act (50 ILCS 709/5-12).
- (n) Submitting a quarterly report to the ISP that includes incident-based information on any criminal homicide pursuant to 50 ILCS 709/5-15.
- (o) Submitting an annual report on body-worn cameras to the Illinois Law Enforcement Training and Standards Board (50 ILCS 706/10-25).
- (p) Establishing a procedure for an individual to access, review, and confirm the expungement of civil law citations issued to the individual for violations of 720 ILCS 550/4(a) or 720 ILCS 600/3.5(c) (20 ILCS 2630/5.2).
- (q) Establishing procedures for the protection of Social Security information pursuant to the Identity Protection Act and proper filing and posting of appropriate policy and procedures (5 ILCS 179/35).
 - 1. The procedures should include proper collection, handling, dissemination, and access restrictions of information that contains Social Security numbers.
- (r) Submitting an annual report regarding the number of requests for assistance from federal immigration authorities and of civil immigration detainers and warrants received to the Illinois Attorney General (5 ILCS 805/25).
- (s) Submitting an annual report regarding the number and processing of requests for U visas and T visas to the Illinois Attorney General (5 ILCS 825/20).

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Freedom of Information Officer or the authorized designee. All department records are presumed to be open to inspection or copying (5 ILCS 140/1.2).

810.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist or maintain records that it does not maintain (5 ILCS 140/1).

Winnebago Police Department

Winnebago PD Policy Manual

Records Maintenance and Release

- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (5 ILCS 140/7).
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) The Freedom of Information Officer shall:
 - 1. Document the date the request was received.
 - 2. Compute the date that the time to respond expires and note the information on the request.
 - 3. Maintain an electronic or hard copy of the request.
 - 4. Create a retention file for the request and promptly determine if the record is available or subject to any exemption.
- (d) The Freedom of Information Officer shall ensure that requests are processed within five business days after receipt, with up to an additional five days permitted for certain exceptions. When seeking additional time, written notice shall be provided to the requesting party (5 ILCS 140/3).
 - 1. These time frames may be extended for recurrent requesters (5 ILCS 140/3.2).
 - 2. Voluminous requests are to be addressed under 5 ILCS 140/3.6.
- (e) Requests for records to be used for commercial purposes shall be processed within 21 working days after receipt (5 ILCS 140/3.1).
- (f) If a record is requested in electronic format, the record shall be provided in electronic format, if reasonably feasible. If not reasonably feasible, the record shall be furnished in the format in which it is maintained. If furnishing an electronic copy, the Department may charge for the actual cost of the recording medium (5 ILCS 140/6(a)).

810.4.2 DENIALS

The denial of a request for records is subject to the following:

- (a) Denial of a request by the Freedom of Information Officer shall be in writing and identify the specific exemptions being claimed under 5 ILCS 140/9. Failure to respond in a timely manner to a request under the Illinois Freedom of Information Act constitutes a denial (5 ILCS 140/3(d)). Because the Department bears the burden of proof in a denial, the Freedom of Information Officer shall consult with the Administration Chief of Police prior to issuing a denial.
- (b) A detailed factual basis for any claimed exemption, and the names and titles of each person responsible for the denial, will be provided (5 ILCS 140/9). Each written denial shall also inform the requesting party of the right to appeal to the Public Access Counselor of the Illinois Attorney General (5 ILCS 140/9(a)).

Winnebago Police Department

Winnebago PD Policy Manual

Records Maintenance and Release

810.4.3 FEES

Fees shall be collected prior to the release of records. Fees may be waived by the Administration Chief of Police if it is determined by the supervisor that the issuance of the record is in the public interest (5 ILCS 140/6).

810.4.4 PUBLIC ACCESS COUNSELOR

Any requestor who believes that a violation of the Illinois Freedom of Information Act has occurred may file a request for review with the Public Access Counselor of the Illinois Attorney General (5 ILCS 140/9.5).

If the Public Access Counselor determines that an alleged violation is unfounded, no further action will be taken (5 ILCS 140/9.5). In all other cases, the Public Access Counselor will, within seven working days of receipt, forward a request to the Department accompanied by a specific list of documents for the Department to furnish to the Public Access Counselor. The department's Freedom of Information Officer will furnish the requested records or documents within seven working days of receipt, will fully cooperate with the Public Access Counselor and will advise the Administration Chief of Police of all such communications (5 ILCS 140/9.5).

Any communication with the Department by the Public Access Counselor shall be promptly brought to the attention of the Chief of Police.

810.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic crash reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Private information, including but not limited to unique identifiers such as Social Security numbers, driver's license numbers, employee identification numbers, biometric identifiers, personal financial information, passwords or access codes, medical records, home or personal telephone numbers, home address, personal email addresses, or personal license plates (5 ILCS 140/7(1)(b); 5 ILCS 140/2(c-5)).
- (c) Confidential information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of an investigation (5 ILCS 140/7; 5 ILCS 140/2.15(b)).
 - 1. Analysis and conclusions of investigating officers (5 ILCS 140/7(1)(f)).
- (d) The identity of child victims and adult victims of criminal sexual offenses unless authorized by court order (725 ILCS 190/3; 725 ILCS 191/10).
- (e) Reports of elder abuse and neglect (320 ILCS 20/8).

Winnebago Police Department

Winnebago PD Policy Manual

Records Maintenance and Release

- (f) Records regarding juveniles under 18 years of age (705 ILCS 405/1-7; 705 ILCS 405/5-905).
- (g) Department records that would obstruct an ongoing investigation or pending administrative enforcement proceeding (5 ILCS 140/7).
- (h) Information contained in personnel and other public records that would constitute an unwarranted invasion of personal privacy, in which the individual's right to privacy outweighs any legitimate interest in obtaining the information.
 - 1. The disclosure of personal information that bears on the public duties of employees of this department shall not be considered an invasion of personal privacy (5 ILCS 140/7(1)(c)).
 - 2. The disclosure of employee performance evaluations is prohibited (820 ILCS 40/11).
- (i) Records that were created exclusively in anticipation of potential litigation, which would not be subject to discovery or which may be subject to an attorney-client privilege involving this department (5 ILCS 140/7(1)(m)).
- (j) Any record relating to vulnerability assessments, security measures, and response policies or plans (5 ILCS 140/7(1)(v)).
- (k) Body-worn camera recordings as provided in the Law Enforcement Officer-Worn Body Camera Act (5 ILCS 140/7.5).
- (l) Certain records requested by a person committed to the Department of Corrections or a county jail (5 ILCS 140/7).
- (m) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act (5 ILCS 140/7.5).
- (n) Information including but not limited to evidence and records in the state-wide tracking system pursuant to the Sexual Assault Evidence Submission Act (5 ILCS 140/7.5).
- (o) Names and all identifying information relating to an employee, communications, notes, records, and reports arising out of a peer support counseling session under the First Responders Suicide Prevention Act (5 ILCS 140/7.5).
- (p) Information reported to the Illinois Criminal Justice Information Authority regarding in-custody deaths that is deemed by the Authority to be privileged or protected under state or federal law (730 ILCS 210/3-5).
- (q) Records or reports accessed from the ISP prohibited persons portal or LEADS system regarding persons whose Firearm Owner's Identification (FOID) cards have been revoked or suspended (5 ILCS 140/7.5; 20 ILCS 2605/2605-304).

810.6 ARREST RECORDS

Arrest report information that identifies an individual, any charges, time and location of arrest, name of the investigating department, incarceration, or conditions of pretrial release shall be furnished as soon as practicable but in no event later than 72 hours after arrest (5 ILCS 140/2.15(a)).

Winnebago Police Department

Winnebago PD Policy Manual

Records Maintenance and Release

Information concerning an arrest must be made available to the news media for inspection and copying absent specific exceptions. The information shall be made available as soon as practicable but in no event later than 72 hours after arrest (5 ILCS 160/4a; 50 ILCS 205/3b).

If the request is made by a criminal defendant or an authorized representative (including attorneys), then the Illinois State's Attorney, Village Attorney, Illinois Attorney General, local prosecutor, or the courts, as applicable, should be promptly notified.

Persons requesting conviction information should be directed to the ISP.

810.6.1 REQUESTS TO RETRACT OR DELETE ARREST RECORDS

Requests from a Chief of Police, county Sheriff or State's Attorney to delete or retract arrest records of individuals mistakenly identified should be forwarded to the Custodian of Records for handling (5 ILCS 160/17; 50 ILCS 205/4).

810.7 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the (State's Attorney's Office), Village Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.8 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

810.9 SECURITY BREACHES

Members who become aware that any Winnebago Police Department system containing personal information may have been breached should notify the Custodian of Records as soon as practicable.

The Custodian of Records shall (815 ILCS 530/10):

- (a) Ensure notice of any breach of the security of personal information is given to the appropriate individuals/entities any time there is a reasonable belief that an unauthorized person has acquired personal information, as defined in 815 ILCS 530/5, stored in any department information system.

Winnebago Police Department

Winnebago PD Policy Manual

Records Maintenance and Release

- (b) Cooperate with the appropriate individuals/entities by providing the date or approximate date of the breach and identifying any steps taken or that will be taken relating to the breach.

810.10 EXPUNGEMENT AND SEALING

Expungement and sealing orders received by the Department shall be reviewed for appropriate action by the Custodian of Records or Freedom of Information Officer. The Custodian of Records or Freedom of Information Officer shall expunge such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction (705 ILCS 405/1-3). Once expunged, members shall respond to any inquiry as though the record did not exist (20 ILCS 2630/5.2).

810.10.1 AUTOMATIC EXPUNGEMENTS FOR CANNABIS OFFENSES

The Custodian of Records should make all automatic expungements within the time frames set in 20 ILCS 2630/5.2.

The Custodian of Records should provide a certificate of disposition or certification of expungement upon inquiry by any individual whose record was expunged (20 ILCS 2630/5.2).

810.10.2 ARREST RECORDS

When a request is made for arrest records of an individual whose records were retracted or deleted in the case of mistaken identity in accordance with 5 ILCS 160/17 and 50 ILCS 205/4, members should respond that no such records exist.

810.10.3 JUVENILE RECORDS

On or before January 1 of each year, the Custodian of Records or Freedom of Information Officer shall expunge juvenile records as required by 705 ILCS 405/5-915.

If the Chief of Police or the authorized designee certifies in writing that certain information is necessary for a pending investigation involving the commission of a felony or with respect to an internal investigation of any law enforcement office, that information and information identifying the juvenile may be retained as provided in 705 ILCS 405/5-915. However, the remaining portion of any records not retained shall be expunged.

If juvenile records might be necessary for use in civil litigation against the department, the government entity that created, maintained, or used the records is not required to expunge the records until two years following the subject's arrest (705 ILCS 405/5-915). However, these records shall be considered expunged for all other purposes during this period and the offense that is the subject of the records shall be treated as if it never occurred, as required under 705 ILCS 405/5-923.

In the event a civil lawsuit is filed against the department, the government entity that created, maintained, or used the juvenile records may not expunge the records until two years after the conclusion of the lawsuit, including any appeal (705 ILCS 405/5-915).

Winnebago Police Department

Winnebago PD Policy Manual

Records Maintenance and Release

Body-worn camera recordings of juveniles shall not be subject to automatic expungement except as otherwise provided in the Portable Audio/Video Recorders Policy.

Within 60 days after receipt of a court expungement order or date of automatic expungement, the Custodian of Records or the authorized designee shall send a written notice of expungement to the subject of the expungement (705 ILCS 405/5-915).

810.11 TRAINING

Prior to assuming the Freedom of Information Officer duties, but within 30 days after being so designated, the Freedom of Information Officer will undergo and successfully complete the electronic training curriculum as developed by the Public Access Counselor. The Freedom of Information Officer shall thereafter be recertified on an annual basis (5 ILCS 140/3.5).

All members who have access to Social Security numbers, from the time of collection to the time of destruction of the records, shall receive training on the protection of such information, pursuant to the Identity Protection Act (5 ILCS 179/35).

Protected Information

812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by officers of the Winnebago Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department, and not the public records information covered in the Records Maintenance and Release Policy.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored, or accessed by officers of the Winnebago Police Department, and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local law enforcement databases that is not accessible to the public.

812.2 POLICY

Officers of the Winnebago Police Department shall adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

812.3 RESPONSIBILITIES

The Chief of Police shall select an officer of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to (20 Ill. Adm. Code 1240.90):

- (a) Ensuring officer compliance with this policy, and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Illinois Secretary of State records, and the Illinois Law Enforcement Agencies Data Systems (LEADS)
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information
- (d) Developing procedures to ensure training and certification requirements are met
- (e) Resolving specific questions that arise regarding authorized recipients of protected information

Protected Information

- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information

812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Winnebago Police Department policy, or training. Only an officer who has completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the officer has a legitimate work-related reason for such access (20 Ill. Adm. Code 1240.50).

Unauthorized access, including access for other than a legitimate Winnebago Police Department work-related purpose, is prohibited, and may subject an officer to administrative action pursuant to the Personnel Complaints Policy, and/or criminal prosecution (20 ILCS 2630/7; 20 Ill. Adm. Code 1240.50). This includes, but is not limited to, access to Accurant for Law Enforcement information for any purpose other than a legitimate Winnebago Police Department work-related purpose.

812.4.1 PENALTIES FOR NON-COMPLIANCE OR MISUSE OF RECORDS

The Director of the Illinois State Police may suspend all or any portion of LEADS service without prior notification as the result of an agency's non-compliance with laws, rules, regulations, or procedures. The Director of the Illinois State Police may suspend all or part of LEADS service for agency for violations of LEADS laws, rules regulations, or procedures (20 Ill. Adm. Code 1240.110).

It is a Class A misdemeanor to furnish, buy, receive, or possess LEADS information without authorization by a court, statute, or case law (20 ILCS 2630/7).

812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know, and a need to know (20 Ill. Adm. Code 1240.50; 20 Ill. Adm. Code 1240.80).

An officer who is asked to release protected information that should not be released should refer the requesting person to the Chief of Police for information regarding a formal request.

Unless otherwise ordered, or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation, or conducting a related investigation. Any such information should be released through the Chief of Police to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone, or any other type of wireless transmission to officers in the field, or in vehicles, through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation, or where circumstances reasonably indicate that the immediate safety of officers, other Department officers, or the public is at risk.

Winnebago Police Department

Winnebago PD Policy Manual

Protected Information

Nothing in this policy is intended to prohibit broadcasting warrant information.

812.5.1 AUTHORIZED LEADS RECIPIENTS

Access to LEADS requires qualification under the criteria set forth in 20 Illinois Administrative Code 1240.30. LEADS operators shall use the terminal only for those purposes for which they are authorized. The individual receiving a request for criminal justice information must ensure the person requesting the information is authorized to receive the data (20 Illinois Administrative Code 1240.50).

812.5.2 BACKGROUND AND TRAINING PROGRAM

All personnel authorized to process or release LEADS data shall be required to complete a background and training program prescribed by the Chief of Police. The Chief of Police or designee shall coordinate the course to provide training in the proper use, control, and dissemination of LEADS data (20 Illinois Administrative Code 1240.50).

812.5.3 RELEASE OF LEADS DATA

- (a) The LEADS network and LEADS data shall not be used for personal purposes.
- (b) Personal, or unofficial, messages shall not be transmitted.
- (c) LEADS data shall not be sold.
- (d) LEADS data shall not be disseminated to any individual, or organization that is not legally authorized to have access to the information (20 Ill. Adm. Code 1240.80).
- (e) LEADS data shall only be included on the violator's copy of any citation if delivered hand-to-hand to the violator. This specifically includes citation copies left on an unattended vehicle, a building, or other place where the violator is not present to receive the citation. LEADS data will continue to be included on other copies of the citation that are kept by the employee and/or the Department (18 USC § 2721 through 18 USC § 2725).

812.5.4 COMPUTER TERMINAL SECURITY

Each LEADS agency must ensure that all LEADS computer devices are placed in a location under the direct control and supervision of authorized criminal justice personnel, and are inaccessible to the public or persons not qualified to either operate, view, or possess LEADS and/or NCIC transmitted or received data. The computer site and/or terminal area must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment, or to any of the stored data (20 Illinois Administrative Code 1240.50).

812.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select an officer of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

Winnebago Police Department

Winnebago PD Policy Manual

Protected Information

- (a) Developing and maintaining security practices, procedures, and training
- (b) Ensuring federal and state compliance with the CJIS Security Policy, and the requirements of any state or local criminal history records systems (20 Ill. Adm. Code 1240.50)
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including, but not limited to, computer attacks
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities

812.6.1 OFFICER RESPONSIBILITIES

Officers accessing, or receiving, protected information shall ensure the information is not accessed, or received by persons who are not authorized to access or receive it (20 Ill. Adm. Code 1240.80). This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in, or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal) (20 Ill. Adm. Code 1240.50).

812.6.2 MAINTENANCE AND TECHNICAL SERVICES

The personnel security requirement for a LEADS agency requires conformance with 20 Ill. Adm. Code 1240.50. Generally, no person may provide maintenance or technical services at or near LEADS equipment unless they are of good character, and have not been convicted of a felony or a crime involving moral turpitude under the laws of this or any other jurisdiction. Any person may have his/her authority to provide maintenance or technical services at or near LEADS equipment denied if he/she is charged with a felony or a crime involving moral turpitude under the laws of this, or any other jurisdiction (20 Ill. Adm. Code 1240.50(3)).

812.6.3 PROTECTION OF LEADS DATA

LEADS data shall not be included on the violator's copy of any citation that is not delivered by hand to the violator. This specifically includes citation copies left on an unattended vehicle, a building, or any other place where the violator is not present to receive the citation. LEADS data will continue to be included on other copies of the citation that are kept by the employee, and/or the Department (18 USC § 2721 through 18 USC § 2725).

812.7 PENALTIES FOR NON-COMPLIANCE OR MISUSE OF RECORDS

The Illinois State Police may suspend all or any portion of LEADS service without prior notification as the result of an agency's non-compliance with laws, rules, regulations, or procedures (20 Illinois Administrative Code 1240.110). The Director of the Illinois State Police may suspend all or part of LEADS service for agency for violations of LEADS laws, rules, regulations, or procedures (20 Illinois Administrative Code 1240.110).

It is a Class A misdemeanor to furnish, buy, receive, or possess LEADS information without authorization by a court, statute, or case law (20 ILCS 2630/7).

Winnebago Police Department

Winnebago PD Policy Manual

Protected Information

Employees who divulge the content of any criminal record to anyone other than authorized personnel, or obtain, or attempt to obtain, information from LEADS files other than that to which they are entitled in accordance with their official duties, or violate any LEADS laws, rules, regulations, or procedures, are in violation of Policy Manual § 340.3.7(a) and subject to discipline (20 Illinois Administrative Code 1240.50).

812.8 TRAINING

All officers authorized to access or release protected information shall complete a training program that complies with any protected information system requirements, and identifies authorized access and use of protected information, as well as its proper handling, and dissemination.

Media Protection Policy

813.1 PURPOSE

The intent of the Media Protection Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

This Media Protection Policy was developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy 5.8 dated June 5, 2017. The Winnebago Police Department may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard. The local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

813.2 SCOPE

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the Winnebago Police Department. This policy applies to any authorized person who accesses, stores, and / or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized Winnebago Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Winnebago Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the Winnebago Police Department Local Agency Security Officer (LASO). Procedures shall be defined for securely handling, transporting and storing media.

813.3 MEDIA STORAGE AND ACCESS

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, the Winnebago Police Department personnel shall:

1. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
2. Restrict access to electronic and physical media to authorized individuals.
3. Ensure that only authorized users remove printed form or digital media from the CJI.

Winnebago Police Department

Winnebago PD Policy Manual

Media Protection Policy

4. Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See Sanitization Destruction Policy)
5. Not use personally owned information system to access, process, store, or transmit CJI unless the Winnebago Police Department has established and documented the specific terms and conditions for personally owned information system usage.(See Personally Owned Device Policy)
6. Not utilize publicly accessible computers to access, process, store, or transmit CJI.Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
7. Store all hardcopy CJI printouts maintained by the Winnebago Police Department in a secure area accessible to only those employees whose job function requires them to handle such documents.
8. Safeguard all CJI by the Winnebago Police Department against possible misuse by complying with the Physical Protection Policy, Personally Owned Device Policy, and Disciplinary Policy.
9. Take appropriate action when in possession of CJI while not in a secure area:
 - (a) CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
 - (b) Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and /or privacy screens. CJI shall not be left in plain public view.When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption
 - i. When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption.Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.
 - ii. When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
10. Lock or log off computer when not in the immediate vicinity of the work area to protect CJI. Not all personnel have the same CJI access permissions and need to keep CJI protected on a need-to-know basis.
11. Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI.

813.4 MEDIA TRANSPORT

Winnebago Police Department

Winnebago PD Policy Manual

Media Protection Policy

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

- (a) The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
- (b) The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The Winnebago Police Department personnel shall:

- (a) Protect and control electronic and physical media during transport outside of controlled areas.
- (b) Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The Winnebago Police Department personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

- (a) Use of privacy statements in electronic and paper documents.
- (b) Limiting the collection, disclosure, sharing and use of CJI.
- (c) Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
- (d) Securing hand carried confidential electronic and paper documents by:
 - (a) Storing CJI in a locked briefcase or lockbox.
 - (b) Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
 - (c) For hard copy printouts or CJI documents:
 - i. Package hard copy printouts in such a way as to not have any CJI information viewable.
 - ii. That are mailed or shipped, agency must document procedures and only release to authorized individuals. **DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL.** Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery. (Agency Discretion)
- (e) Not taking CJI home or when traveling unless authorized by Winnebago Police Department LASO. When disposing confidential documents, use a shredder.

Media Protection Policy

813.5 ELECTRONIC MEDIA SANITIZATION AND DISPOSAL

The agency shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures.

813.6 BREACH NOTIFICATION AND INCIDENT REPORTING

The agency shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident-related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.

813.7 ROLES AND RESPONSIBILITIES

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

- (a) Winnebago Police Department personnel shall notify his/her supervisor or LASO, and an incident-report form must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken/to be taken in response to the incident. (Agency Discretion)
- (b) The supervisor will communicate the situation to the LASO to notify of the loss or disclosure of CJI records.
- (c) The LASO will ensure the CSA ISO (CJIS System Agency Information Security Officer) is promptly informed of security incidents.
- (d) The CSA ISO will:
 - i. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.
 - ii. Collect and disseminate all incident-related information received from the Department of Justice (DOJ), FBI CJIS Division, and other entities to the appropriate local law enforcement POCs within their area.
 - iii. Act as a single POC for their jurisdictional area for requesting incident response assistance.

Animal Control

820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

820.2 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

820.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to the public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
- (f) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
- (g) With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
- (h) If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

Animal Control

820.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

820.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

820.5.1 INJURED WILDLIFE

Injured wildlife should be referred to one of several locations, as applicable, and depending upon available resources and type of animal (e.g. local rehabilitator, preserve, or wildlife care center, a shelter operated by the Anti-Cruelty Society, Illinois Society for the Prevention of Cruelty to Animals (SPCA), or the Illinois Department of Natural Resources). WCAS is a resource for local rehabilitators and should be contacted for locations. Officers of this Department do not possess the necessary equipment to temporarily hold wildlife prior to the WCAS officer's arrival, and should not attempt to contain or capture wildlife, but should keep the animal under surveillance, if possible, until the WCAS officer arrives.

Drivers involved in deer-related accidents may take possession of the dead animal. If the driver does not want the deer, any Illinois resident may claim it (17 Illinois Administrative Code 750.10).

When handling dead animals that are turned over to WCAS, the Department officer shall attempt to notify the owner to contact WCAS for the final disposition of the animal.

820.5.2 INJURED WILDLIFE

- (a) Injured wildlife should be referred to one of several locations as applicable and depending upon available resources and type of animal:
 - 1. A local Rehabilitator, preserve or wildlife care center
 - 2. A shelter by the Anti-Cruelty Society, Illinois Society for the Prevention of Cruelty to Animals (SPCA), or the Illinois Department of Natural Resources
- (b) Injured wildlife may be briefly held and transported to wildlife Rehabilitators licensed by the State of Illinois. In addition, migratory birds may be taken only to Rehabilitators who are in possession of appropriate Federal permits issued by the United States Fish and Wildlife Service (USFWS).
- (c) The driver involved in a deer accident may take possession of the dead animal. If the driver does not want the deer, any Illinois resident may claim it (17 Ill. Adm. Code 750.10).

Winnebago Police Department

Winnebago PD Policy Manual

Animal Control

820.6 POLICY

It is the policy of the Winnebago Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

820.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced including but not limited to cruel treatment of animals, aggravated cruelty to animals, animal torture, animal fighting, and animals confined in vehicles (510 ILCS 70/3.01; 510 ILCS 70/3.02; 510 ILCS 70/3.03; 510 ILCS 70/4.01; 720 ILCS 5/48-1; 510 ILCS 70/7.1):

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.
- (c) Members may enter during normal business hours on a premise where the animal is housed or kept for the purpose of conducting an investigation except such entry shall not be made into a person's residence without a search warrant or court order (510 ILCS 70/10).
- (d) Members who lawfully seize an animal shall comply with impound and notice requirements (510 ILCS 70/3.04; 510 ILCS 70/4.02).

820.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

820.9 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

820.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

Winnebago Police Department

Winnebago PD Policy Manual

Animal Control

820.11 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

Chapter 9 - Custody

Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Winnebago Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

Winnebago Police Department

Winnebago PD Policy Manual

Custodial Searches

900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Winnebago Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Room Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Winnebago Police Department identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.5 STRIP SEARCHES

No individual in temporary custody at any Winnebago Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

Winnebago Police Department

Winnebago PD Policy Manual

Custodial Searches

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

Inmates who have not been arraigned and remanded by the court to the custody of this department and are being held for a traffic, regulatory or misdemeanor offense that does not involve weapons or a controlled substance, shall only be subject to a modified strip or strip search for weapons or controlled substances (725 ILCS 5/103-1).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Winnebago Police Department facilities shall be conducted as follows (28 CFR 115.115; 725 ILCS 5/103-1):

- (a) Written authorization from the Chief of Police shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.

Winnebago Police Department

Winnebago PD Policy Manual

Custodial Searches

2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the Chief of Police.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the strip search report shall be provided to the individual subject to the search.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Chief of Police authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Chief of Police authorization does not need to be in writing.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (725 ILCS 5/103-1):

Winnebago Police Department

Winnebago PD Policy Manual

Custodial Searches

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Chief of Police and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) A physical body cavity search shall be conducted either by or under the supervision of a physician.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Chief of Police's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and shall be provided to the individual who was searched or other authorized representative upon request.

900.7 TRAINING

The Chief of Police shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Temporary Custody of Adults

903.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Winnebago Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults who are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

903.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by an officer of the Department.

Safety checks - Direct, visual observation by an officer of this Department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Winnebago Police Department prior to being released, or transported to a housing or other type of facility.

903.2 POLICY

The Winnebago Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer, or release.

903.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than forty-eight (48) hours except when detention occurs at the beginning of a weekend or holiday (20 Ill. Adm. Code 720.30).

903.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Winnebago Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

- (d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).
 - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.
- (j) Any individual with a known history of a mental disorder or mental defect, or who shows evidence of such condition (20 Ill. Adm. Code 720.30).
 - 1. If the officer taking custody of an individual believes that he/she may have such a history or condition, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

903.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.60).

At least one female department member should be present when a female adult is in temporary custody and should be available for supervision during periods of personal hygiene such as using the toilet (20 Ill. Adm. Code 720.25). In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

Temporary Custody of Adults

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

903.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Chief of Police.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

903.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the Village jail or the appropriate mental health facility.

The officer should promptly notify the Chief of Police of any conditions that may warrant immediate medical attention or other appropriate action. The Chief of Police shall determine whether the individual will be placed in a cell, immediately released or transported to jail or another facility.

903.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the Chief of Police of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

- (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
- (c) Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
- (d) Ensure males and females are separated by sight and sound (20 Ill. Adm. Code 720.50).
- (e) Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (f) Ensure no more than two individuals are placed in a cell together (20 Ill. Adm. Code 720.50).
- (g) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (h) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

903.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Chief of Police will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

903.5 SAFETY, HEALTH, AND OTHER PROVISIONS

903.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Winnebago Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks including (20 Ill. Adm. Code 720.60):
 1. The time of check.
 2. The signature, initials, badge number or any other personal identifier of the responsible person.
 3. Any relevant remarks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Winnebago Police Department.

The Chief of Police should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Chief of Police should make periodic checks to ensure all log entries and safety and security checks are made on time.

903.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins (20 Ill. Adm. Code 720.50).
- (d) There is reasonable access to a drinking fountain or water (20 Ill. Adm. Code 720.60).
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

903.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Winnebago Police Department. They should be released or transferred to another facility as appropriate.

903.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person, or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Chief of Police shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

903.5.5 TELEPHONE CALLS

Every individual in temporary custody shall be allowed to make three telephone calls as soon as possible after arrival and in no event, any later than three hours after arrival (725 ILCS 5/103-3; 20 Ill. Adm. Code 720.20).

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense (20 Ill. Adm. Code 720.75).
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 - 2. If the individual in custody is a custodial parent with responsibility for a minor child, the officer should assist the individual in the placement of the child with a relative or other responsible person designated by the individual in custody (725 ILCS 5/107-2).
 - 3. Telephone calls to the individual's attorney of choice and family members should be free of charge (725 ILCS 5/103-3).
- (b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may reasonably determine the duration of the calls.
- (c) The individual shall have access to the individual's cell phone to retrieve phone numbers from the phone's contact list prior to the cell phone being placed into inventory (725 ILCS 5/103-3).
- (d) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded.
- (e) A notice stating telephone calls may be monitored or recorded shall be posted by each telephone from which persons in custody may place calls (20 Ill. Adm. Code 720.75).
- (f) A notice informing persons in custody to their rights regarding telephone calls and, where applicable, providing the telephone contact information for the public defender or court appointed attorney (725 ILCS 5/103-3).
- (g) The three hours requirement shall not apply while the person is asleep, unconscious, or otherwise incapacitated (725 ILCS 5/103-3).

903.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety, and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason, and denying the request is the least restrictive means available to ensure security or safety. The responsible Supervisor should be advised any time a request for religious accommodation is denied.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent, unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of, or while visible to, the opposite sex, if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

903.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed (20 Ill. Adm. Code 720.70). They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

903.5.8 ATTORNEYS

A person in custody shall be allowed to consult with a licensed attorney a reasonable number of times and for reasonable periods of time (20 Ill. Adm. Code 720.20(c)).

- (a) Attorneys who need to interview a person in custody should do so inside a secure interview room.
- (b) Both the attorney and person in custody should be searched for weapons prior to and after being admitted to the interview room.
- (c) Attorneys must produce a current Illinois Bar card as well as other matching appropriate identification.
- (d) Interviews between attorneys and their clients shall not be monitored or recorded.

903.5.9 BEDDING

- (a) The officer supervising the person in custody should offer the person clean bedding, including one flame retardant mattress, pillow case, sheets, seasonally appropriate blankets and one mattress cover if the mattress cannot be sanitized after prior use (20 Ill. Adm. Code 720.60).
- (b) Used bedding will be laundered or otherwise sanitized prior to reissue. Mattresses or mattress covers that have been soiled with body fluids or waste shall be handled using standard universal precautions to reduce exposure to bloodborne pathogens and shall be appropriately laundered, sanitized or discarded (20 Ill. Adm. Code 720.60).

903.5.10 HYGIENE

Individuals in custody shall be supplied with personal hygiene items as needed (20 Ill. Adm. Code 720.60).

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

Individuals confined beyond 48 hours shall be permitted to shower or bathe once every 48 hours. Clean towels shall be provided when showering or bathing (20 Ill. Adm. Code 720.60).

903.5.11 FOOD SERVICE

Meals will be provided for persons held in excess of six hours as follows (20 Ill. Adm. Code 720.80):

- (a) Three meals per day shall be served in accordance with recognized breakfast, lunch and dinner periods.
- (b) Food must be of sufficient nutritional value and daily minimum calories.
- (c) At least one of the three meals shall be a balanced and complete hot meal if the individual is confined for longer than 24 hours.
- (d) A drink other than water shall be served with each meal.
- (e) Special diets shall be adhered to when prescribed by a physician, clinic or hospital designated by the Chief of Police.
- (f) A copy of the menu served shall be maintained for a period of three months.
- (g) Individuals shall be served in their cells. Eating utensils shall be removed from cells after each meal (20 Ill. Adm. Code 720.70).

903.5.12 NONDISCRIMINATION

The Winnebago Police Department shall not deny services, benefits, privileges, or opportunities to individuals in custody on the basis of citizenship or immigration status, or on the basis of the existence of an immigration detainer or civil immigration warrant, except as required by law (5 ILCS 805/15).

903.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell (20 Ill. Adm. Code 720.60).

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Winnebago Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

903.6.1 PROCEDURES WHEN RESTRAINTS ARE USED

The following provisions shall be followed when utilizing restraints other than the temporary use of restraints such as handcuffing or leg irons to control an individual during movement and transportation inside or outside the facility (20 Ill. Adm. Code 720.60):

- (a) Officers applying restraints shall make a written report including:
 - 1. The date and time restraints were applied.
 - 2. The purpose for which the restraints were applied.

Temporary Custody of Adults

3. The type of restraint used.
 4. When the restraint was removed.
- (b) Restraints shall not be used as punishment, placed around a person's neck, or applied in a way that is likely to cause undue physical discomfort, or restrict blood flow or breathing (e.g., hog-tying).
 - (c) Restraints shall not be used to secure a person to a fixed object except as a temporary emergency measure.
 - (d) Members shall conduct direct face-to-face observation at least every 15 minutes to check the person's physical well-being and behavior. Restraints shall be checked to verify correct application and to ensure they do not compromise circulation. All checks shall be documented, with the actual time recorded by the officer doing the observation, along with a description of the person's behavior and any actions taken.
 - (e) Restraints shall not be utilized any longer than is reasonably necessary. If the person in custody requires restraints for longer than two hours, the person should be transferred to a county or other designated facility.

903.6.2 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

903.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return (20 Ill. Adm. Code 720.25). If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Chief of Police shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Chief of Police shall attempt to prove or disprove the claim.

903.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary (20 Ill. Adm. Code 720.70). An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 30 minutes (20 Ill. Adm. Code 720.60).
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to his/her well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be logged.
- (f) Prior to any member entering an occupied cell, another qualified member shall be present (20 Ill. Adm. Code 720.70).
- (g) Cells shall be cleaned daily (20 Ill. Adm. Code 720.90).

903.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Chief of Police will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Winnebago Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Chief of Police.
- (c) Notification of the spouse, next of kin, or other appropriate person (see Officer-Involved Shootings and Deaths Policy for additional requirements regarding deaths related to a use of force).
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the Village Attorney.
- (f) Notification of the Coroner.
- (g) Evidence preservation.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

903.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Winnebago Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

903.10.1 RELEASE OF PERSONS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

Arresting officers should make reasonable efforts to contact a responsible adult who is willing to assist a person being released from custody who is under the influence of alcohol or drugs (50 ILCS 705/10.17-5).

903.11 ASSIGNED ADMINISTRATOR

The Chief of Police will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security (20 Ill. Adm. Code 720.70)
- (b) Key control (20 Ill. Adm. Code 720.70; 20 Ill. Adm. Code 720.110)
- (c) Sanitation and maintenance (20 Ill. Adm. Code 720.90)
- (d) Emergency medical treatment (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (e) Escapes and attempted escapes (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

- (f) Evacuation plans
- (g) Fire- and life-safety (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.100; 20 Ill. Adm. Code 720.110)
- (h) Disaster plans (20 Ill. Adm. Code 720.110)
- (i) Building and safety code compliance
- (j) Riots (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (k) Hostage situations (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (l) Major disturbances including bomb threats (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (m) Battery on members or individuals in custody (20 Ill. Adm. Code 720.110)
- (n) Severe weather and natural disasters (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (o) Civil disasters (20 Ill. Adm. Code 720.110)
- (p) Vermin and pest control (20 Ill. Adm. Code 720.90)
- (q) Contagious disease control (20 Ill. Adm. Code 720.110)

903.11.1 OTHER RESPONSIBILITIES

The Chief of Police will also ensure:

- (a) Notice of Rights posters are posted as required (20 Ill. Adm. Code 720.20).
- (b) A comprehensive written duty description for each position is maintained and that members are familiar with the written post description prior to assuming the post (20 Ill. Adm. Code 720.25).
- (c) The facility meets or exceeds the minimum physical standards as required in 20 Ill. Adm. Code 720.40, 20 Ill. Adm. Code 720.50, and 20 Ill. Adm. Code 720.160.
- (d) All fixtures, equipment, wiring, and conduits are properly maintained (20 Ill. Adm. Code 720.70).
- (e) Rules governing the use of the telephone and visits are established consistent with this policy (20 Ill. Adm. Code 720.75).
- (f) Quarterly population reports and extraordinary or unusual occurrence reports are submitted to the Jail and Detention Standards Unit as required by 20 Ill. Adm. Code 720.130.

903.12 RECORDS

The Chief of Police shall ensure a record is maintained for each person in temporary custody with the following information (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.120):

- Name
- Aliases and nicknames
- Address

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Custody of Adults

- Age and date of birth
- Person to notify in case of emergency, including address and telephone number
- Physical description, gender and characteristic marks
- Occupation
- Offense
- Date and time of admission and authority
- Name and title of officers presenting and receiving the person
- Previous arrest record and convictions
- Itemized record of individual's cash and other valuables, expenditures and receipts while in custody
- Disposition of case and authority
- Date of release or transfer
- Physicians' visits, examinations and treatment

903.13 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures. Written documentation of training should be maintained (20 Ill. Adm. Code 720.25).

All members responsible for the temporary custody of adults should receive training that includes, but is not limited to (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.100(a)(3); 20 Ill. Adm. Code 720.110):

- Security measures such as use of restraints, force and chemical agents.
- Handling special incidents such as assaults, disturbances, fires, natural disasters, evacuation procedures, escapes, communications and crime scene protection.
- Suicide prevention.
- Identification of signs and management of mentally impaired individuals.
- First aid and CPR.
- Security features of the Winnebago Police Department facility used to temporarily hold adults in custody, including the location and use of fire extinguishers, emergency equipment and first aid supplies.
- Department supplemental procedures.
- Illinois Municipal Jail and Lockup Standards.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Winnebago Police Department and that are promulgated and maintained by the Personnel Department.

1000.1.1 POLICY

To provide a fair and equitable process in identifying those Applicants qualified for the position of sworn police officer. The examination of applicants shall be public, competitive, and open to all citizens of the United States, with specified limitations to residency, age, health, habits, and moral character. (**65 ILCS 5/10-2.1-6**).

1000.2 PROBATIONARY STATUS / FIELD TRAINING

- (a) A probationary sworn recruit officer shall serve a probationary period of twelve (12) months.
- (b) Upon the recommendation of the Chief of Police, the Police Committee shall determine whether or not to extend a probationary sworn recruit officer's probation. There shall be no exceptions to the probationary period, except as determined by the Police Committee.
- (c) A probationary sworn recruit officer shall be evaluated regularly on his or her performance using valid, useful, and non-discriminatory procedures.

1000.3 SELECTION RECORD MAINTENANCE

- (a) The Chief of Police shall maintain all written documents, records, and reports involving the selection process until the particular testing cycle is complete.
- (b) After the selection process, records shall be stored in locked application files.
- (c) As Applicants are appointed to probationary status, all documents, records, and reports involving the individual and his/her participation in the selection process shall be moved to the individual's personnel file.
- (d) Disposal of selection and other records of an Applicant shall be in accordance with the Local Records Act of the Illinois Compiled Statutes (50 ILCS 205/1).

1000.4 POLICY

In accordance with applicable federal, state, and local law, the Winnebago Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other

Winnebago Police Department

Winnebago PD Policy Manual

Recruitment and Selection

classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.5 RECRUITMENT

The Chief of Police should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates. The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Chief of Police shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.6 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects.

The examination of applicants shall be public, competitive, and open to all citizens of the United States, with specified limitations as to residency, age, health, habits, and moral character (55 ILCS 5/3-8010; 65 ILCS 5/10-2.1-6; 65 ILCS 5/10-1-7).

Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
 - 1. Except that candidates shall not be screened, requested, or required to disclose wage or salary history as a condition of employment. (820 ILCS 112/10).

Winnebago Police Department

Winnebago PD Policy Manual

Recruitment and Selection

- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

1000.6.1 VETERAN PREFERENCE

The Department will provide veteran preference points as required (65 ILCS 5/10-1-16; 65 ILCS 5/10-2.1-8; 65 ILCS 5/10-2.1-9; 55 ILCS 5/3-8010).

1000.6.2 EXPUNGED JUVENILE RECORDS

Application forms for employment should contain language informing the applicant that he/she is not required to disclose expunged juvenile records (705 ILCS 405/5-923). No member of the Department may ask an applicant whether he/she has had a juvenile record expunged.

1000.7 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Winnebago Police Department (50 ILCS 705/10.2).

1000.7.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.7.2 REVIEW OF PERSONAL ONLINE ACCOUNTS

Due to the potential for accessing unsubstantiated, private or protected information, the Chief of Police shall not request, require or coerce candidates to provide usernames, passwords, account information or access to password-protected personal online accounts (820 ILCS 55/10).

Winnebago Police Department

Winnebago PD Policy Manual

Recruitment and Selection

Candidates may be required to share specific content that has been reported to the Department, without requesting or requiring candidates to provide access to their personal online accounts, as set forth in 820 ILCS 55/10.

The Chief of Police should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from personal online accounts to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Chief of Police should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.7.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.7.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.8 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

Winnebago Police Department

Winnebago PD Policy Manual

Recruitment and Selection

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.9 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

1000.9.1 STANDARDS FOR OFFICERS_DEPUTIES

Candidates shall meet the minimum standards established by Illinois law, including those provided in 55 ILCS 5/3-8010, 65 ILCS 5/10-1-5, 65 ILCS 5/10-2.1-5, and the Illinois Police Training Act (50 ILCS 705/8.1).

Candidates shall not have been convicted of, found guilty of, entered a plea of guilty to, or entered a plea of nolo contendere to, any felony or any misdemeanor specified in 50 ILCS 705/6.1(a).

1000.10 PROBATIONARY PERIODS

The Chief of Police should identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Winnebago Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

Winnebago Police Department

Winnebago PD Policy Manual

Evaluation of Employees

1002.4 PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time civilian personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary officers shall be regularly evaluated on his/her performance using valid, useful, and non-discriminatory procedures .

1002.5 PERMANENT STATUS PERSONNEL

Permanent employees are subject to performance evaluations and shall be completed once each year by the employee's immediate Supervisor.

1002.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Exceeds Standards - Above-average job performance which both exceeds standards and makes a significant contribution to the success of the Department and the division.

Meets Standards - Job performance consistently meets and sometime exceeds standards as well as makes a contribution to the success of the Department and the division. The individual is fully functioning at the appropriate level.

Meets Some Standards - Performance meets the minimum standards of the job, but is somewhat below the expected level. The employee's contribution to the success of the Department and the division is minimal.

Does Not Meet Standards - Job performance is completely unsatisfactory. The employee is consistently unable or unwilling to meet standards. A need for immediate and substantial improvement is warranted.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. A rating under any job dimension marked other than "Meets Standards" shall be substantiated in the rater comments section.

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable objections to any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for the upcoming

Winnebago Police Department

Winnebago PD Policy Manual

Evaluation of Employees

evaluation period should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities.

1002.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the Village Department harassment and discrimination policies. Following such policy review, the Supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- (a) That the employee understands the harassment and discrimination policies.
- (b) Whether any questions the employee has have been sufficiently addressed.
- (c) That the employee knows how and where to report harassment policy violations.
- (d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the Supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving Supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Police Committee Chairperson. The Supervisor shall review the evaluation for fairness, impartiality, uniformity, and consistency and place any comments needed on the evaluation. The employee will sign the evaluation and place any comments in the section provided.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to Village Personnel Department.

Promotional Policy

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Winnebago Police Department.

1004.1.1 GENERAL REQUIREMENTS

The following considerations will be used in evaluating officers for promotion:

- (a) Present a professional, neat appearance that commands respect.
- (b) Maintain a physical condition which aids in their performance.
- (c) Demonstrate the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to organizational goals and objectives in a positive manner

1004.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered assigned positions and are not considered promotions:

- (a) Special Enforcement Team member
- (b) Detective
- (c) Motor Officer
- (d) Accident Investigator
- (e) Field Training Officer
- (f) Community Relations/Training Officer
- (g) D.A.R.E. Officer
- (h) School Resource Officer
- (i) Canine Handler

Winnebago Police Department

Winnebago PD Policy Manual

Promotional Policy

1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) At least three years experience
- (b) Has shown an expressed interest in the position applied for
- (c) Education, training and/or demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc
- (d) Completion of training required for the position, or related to the position

1004.3 SELECTION PROCESS

The following criteria apply to assigned positions.

- (a) Administrative evaluation as determined by the Chief of Police. This shall include a review of Supervisor recommendations. The Supervisor who has supervised, or otherwise been involved with the candidate, will submit these recommendations.
- (b) The Supervisor recommendations will be submitted to the Chief of Police. The Chief of Police will schedule interviews with each candidate.
- (c) Based on supervisor recommendations, and those of the Chief of Police, after the interview the Chief of Police will submit his/her recommendation(s) to the Police Committee Chairperson .
- (d) Appointment by the Chief of Police with the approval of the Police Committee

The provisions of this policy will be waived for temporary assignments, emergency situations, or for training.

Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this Department that all grievances be handled quickly and fairly without discrimination against officers who file a grievance whether, or not there is a basis for the grievance. Our Department's philosophy is to promote a free, verbal communication between officers and Supervisors.

1006.1.1 GRIEVANCE DEFINED

A grievance is a complaint, dispute, or request regarding the administration and/or interpretation of the terms, or conditions, of employment, or the interpretation of any of the following documents by the person(s) affected:

- This Policy Manual or any written Department procedure
- Village rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual officer or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic, or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background, and other lawfully protected status or activity, which are subject to the complaint options set forth in Policy Manual § 328, and personnel complaints consisting of any allegation of misconduct or improper job performance against any Department officer that, if true, would constitute a violation of Department policy, federal, state, or local law set forth in Policy Manual §1020.

1006.2 PROCEDURE

If an officer believes that he/she has a grievance as defined above, then that officer shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with his/her Supervisor.
- (b) If after a reasonable amount of time, forty-eight (48) hours, the grievance cannot be settled by the Supervisor, the officer may request an interview with the Chief of Police.
- (c) If a successful resolution is not found with the Chief of Police, the officer may request a meeting with the Police Committee Chairperson .
- (d) If the officer and the Police Committee Chairperson, in conjunction with the Chief of Police, are unable to arrive at a mutual solution, then the officer shall proceed as follows:
 1. Submit in writing a written statement of the grievance, and deliver one copy to the Chief of Police, and another copy to the Supervisor, and include the following information:

Winnebago Police Department

Winnebago PD Policy Manual

Grievance Procedure

- (a) The basis for the grievance (i.e., what are the facts of the case?).
- (b) Allegation of the specific wrongful act and the harm done.
- (c) What the officer would like to accomplish from this grievance.
- (e) The officer shall receive a copy of the acknowledgment signed by the Supervisor, including the date and time of receipt.
- (f) The Chief of Police will receive the grievance in writing. The Chief of Police and the Village President will review and analyze the facts or allegations and respond to the officer within fourteen (14) calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies, if appropriate. The decision of the Village President is considered final.

1006.3 OFFICER REPRESENTATION

Officers are entitled to have representation during the grievance process. The representative may be selected by the officer.

1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Human Resources designee for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Village President's office to monitor the grievance process. A third copy will be maintained in the personnel file of the individual grievant (820 ILCS 40/1 et seq. and 820 ILCS 40/4)

1006.5 GRIEVANCE AUDITS

The Chief of Police shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Chief of Police shall record these findings in a confidential and generic memorandum to the Police Committee Chairperson without including any identifying information from any individual grievance. If the audit identifies any recommended changes, or content that may warrant a critical revision to this policy manual, the Chief of Police should promptly notify the Police Committee Chairperson.

Reporting of Arrests, Convictions, and Court Orders

1010.1 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 Winnebago 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.

1010.2 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).

1010.3 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 bail, may place restrictions on an employee's ability to fully perform the duties of the job or restrict possessing firearms (720 ILCS 550/10; 725 ILCS 5/110-10).

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.

1010.4 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

Winnebago Police Department

Winnebago PD Policy Manual

Reporting of Arrests, Convictions, and Court Orders

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.

1010.4.1 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.
- (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.

Winnebago Police Department

Winnebago PD Policy Manual

Reporting of Arrests, Convictions, and Court Orders

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).

1010.5 POLICY

The Winnebago 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.

Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Chief of Police or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1012.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

Winnebago Police Department

Winnebago PD Policy Manual

Drug- and Alcohol-Free Workplace

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.

Winnebago Police Department

Winnebago PD Policy Manual

Drug- and Alcohol-Free Workplace

- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the controlled substance was taken as directed, pursuant to a current and lawful prescription issued in the employee's name.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Communicable Diseases

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1015.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Winnebago Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1015.2 POLICY

The Winnebago Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1015.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 - 1. Reporting known and suspected cases of reportable communicable diseases to the local health authority (77 Ill. Adm. Code 690.200).

Winnebago Police Department

Winnebago PD Policy Manual

Communicable Diseases

2. Acting as, or appointing a person as the designated officer to receive reports from the local health authority. The designated officer will be trained to carry out the duties described in 77 Ill. Adm. Code 690.200 regarding the procedures for follow-up after occupational exposures to specific diseases.
3. The mandates of the Illinois Occupational Safety and Health Act (820 ILCS 219/1 et seq.).
4. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
5. Responding to exposure notifications from hospitals to which members have transported a patient (210 ILCS 85/6.08).
6. Exposure control mandates in 29 CFR 1910.1030 (820 ILCS 219/25; 56 Ill. Adm. Code 350.700).

The ECO should also act as the liaison with the Illinois Department of Labor (IDOL) and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1015.4 EXPOSURE PREVENTION AND MITIGATION

1015.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; 820 ILCS 219/25):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area of department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

Winnebago Police Department

Winnebago PD Policy Manual

Communicable Diseases

- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1015.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; 820 ILCS 219/25).

1015.5 POST EXPOSURE

1015.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

1015.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; 820 ILCS 219/25):

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

Winnebago Police Department

Winnebago PD Policy Manual

Communicable Diseases

1015.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030; 820 ILCS 219/25):

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1015.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; 820 ILCS 219/25).

1015.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Contacting the Department of Public Health or local health authority and providing information regarding the circumstances of the exposure to determine if the appropriate authority will request consent from the person to submit to testing (77 Ill. Adm. Code 690.1380).
- (c) In cases of possible exposure to infectious diseases, including HIV, by having a health care provider or health facility test the source of the exposure pursuant to 410 ILCS 305/7 and/or 410 ILCS 312/10.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the Village Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1015.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law) (29 CFR 1910.1030; 820 ILCS 219/25).

Winnebago Police Department

Winnebago PD Policy Manual

Communicable Diseases

Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1015.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; 820 ILCS 219/25):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1017.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by officers and others, while on duty, or while in Winnebago Police Department facilities or vehicles.

1017.2 POLICY

The Winnebago Police Department recognizes that tobacco use is a health risk and can be offensive to other employees, and to the public. It is the policy of the Winnebago Police Department to prohibit the use of tobacco by officers while on duty, or at any time the officer is acting in an official capacity for the Department.

1017.3 EMPLOYEE USE

Tobacco use by officers is prohibited any time officers are in public view representing the Department.

Smoking, and the use of other tobacco products, is not permitted inside any Village facility, office, or vehicle.

It shall be the responsibility of each officer to ensure that no person under his/her supervision smokes, or uses any tobacco product, inside Village facilities and vehicles.

1017.4 ADDITIONAL PROHIBITIONS

No officer shall smoke, even if out of public view, in any public place, child/adult day care center, health care facility, or within 15 feet of any entrance, or any other location described under the Smoke Free Illinois Act (410 ILCS 82/15).

Personnel Complaints

1019.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Winnebago Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1019.2 POLICY

The Winnebago Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report alleged misconduct without concern for reprisal or retaliation.

1019.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or of federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1019.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Chief of Police is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints should be investigated by a supervisor of rank greater than the accused member or referred to the Chief of Police, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Chief of Police, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Winnebago Police Department

Winnebago PD Policy Manual

Personnel Complaints

1019.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct by another department member shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1019.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1019.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other Village facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1019.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1019.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1019.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

Winnebago Police Department

Winnebago PD Policy Manual

Personnel Complaints

1019.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action, or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Chief of Police of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Chief of Police or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Chief of Police.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Chief of Police is notified via the chain of command as soon as practicable.
 - 1. This notification is required when there are allegations of a failure to intervene, unreasonable uses of force, perjury, tampering with evidence, or other categories required under state law. The Chief of Police or the authorized designee should take steps to notify the Illinois Law Enforcement Training and Standards Board (ILETSB). After preliminary review by ILETSB, an investigation should be conducted, if necessary (50 ILCS 705/6.3).
- (e) Promptly contacting the Personnel Department and the Chief of Police for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Chief of Police, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

Winnebago Police Department

Winnebago PD Policy Manual

Personnel Complaints

- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1019.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Chief of Police, the following applies to members covered by the Uniform Peace Officers' Disciplinary Act:

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated (50 ILCS 725/3.3).
- (b) Unless waived by the member, interviews of an accused member shall be at the Winnebago Police Department or other reasonable and appropriate place (50 ILCS 725/3.1).
- (c) The accused member shall be informed in writing of the interviewers and all persons who will be present on behalf of the Department during any interview. The accused member shall inform the Department of any person who will be present on his/her behalf during any interview (50 ILCS 725/3.4).
- (d) No more than two interviewers should ask questions of an accused member.
- (e) Prior to any interview, a member should be informed in writing of the nature of the investigation (50 ILCS 725/3.2).
- (f) All interviews should be for a reasonable period and the member's personal needs should be accommodated (50 ILCS 725/3.5).
- (g) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers (50 ILCS 725/3.6).
- (h) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement and after the investigator has consulted with the prosecuting agency. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related

Winnebago Police Department

Winnebago PD Policy Manual

Personnel Complaints

investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
 - (i) The interviewer shall record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview (50 ILCS 725/3.7).
 - (j) No member shall be interviewed without first being advised in writing that admissions made in the course of the interview may be used as evidence of misconduct or as the basis for charges seeking suspension, removal, or discharge. In addition, no member shall be interviewed without first being advised in writing that he/she has the right to counsel of his/her choosing, and that counsel may be present to advise him/her at any stage of any interview (50 ILCS 725/3.8).
 - (k) All members subjected to interviews that could result in discipline have the right to have representation by counsel of the member's choosing and may request counsel at any time before or during an interview. When a request for counsel is made, the interview shall not proceed until a reasonable time and opportunity are provided to the member to obtain counsel. If a collective bargaining agreement requires the presence of a representative of the collective bargaining unit during investigations, the representative shall be present during the interview, unless this requirement is waived by the member being interviewed (50 ILCS 725/3.9). However, in order to maintain the integrity of each employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - (l) All members shall provide complete and truthful responses to questions posed during interviews.
 - (m) No member may be compelled to submit to a polygraph test, or any other test questioning by means of any chemical substance, except with the member's express written consent. Refusal to submit to such tests shall not result in any disciplinary action nor shall such refusal be made part of his/her record (50 ILCS 725/3.11).
 - (n) These provisions do not apply to any member charged with violating any provisions of the Criminal Code of 2012, or any other federal, state, or local criminal law (50 ILCS 725/5).

1019.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Winnebago Police Department

Winnebago PD Policy Manual

Personnel Complaints

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1019.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1019.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1019.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1019.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Personnel Complaints

1019.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1019.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Winnebago Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction.

No disciplinary action should be taken until an independent administrative investigation is conducted.

1019.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1019.10.1 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Chief of Police of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

Winnebago Police Department

Winnebago PD Policy Manual

Personnel Complaints

The Chief of Police may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Chief of Police may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Chief of Police shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1019.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Chief of Police for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1019.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1019.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

Personnel Complaints

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1019.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1019.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal as provided by law or the applicable collective bargaining agreement (55 ILCS 5/3-8014; 65 ILCS 5/10-2.1-17; 65 ILCS 5/10-1-45).

1019.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1019.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Winnebago Police Department

Winnebago PD Policy Manual

Personnel Complaints

1019.16 MANDATORY NOTIFICATION TO THE ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

The Chief of Police or the authorized designee shall notify the ILETSB when (50 ILCS 705/9.2):

- (a) Any final determination of willful violation of Winnebago Police Department policy, official misconduct, or violation of law results in:
 - 1. A suspension of at least 10 days, or
 - 2. An official investigation pursuant to Winnebago Police Department policy.
- (b) An allegation of misconduct or regarding truthfulness as to a material fact, bias, or integrity is made.
- (c) An officer resigns during the course of an investigation and after being served notice of the investigation.

The notification shall occur within 10 days of a final decision and exhaustion of any appeal, or resignation, and shall provide information regarding the nature of the violation.

Seat Belts

1021.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 and 625 ILCS 25/4.

1021.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1021.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1021.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Winnebago Police Department

Winnebago PD Policy Manual

Seat Belts

1021.5 POLICY

It is the policy of the Winnebago Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle crash.

1021.6 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with 625 ILCS 25/4.

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1021.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1021.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1023.2 POLICY

It is the policy of the Winnebago Police Department to maximize officer safety through the use of body armor, in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1023.3 ISSUANCE OF BODY ARMOR

The Supervisor shall ensure that body armor is issued to all officers when the officers begin service at the Winnebago Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice (50 ILCS 712/10).

The Supervisor shall establish a body armor replacement schedule, and ensure that replacement body armor is issued pursuant to this schedule, or whenever the body armor becomes worn or damaged to the point that its effectiveness, or functionality, has been compromised.

1023.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity, and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her Supervisor determines could be compromised by wearing body armor, or when a Supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1023.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation, and periodic documented inspections. Annual inspections of body armor should be conducted by the Supervisor for fit, cleanliness, and signs of damage, abuse, and wear.

Body Armor

1023.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles, or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1023.3.4 WARRANTY PERIODS

All body armor shall be replaced before, or at the expiration of the warranty at the Department's expense (50 ILCS 712/10).

1023.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use, and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

1023.5 FUNDING

The Rangemaster should coordinate with other Winnebago officials as appropriate to ensure grant funding is sought as appropriate (50 ILCS 712/10). The Rangemaster should also ensure that Department procedures are not in conflict with the terms of any applicable grant.

Personnel Records

1025.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1025.2 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any member response shall be attached to and retained with the original adverse comment (820 ILCS 40/6).
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1025.3 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files twice in a calendar year or as otherwise provided in a collective bargaining agreement. The Department will grant the inspection within seven working days (820 ILCS 40/2).

Winnebago Police Department

Winnebago PD Policy Manual

Personnel Records

Any member seeking the removal or correction of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department may remove or correct any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record as long as the contested item is a part of the file (820 ILCS 40/6).

Members may obtain a copy of the information or part of the information contained in their file (820 ILCS 40/3).

A member who is involved in a current grievance against the Department may designate in writing a representative of the member's union or collective bargaining unit or other representative to inspect the member's personnel record which may have a bearing on the resolution of the grievance (820 ILCS 40/5).

Members may be restricted from accessing files containing any of the following information (820 ILCS 40/10):

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1025.4 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

Winnebago Police Department

Winnebago PD Policy Manual

Personnel Records

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) Records related to complaints, investigations, and adjudications of police misconduct shall be permanently retained and may not be destroyed (50 ILCS 205/25).

1025.4.1 SPECIFIC RETENTION REQUIREMENTS

Unless provided otherwise in this policy, the following records shall be maintained (56 Ill. Adm. Code 320.140):

- (a) Member payroll records, including name, address, occupation, wages, records of wages and other forms of compensation, dates of hire, promotion and dates of pay increases shall be maintained for a minimum of five years.
- (b) Personnel records, including qualifications for hire, records of promotion, transfer, discipline, certifications, evaluations, written job offers and any available explanations of member compensation shall be maintained for a minimum of five years.

1025.5 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Illinois (5 ILCS 140/7).

1025.6 SECTION FILE

Section files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Section file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1025.7 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Chief of Police in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Chief of Police supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded

Personnel Records

- (c) Exonerated

1025.8 TRAINING FILE

An individual training file shall be maintained by the Chief of Police for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Chief of Police or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Chief of Police or supervisor shall ensure that copies of such training records are placed in the member's training file.

1025.9 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1025.10 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Village President, Village Attorney or other attorneys or representatives of the Village in connection with official business.

Winnebago Police Department

Winnebago PD Policy Manual

Personnel Records

1025.10.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records, FOIA Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1025.10.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

Request for Change of Assignment

1027.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made in the interest of the Department.

1027.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment form. The form should then be forwarded to the Chief of Police.

1027.2.1 PURPOSE OF FORM

The form is designed to aid officers in listing their qualifications for specific assignments. All relevant experience, education, and training should be included when completing this form.

All assignments an officer is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, officers still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1027.3 SUPERVISOR'S COMMENTARY

The officer's Supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Chief of Police.

Employee Commendations

1029.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an officer of this Department performs his/her duties in an exemplary manner. Citizens also may, at times, perform a meritorious act that deserves recognition. This procedure provides general guidelines for the commending of exceptional officer performance, or meritorious acts by citizens.

1029.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by the Supervisor regarding any officer of the Department, provided the reporting person is superior in rank, or is the person in charge of the individual being commended. Any officer may recommend a commendation of another officer to the Supervisor.

A written commendation may also be made by a member of the public regarding any Department officer.

Written recommendations for a citizen's meritorious acts may be made by any officer of this Department, or any member of the public.

1029.3 MERITORIOUS OR COMMENDABLE ACTIONS

1029.3.1 MERITORIOUS OR COMMENDABLE ACTS BY DEPARTMENT OFFICERS

A meritorious or commendable act by an officer of this Department may include, but is not limited to:

- Superior handling of a difficult situation
- Conspicuous bravery or outstanding performance
- Any action or performance that is above and beyond the typical duties of an officer of this Department

1029.3.2 COMMENDATION INCIDENT REPORT

A written report shall be used to document the incident on which the commendation is based. This should include:

- (a) The officer's name, and assignment at the date and time of the incident
- (b) A brief account of the commendable action, with report numbers as appropriate
- (c) Signature of the supervisor

Completed reports shall be forwarded to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the officer for his/her signature. The report will then be returned to the administrative secretary for entry into the officer's personnel file.

Winnebago Police Department

Winnebago PD Policy Manual

Employee Commendations

1029.3.3 FORWARDING COMMENDATION TO SHERIFF'S MERIT COMMISSION

When applicable, the commendation may be furnished to the Merit Commission (55 ILCS 5/3-8016).

1029.3.4 DOCUMENTATION OF MERITORIOUS ACTS BY CITIZENS

Meritorious acts performed by citizens, and observed by officers of this Department, should be documented using the same process for officers, with areas for inapplicable information left blank. Adequate information to identify the persons performing the meritorious act should be included on the form.

Any documentation, in any form from the public identifying meritorious conduct of a citizen should be accepted by any Department officer and forwarded to the Chief of Police. Attempts to obtain detailed information regarding the incident, and the person performing the meritorious act, as well as the person submitting the document, should be made by the officer. Additional details should be documented, as appropriate.

1029.4 AWARDS

Awards may be bestowed upon officers of the Department or the public. These awards include the following:

- Award of Merit
- Award of Valor
- Lifesaving Award
- Meritorious Conduct

Fitness for Duty

1031.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this Department remain fit for duty and able to perform their job functions.

1031.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1031.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Chief of Police a determination should be made whether or not the employee should be temporarily relieved from their duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1031.4 NON-WORK-RELATED CONDITIONS

Any employee suffering from a non-work-related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

Winnebago Police Department

Winnebago PD Policy Manual

Fitness for Duty

1031.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Chief of Police or supervisor, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy.
- (b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1031.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Personnel Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform his or her job duties. If the employee places his or her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order or any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1031.7 LIMITATION ON HOURS WORKED

Absent emergency operations or exigent circumstances members should not work more than:

- 16 hours in one day (24 hour) period or

Winnebago Police Department

Winnebago PD Policy Manual

Fitness for Duty

- 30 hours in any two-day (48 hour) period or
- 84 hours in any seven-day (168 hour) period

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other on or off-duty work assignments including, but not limited to, work authorized by the department under the Outside Employment Policy.

1031.8 APPEALS

An officer who is separated from paid employment, or receives a reduction in salary resulting from a fitness for duty exam, shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

1031.9 REVOCATION OR SEIZURE OF FIREARM OWNER'S IDENTIFICATION CARD

Possession of a Firearm Owner's Identification Card (FOID) is not a condition of continued employment if the officer's FOID is revoked or seized, because the officer has been a patient of a mental health facility and the officer has not been determined to pose a clear and present danger to him/herself or others as determined by a physician, clinical psychologist, or qualified examiner (50 ILCS 725/7.2).

1031.9.1 DOCUMENTATION

If a determination is made that an officer poses a clear and present danger to him/herself or others, such determination shall be documented in the officer's medical file (50 ILCS 725/7.2).

1031.10 AVAILABILITY OF MENTAL HEALTH SPECIALISTS

The Department shall make mental health resources, including counselors and therapists, available to members (55 ILCS 5/3-6012.2; 65 ILCS 5/11-1-14).

Meal Periods, Breaks, Restricted Leave

1033.1 PURPOSE AND SCOPE

This policy shall conform to, and be guided by, the policy governing all Village employees that has been established by the Village President (820 ILCS 140/3)

1033.1.1 MEAL PERIODS

All sworn officers who work seven and one-half (7-1/2) continuous hours or longer on a given day shall be entitled to one (1) paid meal period during the shift, and that meal period shall be for a maximum of thirty (30) minutes. This one thirty (30) minute maximum meal period shall be taken not more than five (5) hours from the start of the work period on a given day (820 ILCS 140), and shall not be taken within the first three (3) hours of the shift or within the last two (2) hours of the shift, absent emergency situations. All sworn officers shall remain on duty, subject to call, during the designated meal break. As such, officers shall take their meal period within the Village limits, unless on assignment outside of the Village. All other employees of the Village Police Department shall not be paid for meal breaks and, thus, will not be on call during meal breaks, unless otherwise directed by a Supervisor. The time spent for the meal period shall not exceed the authorized time allowed, and not more than one meal period shall be taken during a shift.

1033.1.2 BREAKS

Break periods are benefits, and are not required by law to be provided. Each officer is entitled to two (2) fifteen (15) minute break periods, provided the given officer is working at least an eight (8) hour shift, with the first break period to be taken near the midpoint of the first four (4) hours of the shift, and the last break period to be taken near the midpoint of the last four (4) hours of the shift. Neither of the break periods are to be combined with the meal break referenced above, nor with another break period. The time spent for the break period shall not exceed the authorized time allowed. No breaks shall be taken during the first or last hour of a given officer's shift, unless approved by a Supervisor. Officers shall take all break periods within the Village, subject to call, and monitor their radios while on break.

1033.2 RESTRICTED LEAVE

Officers upon request, may use up to one (1) hour of paid leave to donate blood every fifty-six (56) days (820 ILCS 149/10).

Officers, with the approval of the Supervisor, are entitled to take up to two (2) hours of paid leave to vote (10 ILCS 5/17-15).

Lactation Break Policy

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for reasonable accommodations for members desiring to express breast milk for the member's infant child as outlined in the Nursing Mothers in the Workplace Act (820 ILCS 260/10; 29 USC § 207).

1034.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child up to one year after the child's birth (820 ILCS 260/10; 29 USC § 207).

1034.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

Members desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would unduly disrupt department operations (820 ILCS 260/10; 775 ILCS 5/2-102).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1034.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall (820 ILCS 260/15). The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

Winnebago Police Department

Winnebago PD Policy Manual

Lactation Break Policy

1034.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such and shall remove it when the member ends her shift.

Payroll Records

1035.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1035.2 POLICY

The Winnebago Police Department maintains timely and accurate payroll records.

1035.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1035.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the Village payroll procedures.

1035.5 RECORDS

The Chief of Police shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation Requests

1037.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried officers who work authorized overtime either by payment of wages, or by the allowance of accrual of compensatory time off, as provided in the personnel manual. In order to qualify for either, the officer must complete, and submit, a Request for Overtime Payment as soon as practical after overtime is worked.

1037.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by the Supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift, and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled between the Supervisor and the officer by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting for overtime payments. If the Supervisor authorizes or directs the officer either to submit for overtime, or flex his/her schedule for such a period, the officer shall comply.

1037.2 REQUEST FOR OVERTIME COMPENSATION

Officers shall submit all overtime compensation requests to the Supervisor as soon as practicable, for verification, and forwarding to the Chief of Police .

Failure to submit a request for overtime compensation in a timely manner may result in discipline and or delayed compensation.

1037.2.1 EMPLOYEE'S RESPONSIBILITY

Officers shall complete the requests within the pay period after working the overtime, and turn them in to the Supervisor or the Chief of Police.

1037.2.2 SUPERVISOR'S RESPONSIBILITY

The Supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the officer's time sheet, the overtime payment request is forwarded to the Chief of Police for final approval.

1037.3 ACCOUNTING FOR OVERTIME WORKED

Officers are to record the actual time worked in an overtime status.

Winnebago Police Department

Winnebago PD Policy Manual

Overtime Compensation Requests

1037.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour, as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1037.3.2 VARIATION IN TIME REPORTED

Where two or more officers are assigned to the same activity, case, or court trial, and the amount of time for which payment is requested varies from that reported by the other officer, the Chief of Police or the Supervisor may require each officer to include the reason for the variation on the back of the overtime payment request.

Outside Employment

1039.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for officers engaging in outside employment, all officers shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1039.1.1 DEFINITIONS

Outside Employment - Where any officer of this Department who receives wages, compensation, or other consideration of value from another employer, organization, or individual not affiliated directly with this Department for services, product(s), or benefits rendered. For purposes of this section, the definition of outside employment includes those officers who are self-employed and not affiliated directly with this Department for services, product(s), or benefits rendered.

1039.2 OBTAINING APPROVAL

No officer of this Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment, or engaging in outside employment prohibited by this policy, may lead to disciplinary action.

To obtain approval for outside employment, the officer must complete an Outside Employment Application which shall be submitted to the Chief of Police for consideration, along with any applicable comments or review of work history.

Applications must be accompanied by a Village indemnification/hold harmless agreement executed by the outside employer.

If approved, the officer will be provided with a copy of an approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved, except in cases where the permit is revoked as allowed for elsewhere in this policy, prior to the end of the calendar year. Any officer seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any officer seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

1039.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an officer's Outside Employment Application is denied, or withdrawn by the Department, the employee shall file a written notice of appeal to the Chief of Police within ten (10) days of the date of denial.

If the officer's appeal is denied, the officer may file a grievance pursuant to Policy Manual § 1006.2.

Winnebago Police Department

Winnebago PD Policy Manual

Outside Employment

1039.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) When an officer's performance at this Department is evaluated by the Supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any outside employment permit(s). That revocation will stand until the officer's performance has been reestablished at a satisfactory level and his/her Supervisor recommends reinstatement of the outside employment permit.
- (b) When included as a term, or condition, of sustained discipline.
- (c) When an officer's conduct, or outside employment, conflicts with the provisions of Department policy, the permit may be suspended or revoked.
- (d) When an officer is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subjected to similar restrictions as those applicable to the officer's full-time duties until the officer has returned to a full duty status.

1039.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment Application submitted by an officer seeking to engage in any activity which:

- (a) Involves the officer's use of Departmental time, facilities, equipment, or supplies, the use of or reliance upon the Department badge, uniform, prestige, or influence for private gain or advantage.
- (b) Involves the officer's receipt or acceptance of any money or other consideration from anyone other than this Department, for the performance of an act which the officer, if not performing such act, would be required or expected to render in the regular course or hours of employment, or as a part of the officer's duties as an officer of this Department.
- (c) Involves the performance of an act, in other than the officer's capacity as a member of this Department, that may later be subject directly, or indirectly, to the control, inspection, review, audit, or enforcement of any other officer of this Department.
- (d) Involves time demands that would render performance of the officer's duties for this Department less efficient.

1039.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

In order to avoid a potential conflict of interest, no officer of this Department may engage in any outside or secondary employment at any privately owned establishment that serves alcoholic beverages, except for sporting venues.

Any private organization, entity, or individual seeking special services for security or traffic control from officers of this Department must submit a written request to the Chief of Police in advance

Winnebago Police Department

Winnebago PD Policy Manual

Outside Employment

of the desired service. Such extra duty overtime assignments will be assigned, monitored, and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all officers requested for such outside security services.
- (c) Should such a request be approved, any officer working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the Departmental uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of this Department, and direction of Department supervisors.
 - 3. No officer may engage in such outside employment during, or at the site, of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security or traffic direction services shall be pursuant to normal overtime procedures, or Village ordinance.

No officer may engage in secondary employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1039.3.2 MANDATORY REST PERIODS

Prior to working an assigned shift, officers must have a minimum continuous eight (8) hour rest period from outside employment.

1039.3.3 SPECIAL RESTRICTIONS

Except for emergency situations, or with prior authorization from the Chief of Police, undercover officers, or officers assigned to covert operations, shall not be eligible to work overtime, or other assignments in a uniformed, or other capacity which might reasonably disclose the officer's law enforcement status.

1039.4 DEPARTMENT RESOURCES

Officers are prohibited from utilizing other Departmental employees, and any Department equipment or resources in the course of, or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this Department, or other agencies through the use of the officer's position with this Department.

1039.4.1 REVIEW OF FINANCIAL RECORDS

Prior to providing written approval for an outside employment position, the Department may request that an officer provide his or her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the officer to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of

Outside Employment

interest exists based on a financial reason, the Department may request that the officer provide his or her personal financial records for review/audit. If the officer elects not to provide the requested records, his or her off-duty work permit may be revoked pursuant to Policy Manual § 1040.2.2(c).

1039.5 TERMINATION OF OUTSIDE EMPLOYMENT

If an officer terminates his/her outside employment during the period of a valid permit, the officer shall promptly submit written notification of such termination to the Chief of Police. Any subsequent request for renewal, or continued outside employment, must thereafter be processed, and approved through normal procedures set forth in this policy.

1039.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Officers engaged in outside employment who are placed on disability leave or modified/light-duty, shall inform the Supervisor, in writing within five (5) days whether or not they intend to continue to engage in such outside employment while on such leave, or light-duty status. The Chief of Police shall review the duties of the outside employment, along with any related doctor's orders, and make a recommendation to the Police Committee Chairperson whether such outside employment should continue.

In the event the Chief of Police, in coordination with the Police Committee Chairperson, determines that the outside employment should be discontinued, or if the officer fails to promptly notify his/her Supervisor of his/her intentions regarding his/her work permit, a notice of revocation of the officer's permit will be forwarded to the involved officer, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled officer, as indicated by the Village's professional medical advisors.
- (b) The outside employment performed requires the same, or similar, physical ability, as would be required of an on-duty officer.
- (c) The officer's failure to make timely notice of their intentions to the Supervisor.

When the disabled officer returns to full duty with the Winnebago Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1041.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

1041.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury or illness - Any accidental injury or disease arising out of and in the course of the employment or which has become aggravated and rendered disabling as a result of the exposure of the employment (820 ILCS 310/1(d)).

1041.2 POLICY

The Winnebago Police Department will address occupational diseases, applicable mental health issues and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (820 ILCS 310/1 et seq.).

1041.3 RESPONSIBILITIES

1041.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (820 ILCS 310/6(c)).

1041.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required workers' compensation documents are completed and forwarded promptly. Any related Village-wide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1041.3.3 CHIEF OF POLICE RESPONSIBILITIES

Any supervisor who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the Village's risk management entity and the Administration Chief of Police to ensure any required Illinois Department of Labor reporting is made as required in the injury and illness prevention plan identified in the Injury and Illness Prevention Policy.

Winnebago Police Department

Winnebago PD Policy Manual

Occupational Disease and Work-Related Injury Reporting

1041.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1041.4 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1041.4.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the Village to determine whether the offered settlement will affect any claim the Village may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the Village's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

1041.5 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Chief of Police through the chain of command and a copy sent to the Administration Chief of Police.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

Personal Appearance Standards

1043.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other officers of the Department, officers shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department, and for their assignment.

1043.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all officers, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1043.2.1 HAIR

Hairstyles of all officers shall be neat in appearance. For male sworn officers, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn officers, hair must be no longer than the horizontal level of the bottom edge of the uniform collar when the officer is standing erect, worn up, or in a tightly wrapped braid, or ponytail.

1043.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth, or beyond the natural hairline of the upper lip.

1043.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes), and shall be trimmed and neat.

1043.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches, and eyebrows shall not be worn, unless authorized by the Chief of Police, or his/her designee.

1043.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1043.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Winnebago Police Department

Winnebago PD Policy Manual

Personal Appearance Standards

Earrings shall not be worn by uniformed sworn members, detectives, or special assignment personnel without permission of the Chief of Police, or his/her designee. Only one ring may be worn on each hand of the officer while on duty.

1043.3 TATTOOS

While on duty, or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos, or other body art. At no time while on duty, or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language.

1043.4 BODY PIERCING

Body piercing or alteration to any area of the body visible in any authorized uniform, or attire that is a deviation from normal anatomical features, and which is not medically required, is prohibited, except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or bifurcation
- (b) The complete or transdermal implantation of any material other than hair replacement
- (c) Abnormal shaping of the ears, eyes, nose, or teeth
- (d) Branding or scarification

Uniform Regulations

1045.1 PURPOSE AND SCOPE

The uniform policy of the Winnebago Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of Department uniforms. Officers should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 1023 - Body Armor

Section 1043 - Personal Appearance Standards

The Winnebago Police Department will provide uniforms for all officers required to wear them in the manner, quantity, and frequency as determined by the Chief of Police.

1045.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police officers wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

- (a) All uniform personnel shall maintain their uniforms and equipment in a serviceable condition, and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this Department shall possess, and maintain at all times, a serviceable uniform, and the necessary equipment to promptly perform uniformed field duty.
- (c) Officers shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications that are maintained separately from this policy.
- (e) The Supervisor will perform periodic inspections of personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the officer while he/she is off duty.

Winnebago Police Department

Winnebago PD Policy Manual

Uniform Regulations

- (i) Officers are not to purchase or drink alcoholic beverages, while wearing any part of the Department uniform, including the uniform pants.
- (j) Mirrored sunglasses shall not be worn with any Department uniform.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform-unless specifically authorized by the Chief of Police, or his/her designee.
 - 1. Wrist watch.
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

1045.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each officer an official Department identification card bearing the officer's name, identifying information, and photo likeness. All officers shall be in possession of their Department-issued identification card at all times while on duty, or when carrying a concealed weapon.

- (a) Whenever on duty, or acting in an official capacity representing the Department, officers shall display their Department-issued identification in a courteous manner to any person, upon request, and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by the Chief of Police.

1045.3 UNIFORM CLASSES

1045.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with tie
- (b) Polished shoes

Boots with pointed toes are not permitted.

1045.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform, with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A white, navy blue, or black crew neck t-shirt must be worn with the uniform.

Winnebago Police Department

Winnebago PD Policy Manual

Uniform Regulations

- (c) All shirt buttons must remain buttoned, except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform.
- (e) Approved, all black, unpolished shoes may be worn.
- (f) Boots with pointed toes are not permitted.

1045.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months, or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform, and the specifications for the Class C Uniform.

1045.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers, and other specialized assignments.

1045.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1045.4 INSIGNIA AND PATCHES

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.
- (b) **Service stripes, stars, etc.** - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam, with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) **The regulation nameplate, or an authorized sewn-on cloth nameplate,** shall be worn at all times while in uniform. The nameplate shall display the officer's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) **When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate,** shall be affixed to the jacket in the same manner as the uniform.
- (e) **Assignment Insignias** - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.
- (f) **Flag Pin** - A flag pin may be worn, centered above the nameplate.
- (g) **Badge** - The Department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.

Winnebago Police Department

Winnebago PD Policy Manual

Uniform Regulations

- (h) Rank Insignia - The designated insignia indicating the officer's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1045.4.1 MOURNING BADGE

Uniformed officers may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this Department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

1045.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All officers shall wear clothing that fits properly, is clean, and free of stains, and not damaged, or excessively worn.
- (b) All male administrative, investigative, and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks, or suits that are moderate in style, or golf-style shirts with the Winnebago Police Department insignia.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
 - 1. T-shirt alone
 - 2. Open toed sandals or thongs
 - 3. Swimsuit, tube tops, or halter-tops
 - 4. Spandex type pants or see-through clothing
 - 5. Distasteful printed slogans, buttons, or pins
- (e) Variations from this order are allowed at the discretion of the Chief of Police, or designee, when the officer's assignment, or current task, is not conducive to the wearing of such clothing.

Winnebago Police Department

Winnebago PD Policy Manual

Uniform Regulations

- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Winnebago Police Department, or the morale of the officers.

1045.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Winnebago Police Department officers may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch, or other official insignia, or cause to be posted, published, or displayed, the image of another officer, or identify himself/herself as an officer of the Winnebago Police Department, to do any of the following:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion
- (c) Endorse, support, or oppose, any product, service, company, or other commercial entity
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website

1045.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the officer. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing officer. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this policy as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the officer bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the officer's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

1045.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Winnebago Police Department officers may not wear any uniform item, accessory, or attachment unless specifically authorized in the Uniform and Equipment Specifications, or by the Chief of Police, or designee.

Winnebago Police Department officers may not use, or carry, any safety item, tool, or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications, or by the Chief of Police, or designee.

Nepotism and Conflicting Relationships

1048.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices to include recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline, and workplace safety and security, while maintaining positive morale by avoiding actual, or perceived, favoritism, discrimination, or other actual, or potential, conflicts of interest by, or between, officers of this Department.

Violations of this policy may constitute official misconduct by a public officer or employee if he/she, while in his/her official capacity (720 ILCS 5/33-3):

- (a) Intentionally, or recklessly, fails to perform any mandatory duty as required by law.
- (b) Knowingly performs an act which he/she knows he/she is forbidden by law to perform.
- (c) With intent to obtain a personal advantage for himself/herself or another, he/she performs an act in excess of his/her lawful authority.
- (d) Solicits, or knowingly accepts for the performance of any act, a fee or reward which he/she knows is not authorized by law.

1048.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the Department officer's annual interest, compensation, investment, or obligation is greater than \$250.

Conflict of interest - Any actual, perceived, or potential, conflict of interest in which it reasonably appears that an employee's action, inaction, or decisions are, or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion, or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

Public official - A Supervisor, officer, or employee in who is vested with the authority by law, rule, or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling, grandchild, or grandparent.

Subordinate - An employee who is subject to the temporary, or ongoing, direct or indirect authority, of a Supervisor.

Nepotism and Conflicting Relationships

Supervisor - An employee who has temporary, or ongoing, direct or indirect authority, over the actions, decisions, evaluation, and/or performance of a subordinate employee.

1048.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism, or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative, or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the Supervisor shall make every reasonable effort to reassign matters pertaining to the involved employee to an uninvolved Supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department however, reserves the right to transfer, or reassign, any employee to another position, within the same classification, to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative, or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into, or maintaining personal or business relationships, with any employee they are assigned to train until such time as the training has been successfully completed, and the employee has satisfactorily completed his/her probationary period.
- (d) To avoid actual or perceived conflicts of interest, officers of this Department shall refrain from developing, or maintaining personal, or financial relationships, with victims, witnesses, or other individuals during the course of, or as a direct result of, any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, officers shall not develop, or maintain personal, or financial relationships, with any individual they know, or reasonably should know, is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

Winnebago Police Department

Winnebago PD Policy Manual

Nepotism and Conflicting Relationships

1048.2.1 OFFICER'S RESPONSIBILITY

Prior to entering into any personal or business relationship, or other circumstance which the officer knows, or reasonably should know, could create an actual or perceived conflict of interest, or other violation of this policy, the officer shall promptly notify his/her uninvolved, Supervisor.

Whenever any officer is placed in circumstances that would require the officer to take enforcement action, or provide official information or services to any relative or individual with whom the officer is involved in a personal or business relationship, the officer shall promptly notify his/her uninvolved, Supervisor. In the event that no uninvolved Supervisor is immediately available, the officer shall promptly notify dispatch to have another uninvolved officer either relieve the involved officer, or minimally remain present to witness the action.

1048.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware, of any circumstance that could result in, or constitute an actual or potential violation of this policy, the Supervisor shall take all reasonable steps to promptly mitigate, or avoid such violations, whenever possible. The Supervisor shall also promptly notify the Chief of Police of such actual, or potential, violations.

Department Badges

1050.1 PURPOSE AND SCOPE

The Winnebago Police Department badge and uniform patch, as well as the likeness of these items, and the name of the Winnebago Police Department are property of the Department, and their use shall be restricted as set forth in this policy.

1050.2 POLICY

The uniform badge shall be issued to officers as a symbol of authority, and the use and display of Departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this Department shall be displayed, carried, or worn by officers while on duty, or otherwise acting in an official or authorized capacity.

1050.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Winnebago Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying, or display of a flat badge is not authorized for non-sworn personnel.

1050.2.2 CIVILIAN PERSONNEL

Badges and Departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Telecommunicator).

- (a) Non-sworn personnel shall not display any Department badge, except as a part of his/her uniform, and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any Department badge, or represent him/herself, on duty or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

Winnebago Police Department

Winnebago PD Policy Manual

Department Badges

1050.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement, an officer may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1050.3 UNAUTHORIZED USE

Except as required for on-duty use by current officers, no badge designed for carry or display in a wallet, badge case, or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn officers and civilian uniformed employees for official use only. The Department badge, shoulder patch, or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications, such as electronic mail or web sites and web pages.

The use of the badge, uniform patch, and Department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

An officer shall not loan his/her Department badge or identification card to others, and shall not permit the badge or identification card to be reproduced or duplicated.

1050.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the expressed authorization of the Chief of Police, and shall be subject to the following:

- (a) The officer associations may use the likeness of the Department badge for merchandise, and official association business, provided they are used in a clear representation of the association and not the Winnebago Police Department.
- (b) The likeness of the Department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police.

Temporary Modified-Duty Assignments

1052.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, Village rules, and current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1052.2 POLICY

Subject to operational considerations, the Winnebago Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1052.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA), Victims' Economic Security and Safety Act, or the Illinois Human Rights Act (820 ILCS 180/5; 775 ILCS 5/1-101 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Winnebago Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1052.4 PROCEDURE

An employee may request a temporary modified-duty assignment for short-term injuries or illnesses.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Modified-Duty Assignments

An employees seeking a temporary modified-duty assignment should submit a written request to the Chief of Police or the authorized designee. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury
- (b) The prognosis for recovery
- (c) The nature and scope of limitations and/or work restrictions
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment

The Chief of Police will make a recommendation to the Police Committee Chairperson regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the HR designee or the Village Attorney, as appropriate.

Requests for a temporary modified-duty assignment of twenty (20) hours or less per week may be approved and facilitated by the Chief of Police with notice to the Police Committee Chairperson.

1052.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments, or Department needs, at the discretion of the Chief of Police.

The employee and his/her Supervisor should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1052.4.2 ACCOUNTABILITY

The employee's Supervisor shall coordinate efforts to ensure proper time accountability, and shall complete and process a change of shift/assignment form.

- (a) An employee on modified duty is responsible for coordinating required doctor visits and physical therapy appointments in advance with his/her Supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time, or otherwise charged to the employee's sick leave.
- (b) An employee shall promptly submit a status report for each visit to his/her treating health care provider, and shall immediately notify his/her Supervisor of any change in restrictions or limitations, as determined by his/her health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to his/her Supervisor no less than once every thirty (30) days while the employee is on modified duty.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Modified-Duty Assignments

- (c) The Supervisor shall keep the Chief of Police apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond sixty (60) days will require a written status report, and a request for an extension to the Chief of Police with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.
- (d) When it is determined that an employee on modified duty will return to regular duty, the Supervisor shall notify the Chief of Police and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1052.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, an employee shall be required to provide a statement signed by his/her health care provider indicating that he/she is medically cleared to perform the basic and essential job functions of his/her assignment without restriction or limitation.

1052.4.4 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

1052.4.5 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy should notify her immediate Supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1052.4.6 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the Supervisor shall notify the Chief of Police, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department, or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the Village's Personnel Policy and Regulations regarding Family and Medical Care Leave.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Modified-Duty Assignments

1052.5 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty or long-term medical leave of absence.

1052.6 MAINTENANCE OF CERTIFICATION AND TRAINING

An employee assigned to modified duty shall maintain all certification, training, and qualifications appropriate to both his/her regular and temporary duties, provided the certification, training, or qualifications are not in conflict with any limitations or restrictions. Such certification, training, and qualification requirements shall be met prior to returning to full duty. An employee who is assigned to modified duty shall inform his/her Supervisor of any inability to maintain any certification, training, or qualifications.

1052.7 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to an employee assigned to temporary modified-duty assignments and his/her Supervisors. Those assignments and schedules may be adjusted to accommodate Department operations and the employee's medical appointments, as mutually agreed upon with the Chief of Police.

1052.7.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of an employee assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with his/her supervisor.
- (b) Promptly notifying his/her Supervisor of any change in restrictions, or limitations, after each appointment with his/her treating medical professionals.
- (c) Communicating a status update to his/her Supervisor no less than once every thirty (30) days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Chief of Police that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond sixty (60) days.

1052.7.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Chief of Police of the status and performance of employees assigned to temporary modified duty.

Winnebago Police Department

Winnebago PD Policy Manual

Temporary Modified-Duty Assignments

- (b) Notifying the Chief of Police and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1052.8 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, an employee shall be required to provide certification from his/her treating medical professionals stating that he/she is medically cleared to perform the essential functions of his/her jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1052.9 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1052.9.1 NOTIFICATION

A pregnant employee should notify her immediate Supervisor as soon as practicable, and provide a statement from her medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the Village's personnel rules and regulations regarding family and medical care leave.

1052.10 PROBATIONARY EMPLOYEES

A probationary employee who is assigned to a temporary modified-duty assignment shall have his/her probation extended by a period of time equal to his/her assignment to temporary modified duty.

1052.11 MAINTENANCE OF CERTIFICATION AND TRAINING

An employee assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both his/her regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. An employee who is assigned to temporary modified duty shall inform his/her Supervisor of any inability to maintain any certification, training, or qualifications.

Performance History Audits

1054.1 PURPOSE AND SCOPE

Performance History Audits are collections of data designed to assist supervisors evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for, and must be carefully balanced with the many variables in law enforcement such as:

- An officer's ability to detect crime.
- An officer's work ethic.
- An officer's work assignment and shift.
- An officer's physical abilities, stature, etc.
- Randomness of events.

1054.2 RESPONSIBILITIES

Under the authority of the Chief of Police, the Chief of Police is responsible for collecting performance indicators and other relevant data to generate and provide a quarterly Performance History Audit Report for each officer to the appropriate Chief of Police. Though generated quarterly, each Performance History Audit will contain data from a one-year period.

The Chief of Police will also forward a copy of each Performance History Audit Report to the Office of the Village Attorney for review and retention as attorney work product and confidential personnel information.

1054.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audits will include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1054.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police of Winnebago Police Department has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include but are not limited to:

- (a) The frequency and findings of use of force incidents.

Performance History Audits

- (b) Frequency of involvement and conduct during vehicle pursuits.
- (c) Frequency and findings of citizen complaints.
- (d) Number of commendations, compliments and awards (citizen and Department).
- (e) Claims and civil suits related to the employee's actions or alleged actions.
- (f) Canine bite incidents.
- (g) Internal Affairs investigations.
- (h) Frequency and reasons for prosecutor case rejections.
- (i) Intentional or accidental firearm discharges (regardless of injury).
- (j) Vehicle collisions.
- (k) Missed court appearances.
- (l) Documented counseling memos.

1054.5 COMPILATION OF DATA

The Chief of Police will utilize secure systems and other confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare Performance History Audit Reports.

1054.6 EMPLOYEE NOTIFICATION AND RESPONSE

The Chief of Police will notify each officer prior to retaining any performance indicator for entry into a Performance History Audit Report. The affected officer may submit a written comment within 10 days regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History Audit Report.

1054.7 DATA ANALYSIS AND ACTION

Upon receipt, the Chief of Police will review each Performance History Audit Report and determine whether it should be provided to an officer's immediate supervisor for further consideration. The officer's immediate supervisor will carefully review the Performance History Audit Report with the officer to assess any potential trends or other issues which may warrant informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Chief of Police of such recommendation. If the Chief of Police concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

Winnebago Police Department

Winnebago PD Policy Manual

Performance History Audits

If discipline or other adverse action is initiated against an officer as a result of a Performance History Audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

1054.8 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop Performance History Audit Reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to an officer's personnel file as outlined in the Personnel Records Policy.

1054.9 RETENTION AND PURGING

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History Audit Reports shall be purged from the Chief of Police and all other locations within the Department one year from the date generated. The Village Attorney however, shall retain a copy of Performance History Audit Reports for an additional one year period as attorney work product.

Employee Speech, Expression and Social Networking

1056.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions, as well as labor, or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

An employee is encouraged to consult with his/her Supervisor regarding any questions arising from the application, or potential application, of this policy.

1056.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file sharing sites.

1056.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Department. Due to the nature of the work, and influence associated with the law enforcement profession, it is necessary that officers of this Department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Winnebago Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its officers' speech and expression.

1056.3 DEPARTMENT-SANCTIONED PRESENCE

Determine Strategy:

- (a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's website.
- (b) Where possible, the page(s) should link to the Department's official website.

Procedures:

Winnebago Police Department

Winnebago PD Policy Manual

Employee Speech, Expression and Social Networking

- (a) All Department social media sites or pages shall be approved by the Chief of Police or his designee and shall be administered by authorized personnel. The Chief of Police or his designee are authorized administrators.
- (b) Social media pages shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed.
- (c) Social media content shall adhere to applicable laws, regulations, and policies, including, but not limited to, technology and records management policies.
 - 1. Content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - 2. Content must be managed, stored, and retrieved to comply with open records laws, e-discovery laws, and policies.
- (d) When possible, social media pages shall state that the opinions expressed by visitors to the page(s) do not reflect the opinion of the Department.
- (e) Pages shall clearly indicate the posted comments will be monitored, and the Department reserves the right to remove obscenities, off-topic comments, and personal attacks.
- (f) Pages shall clearly indicate that any content posted, or submitted for posting, is subject to public disclosure.

Department-Sanctioned Use:

- (a) Officers representing the Department via social media outlets shall do the following:
 - 1. Conduct themselves at all times as a representative of the Department, accordingly, shall adhere to all Department rules and conduct, and observe conventionally accepted protocols and proper decorum.
 - 2. Identify themselves as an Officer of the Department.
 - 3. Make no statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including, but not limited to, photographs or videos related to Department training, activities, or work-related assignments without approval of the Chief of Police or his designee.
 - 4. Not conduct political activities or private business.
- (b) Officer use of personally owned devices to manage the Department's social media activities or in the course of official duties, is prohibited without written approval of the Chief of Police or his designee.
- (c) Officers shall observe, and abide by all copyright, trademark, and service mark restrictions in posting material to electronic media.

1056.3.1 POTENTIAL USES

- (a) Social media is a valuable investigative tool when seeking evidence or information about:

Winnebago Police Department

Winnebago PD Policy Manual

Employee Speech, Expression and Social Networking

1. Missing persons
2. Wanted persons
3. Gang participation
4. Crimes perpetrated online (i.e. cyberbullying, cyberstalking)
5. Photos or videos of crime posted by participants or observers
- (b) Social media can be utilized for community outreach and engagement by:
 1. Providing crime prevention tips
 2. Offering online-reporting opportunities
 3. Sharing crime maps and data
 4. Soliciting tips about unsolved crimes (i.e. Crimestoppers, text-a-tip)
- (c) Social media can be used to make time-sensitive notifications related to:
 1. Road closures
 2. Special events
 3. Weather emergencies
 4. Missing or endangered persons
- (d) Persons seeking employment and volunteer positions use the internet to search for opportunities, and social media can be a valuable recruitment mechanism.
- (e) The Department may include internet-based content when conducting background investigations of job candidates.
 1. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.
 2. Persons authorized to search internet-based content should be deemed as holding a sensitive position.
 3. Search methods shall not involve techniques that are a violation of existing laws.
 4. Vetting techniques shall be applied uniformly to all candidates.
- (f) Investigative use of social media, either by way of searches or posts, and the results shall be documented in the appropriate investigative report. This includes times when no information is obtained.
- (g) Officers shall not conduct "undercover" social media investigations without prior Supervisory approval.
- (h) A written memo documenting the purpose and scope of the undercover investigation shall be submitted to the Supervisor for approval. The request will also include information pertaining to the undercover identity to be created, including, but not limited to:
 1. Name

Winnebago Police Department

Winnebago PD Policy Manual

Employee Speech, Expression and Social Networking

2. Date of birth
3. Location
4. Photographs or other media
- (i) In an emergency situation, verbal approval may be obtained from a Supervisor. This shall be followed up with written approval as described above, as soon as possible.
- (j) Information obtained from social media sites must be validated as belonging to, or posted by, the individual involved. Validation methods include, but are not limited to:
 1. Verbal confirmation from the individual
 2. Statements from other witnesses
 3. Information obtained from the individual's computer that links the individual to the site or post
 4. Information obtained from social media site (such as internet protocol address) linking the individual to the site or post

1056.4 SAFETY

An officer should consider carefully the implications of his/her speech, or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Winnebago Police Department employees, such as posting personal information in a public forum, can result in compromising an officer's home address or family ties. Employees should therefore not disseminate or post any information, on any forum or medium, that could reasonably be anticipated to compromise the safety of any officer, an officer's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph, name or address of an officer who is working undercover
- Disclosing the address of a fellow officer
- Otherwise disclosing where another officer can be located off-duty

1056.5 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the Department's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (e.g., an officer speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Winnebago Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Winnebago Police Department and tends to compromise or

Winnebago Police Department

Winnebago PD Policy Manual

Employee Speech, Expression and Social Networking

damage the mission, function, reputation, or professionalism of the Winnebago Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law, or the state, or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the officer as a witness. For example, posting statements or expressions to a web site that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the officers of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing officers by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics, as adopted by the Winnebago Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video, or audio recordings, likenesses, or images of Department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Winnebago Police Department on any personal, or social networking, or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device, or media device, whether personally or Department-owned, for personal purposes while on-duty, except in the following circumstances:
1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public, and shall not be disruptive to the work environment.

Winnebago Police Department

Winnebago PD Policy Manual

Employee Speech, Expression and Social Networking

- (i) Officers must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the officer (e.g., social or personal website).

Officers should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public, online forum may be accessed by the Department at any time without prior notice.

Officers should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public, online forum may be discoverable by the courts at any time, for use in criminal proceedings.

1056.5.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While officers are not restricted from engaging in the following activities as private citizens, or as authorized members of a recognized bargaining unit or officer association, officers may not represent the Winnebago Police Department, or identify themselves in any way that could be reasonably perceived as representing the Winnebago Police Department, in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue or religion.
- (c) Endorse, support, oppose, any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication, or any motion picture, film, video, public broadcast, or on any website.

Additionally, when it can be reasonably construed that an officer, acting in his/her individual capacity, or through an outside group or organization (e.g. bargaining group), is affiliated with this Department, the officer shall give a specific disclaiming statement that any such speech or expression is not representative of the Winnebago Police Department.

An officer retains his/her right to vote as he/she may chose, to support candidates of his/her choice, and to express his/her opinion as a private citizen, including as an authorized member of a recognized bargaining unit or officer association, on political subjects and candidates at all times while off duty. However, officers may not use his/her official authority or influence to interfere with or affect the result of, an election or a nomination for office. Officers are also prohibited from directly or indirectly using his/her official authority to coerce, command, or advise another officer to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 U.S.C. § 1502).

1056.5.2 LEGAL CONSIDERATIONS

An officer should be aware that he/she may be subject to civil ligation for:

- (a) Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);

Winnebago Police Department

Winnebago PD Policy Manual

Employee Speech, Expression and Social Networking

- (b) Publishing or posting private facts and personal information about someone without his/her permission, that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
- (c) Use someone else's name, likeness, or other personal attributes, without his/her permission for an exploitative purpose; or
- (d) Publishing or posting the creative work of another, trademarks, or certain confidential business information, without the permission of the owner.

1056.6 PRIVACY EXPECTATION

Employees forfeits any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software, or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received, or reviewed on any Department technology system (see Information Technology Use Policy for additional guidance).

1056.6.1 PERSONAL ONLINE ACCOUNTS

The Department shall not request, require or coerce any applicant or employee to divulge any username, password or related account information in order to gain access to the applicant or employee's personal online account, nor shall the Department demand access in any manner to an applicant or employee's account or profile on a personal online account (820 ILCS 55/10).

Members may be required to share specific content that has been reported to the Department, without requesting or requiring members to provide access to their personal online account, as set forth in 820 ILCS 55/10.

1056.7 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department, or the efficiency or morale of its officers.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the officer's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1056.7.1 REPORTING VIOLATIONS

Any employee becoming aware of, or having knowledge of, a posting or any web page in violation of the provisions of this policy shall notify his/her Supervisor immediately for follow-up action.

Winnebago Police Department

Winnebago PD Policy Manual

Employee Speech, Expression and Social Networking

1056.8 TRAINING

Subject to available resources, the Department shall provide training regarding officer speech, and the use of social networking to all officers of the Department.

Anti-Retaliation

1057.1 PURPOSE AND SCOPE

This policy prohibits retaliation against officers who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of officers.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit officers' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an officer pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement.

1057.2 POLICY

The Winnebago Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation officers who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1057.3 RETALIATION PROHIBITED

No officer may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats, or other forms of intimidation, to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint, or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Anti-Retaliation

1057.4 COMPLAINTS OF RETALIATION

Any officer who feels he/she has been retaliated against in violation of this policy should promptly report the matter to a Supervisor, Chief of Police, or the Village Human Resource Designee.

Officers shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Officers shall not report or state an intention to report, information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting officer is known, thereby allowing investigators to obtain additional information from the reporting officer. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting officer's identity. However, confidential information may be disclosed to the extent required by law, or to the degree necessary, to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the officer is part of the investigative process.

1057.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that officers under their command are aware of its provisions.

The responsibilities of Supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command, and explaining to the officer how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any officer making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with, or denying the right of, an officer to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an officer who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Anti-Retaliation

1057.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all Supervisors the prohibition against retaliation.

Supervisors shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all officers the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition, and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1057.7 WHISTLE-BLOWING

The Illinois Whistleblower Act protects an employee who, with reasonable cause to believe the information communicated discloses a violation of a law, rule, or regulation (740 ILCS 174/1 et seq.):

- (a) Provides information to a government or law enforcement agency, in a judicial or administrative hearing, or testifies before a legislative body.
- (b) Refuses to participate in an activity that would result in a violation of a law, rule, or regulation.
- (c) Engages in any other act or omission if the employee is disclosing or attempting to disclose public corruption or wrongdoing.

Retaliation is also prohibited against any employee who reports, cooperates in an investigation conducted by an individual responsible for receiving and investigating complaints of misconduct, reviewing the performance of the department's members, and/or the integrity of the Village's operations and programs involving, or testifies in a proceeding or prosecution regarding, improper government action (50 ILCS 105/4.1).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Chief of Police for investigation pursuant to the Personnel Complaints Policy.

1057.8 RECORDS RETENTION AND RELEASE

The Chief of Police shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1057.9 TRAINING

The policy should be reviewed with each new officer.

All officers should receive periodic refresher training on the requirements of this policy.

Winnebago PD Policy Manual

Winnebago PD Policy Manual

INDEX / TOPICS

.....	506
.....	506

A

ADMINISTRATIVE INVESTIGATIONS	
Vehicle damage.	437
ADMINISTRATIVE LEAVE	
Firearms.	73
ADULT ABUSE	
Investigations.	386
AIRCRAFT	275
Accidents.	275
AIRCRAFT	
Ambulance.	335
ALCOHOL	
Firearms.	76
Intoxicants.	162
Vehicle use.	433
AMMUNITION	74
ANIMAL CONTROL	469
ANIMALS	
Dangerous.	77
Euthanize.	77
Injured.	77
APPOINTMENTS	
Community relations coordinator.	225
Operations director.	418
TSA instructor.	78
ARRESTS	
Child and dependent adult safety.	206
Consular notifications.	482
First amendment assemblies.	349
Log.	172
Seat belts.	528
ASSET FORFEITURE	390
ASSET SEIZURE	391
AUDIO/VIDEO RECORDING	301
Body-worn cameras.	301
Custodial interrogation.	386
Holding cells.	488
AUDITS	
Informant files.	399
Informant funds.	401
AURCRAFT	
Flying while armed.	78
AUTHORITY	

Civil commitments.	256
Ethics.	158
MEMBERS.	17
AUTOMATIC VEHICLE LOCATION	433
AVL	433

B

BACKGROUNDS	496
BADGE	
Mourning Badge.	560
BADGES, PATCHES AND IDENTIFICATION	
While armed.	73
BARRICADED SUSPECTS	246
BATON	46
BIAS-BASED POLICING	236
BIOLOGICAL SAMPLES	
Hazards.	277
BODY ARMOR	
Suspects.	71
BODY ARMOR	530
BOMBS	251
Aircraft accidents.	277
MDT/MDC.	300
Portable Audio/video recorders.	304

C

CASH	
Audit.	401
Custody.	488
Informants.	400
CHANGE OF ASSIGNMENT	537
CHILD ABUSE	
Definitions.	132
CHILD AND DEPENDENT ADULT SAFETY	206
CHILDREN	
Child safety.	206
Firearms.	76
Mental health.	257
CITATIONS	353
CIVIL	
Liability Response.	61
Subpoenas.	174
CIVIL COMMITMENTS	256
CIVIL DISPUTES	342
COMMAND STAFF	
Occupational diseases and work-related injuries.	553
Protocol.	17
COMMUNICABLE DISEASES	

Winnebago Police Department

Winnebago PD Policy Manual

Custody.	479
COMMUNICATIONS CENTER	
Mandatory sharing.	182
COMMUNICATIONS WITH HEARING	
IMPAIRED OR DISABLED	199
COMMUNITY ADVISORY COMMITTEE	227
COMMUNITY RELATIONS	224
COMPUTERS	
Digital evidence.	387
CONDUCT	
OIS.	57
Standards of conduct.	160
CONFIDENTIALITY	
Communicable disease information.	515
Informants.	397
Radio broadcasts.	299
Surreptitious recording.	303
CONTACTS AND TEMPORARY DETENTIONS	
Bias-based policing.	236
Warrant service.	420
CONTROL DEVICES	
Decontamination.	513
First amendment assemblies.	348
CONTROL DEVICES	45
CONTROL DEVICES	45
CORRESPONDENCE	26
COURT APPEARANCES	174
COURT ORDERS	
Child custody.	207
Civil disputes.	343
Juvenile informants.	397
Subpoenas.	174
Surreptitious recording.	303
CRIME SCENE AND DISASTER INTEGRITY	
.	239
CRIMINAL INTELLIGENCE SYSTEM	287
CRIMINAL OFFENDER INFORMATION	460
CRIMINAL ORGANIZATIONS	287
CRISIS INTERVENTION INCIDENTS	326

D

DEATH INVESTIGATION	188
DEATH NOTIFICATION	189
DEBRIEFING	
OIS.	61
Tactical.	61
DEPARTMENT E-MAIL	26
DEPARTMENT OWNED PROPERTY	423
DEPARTMENT PROPERTY	
Loss Or Damage.	424
DEPARTMENTAL DIRECTIVES	18

DEPENDENT ADULTS	
Safety.	206
DISABLED	
Motorist.	377
DISCIPLINE	157
DISCLAIMER OF POLICIES	13
DISCRIMINATION	
Conduct.	158
DISCRIMINATORY HARASSMENT	
Definitions.	127
DISPUTED CLAIMS	445
DOMESTIC VIOLENCE	
Definition Of Terms.	100
DRIVING	
MDT/MDC.	298
Personal communication devices.	428
DRIVING TACTICS	86

E

ELECTRICAL LINES	274
ELECTRO-MUSCULAR DISRUPTION	
TECHNOLOGY DEVICE	49
ELECTRONIC MAIL	24
Personal communication devices.	425
EMERGENCY MANAGEMENT PLAN	19
EMERGENCY UTILITY	274
EMPLOYEE COMMENDATIONS	538
EMPLOYEE COMMENDATIONS AND AWARDS	
.	538
EPINEPHRINE	
Administration.	338
ETHICS	158
EVALUATION	499
EVIDENCE	
Bombs.	255
Digital.	387
Seizing recordings.	332
EXPLOSIONS	254
EXPOSURE CONTROL	512
EXPOSURE(S)	244

F

FIREARM CONCEALED CARRY	323
FIREARMS	
Destruction of animals.	472
Retiree carry.	28
Vehicle use.	434
FIREARMS	
Mental Health.	446

Winnebago Police Department

Winnebago PD Policy Manual

FIRST AMENDMENT ASSEMBLIES . . .	345
FITNESS FOR DUTY	540
FOREIGN	
Nationals.	482
FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES	262
FORMS	
Firearms training.	78

G

GANGS	
Employee affiliation.	158
GANGS	289
GRIEVANCE PROCEDURE	504
GROOMING STANDARDS	555

H

HANDCUFFING	41
HANDCUFFING AND RESTRAINTS	
Custody.	487
HAZARDOUS MATERIAL	244
HAZARDOUS MATERIAL (HAZMAT) RESPONSE	
Aircraft accidents.	277
Precautions.	513
HEARING IMPAIRED	199
HOSTAGES	246

I

IDENTITY THEFT	191
IMMUNIZATIONS	514
IMPAIRED DRIVING	369
INFORMANTS	397
INFORMATION TECHNOLOGY USE	163
INITIATE A PURSUIT	82
INSPECTIONS	
Firearms.	75
Holding cells.	488
Personal communication devices.	425
Vehicles.	432
INVESTIGATION AND PROSECUTION	385

J

JURISDICTION	
Aircraft accidents.	277

Consular notification.	482
OIS.	57

K

KEYS	
Vehicle.	433

L

LAW ENFORCEMENT AUTHORITY	9
LEG RESTRAINT	40
LIMITED ENGLISH PROFICIENCY	192

M

MDT/MDC	
Use.	433
Vehicles.	433
MEDIA	
Aircraft accidents.	277
First amendment assemblies.	349
OIS.	60
Warrant service.	421
MEDIA REQUEST	171
MEDICAL	
Aircraft accidents.	276
Opioid overdoses.	337
Releases.	335
Screening - custody adults.	484
Treatment for communicable disease exposure.	515
Treatment for occupational diseases and work-related injuries.	553
MEDICAL CANNABIS CARDHOLDERS	369
MENTAL ILLNESS	
Restrains.	257
MOBILE AUDIO VIDEO	291
Evidence.	294
Review.	293
Video Media Storage.	294
MOBILE DIGITAL TERMINAL USE	298
MODIFIED-DUTY ASSIGNMENTS	567
MUTUAL AID	181
First amendment assemblies.	348
Warrant service.	421

N

Winnebago Police Department

Winnebago PD Policy Manual

NONSWORN	
Investigation and prosecution.	385
Vehicles.	434
NOTIFICATION	
Consular.	482
NOTIFICATIONS	
Civil commitments.	259
Complainant - discriminatory harassment.	130
Impaired driving	371, 371
NUMERICAL FILING	451

O

OATH	12
OATH OF OFFICE	12
OC SPRAY	
Animals.	77
OC SPRAY	46
OCCUPATIONAL DISEASE AND WORK-RELATED INJURY REPORTING	553
OFFICER SAFETY	
Crime scene and disaster integrity.	239
Firearm confiscation.	59
Informants.	398
LEOSA.	28
Portable audio/video recorders.	301
Seat belts.	528
Warrant service.	418
ORGANIZATIONAL STRUCTURE AND RESPONSIBILITY	17
OUTSIDE AGENCY ASSISTANCE	181
OUTSIDE EMPLOYMENT	549
Obtaining Approval.	549
Prohibited Outside Employment.	550
Security Employment.	550
OVERTIME	
Court.	175
OVERTIME PAYMENT	547

P

PARKING	434
PART-TIME OFFICERS	
Duties.	177
Firearms Requirements.	180
PART-TIME OFFICERS/DEPUTIES	
Training.	178
PATROL FUNCTION	234
PEPPER SPRAY	46
PERFORMANCE HISTORY AUDITS	572
PERSONAL APPEARANCE	555

PERSONAL COMMUNICATION DEVICES	425
PERSONAL PROPERTY	423
Loss Or Damage.	424
PERSONNEL COMPLAINTS	
Bias-based policing.	237
PHOTOGRAPHS	
Aircraft accidents.	275
First amendment assemblies.	346
POLICY MANUAL	13
PORTABLE AUDIO/VIDEO RECORDERS	301
PREGNANCY	
Custody	479, 488
PREGNANCY	571
PRIVACY EXPECTATIONS	
Audio/video recordings.	301
MDT/MDC.	298
Personal communication devices.	425
Technology use.	163
Vehicles.	432
PRIVATE PERSON'S ARREST	223
PROBATIONARY EMPLOYEES	
Personnel complaints.	526
PROMOTIONAL PROCESS	502
PROPERTY PROCEDURES	441
Disputed Claims.	445
Narcotics And Dangerous Drugs.	442
Packaging Of Property.	443
Property Handling.	441
Property Release.	445
PROTECTED INFORMATION	460
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY	331
PURSUIT INTERVENTION	91
PURSUIT POLICY	81
PURSUIT UNITS	84

R

RAMMING	92
RECORDS BUREAU	
Administrative hearings.	374
Suspicious activity reports.	341
RECORDS BUREAU	451
RECORDS RELEASE	
Audio/video recordings.	307
Media.	172
Subpoenas and discovery requests.	457
RECORDS RETENTION	
Oath of office.	12
RECRUITMENT AND SELECTION	494
REFLECTORIZED VESTS	353
RELIGION	

Winnebago Police Department

Winnebago PD Policy Manual

Accommodations in custody.	485
REPORTING CONVICTIONS	
Domestic Violence	506, 506
RESPONSE TO CALLS	96
RESTRAINTS	257
REVIEWS	
Bias-based policing - annual.	238
Crisis intervention incidents.	330
Emergency management plan.	19
Public records on social media.	222
Registrant compliance - annual.	184
RIDE-ALONG	
Eligibility.	241
ROADBLOCKS	92

S

SAFETY	
Firearms.	75
First responder.	239
Personal communication devices.	425
SAFETY EQUIPMENT	
Seat belts.	528
SEARCH & SEIZURE	109
SEARCH WARRANTS	418
SEARCHES	
Crime scene.	240
Dead bodies.	188
Police vehicle inspections.	432
SEAT BELTS	528
SECURITY EMPLOYMENT	550
SEIZED CURRENCY	392
SMOKING POLICY	517
SOCIAL MEDIA	220
SPIKE STRIPS	92
STAFFING LEVELS	27
STANDARDS OF CONDUCT	156
SUBPOENAS	174
Records release and discovery requests.	457
SUSPICIOUS ACTIVITY REPORTING	340
SWORD SYSTEM	288

T

TAKE HOME VEHICLES	435
TASER®	49
TATTOOS	556
TEAR GAS	46
TECHNOLOGY USE	163
TEMPORARY CUSTODY OF ADULTS	479
TRAFFIC FUNCTION	352

TRAFFIC OFFICER	352
TRAFFIC SIGNAL	274
TRAINING	
Child and dependent adult safety.	209
Communicable disease.	516
Crisis intervention incidents.	330
Custody.	492
Epinephrine administration.	338
Fair and objective policing.	238
Firearms.	76
First amendment assemblies.	350
Impaired driving.	374
Personal communication devices.	427
Shared equipment and supplies.	182
Social media.	222
Warrant service.	421
TRAINING	
Criminal Organizations.	290
TRANSFER PROCESS	502

U

UNIFORM REGULATIONS	557
UNIFORMS	
Courtroom attire.	175
UNLAWFUL ASSEMBLY	348
USE OF FORCE	
First amendment assemblies.	348
USE OF SOCIAL MEDIA	220
UTILITY SERVICE	274

V

VEHICLE MAINTENANCE	429
VEHICLE TOWING	357
VEHICLES	432
VIDEO RECORDINGS	
First amendment assemblies.	346

W

WARNINGS	
Shoots.	77
WATER LINES	274
WORKPLACE VIOLENCE	217