## CHIEF'S PREFACE

The Wheaton Police Department is an organization comprised of people of integrity, committed to providing quality police service to its community in an honest, fair, professional and courteous manner. We will focus on forging a partnership with the community based on mutual trust, confidence, commitment, and communication to maintain and improve the quality of life and promote the safety and welfare of our citizens. The members of this agency pledge collectively and individually to grow, develop and engage in reassessment to meet the current and future problems and challenges of our community. The Wheaton Police Department exists to meet the City's objectives for the safety and well-being of its residents. This mission is accomplished through people and knowledge, our most important resources. In the continuing pursuit of quality, we are guided by the following values:

- **Respect** We will recognize the worth, quality, diversity and importance of each other, the people we serve and the department.
- **Compassion** We will care about others and respect their feelings.
- **Integrity** We will be honest and forthright and meet ethical standards.
- **Efficiency** We will be prudent with our resources.
- **Leadership** We will work together to set an example through leadership which embodies respect, compassion, integrity and efficiency.

The policy manual was implemented to provide guidance and direction to every member of the Wheaton Police Department. In this rapidly changing and constantly evolving complex profession, the policy manual serves as a framework to fulfill the mission of providing the highest quality of service to the citizens of Wheaton and demonstrating the highest professional standards in law enforcement.

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## LAW ENFORCEMENT CODE OF ETHICS

The Wheaton Police Department subscribes to the Law Enforcement Code of Ethics as adopted by the International Association of Chiefs of Police. All sworn officers are required to abide by these ethics.

The Law Enforcement Code of Ethics is as follows:

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.

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# Chapter 1 - Law Enforcement Role and Authority

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# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

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

## 100.2 POLICY

It is the policy of the Wheaton 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 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law.

### 100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE WHEATON 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 ILCS in another county, the arresting officer shall take steps to have the arrestee delivered before a judicial officer within the jurisdiction of the Wheaton Police Department as soon as practicable (625 ILCS 5/16-103; 725 ILCS 5/109-2).

(b) There are reasonable grounds to believe that the person is committing or has committed an offense.

### 100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE WHEATON POLICE DEPARTMENT

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

(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.

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(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 Wheaton Police Department jurisdiction.

While outside the jurisdiction of the Wheaton 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 the officer's immediate on-duty supervisor as soon as practicable (725 ILCS 5/107-4).

### 100.4 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).

### 100.5 CONSTITUTIONAL REQUIREMENTS

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

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# Chief Executive Officer

## 101.1 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.

### 101.1.1 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).

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# Oath of Office

### 102.1 PURPOSE AND SCOPE

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

### 102.2 POLICY

It is the policy of the Wheaton Police Department to protect and serve the public, enforce laws, maintain order, and protect the constitutional rights of all people.

### 102.3 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, the Constitution of the State of Illinois, and the ordinances of the City, 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, the member shall be permitted to substitute the word "affirm" for the word "swear."

### 102.4 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).

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# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the Wheaton 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 members 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.

## 103.2 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 members of this department under the circumstances reasonably available at the time of any incident.

### 103.2.1 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 Wheaton Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Wheaton Police Department reserves the right to revise any policy content, in whole or in part.

## 103.3 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 Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

## 103.4 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.

**CFR** - Code of Federal Regulations.

**City** - The City of City of Wheaton.

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

**Department/WPD** - The Wheaton Police Department.

**Employee/personnel** - 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 law enforcement 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 (50 ILCS 705/2).

**Manual** - The Wheaton Police Department Policy Manual.

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

**Member** - Any person who is employed or appointed by the Wheaton Police Department, including:

- Full- and part-time employees.
- Sworn peace officers.
- Reserve, auxiliary officers.
- Civilian employees.
- Volunteers.

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

**On-duty** - A member's status during the period when the member is actually engaged in the performance of assigned duties.

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

**Retaliation** - Treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

**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 that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other department members, directing the work of other members, or having the authority to adjust grievances. The

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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 member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

### 103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members 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 member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Special Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### 103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

### 103.7 REVISIONS TO POLICIES

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

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

Each Deputy Chief will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Deputy Chiefs, who will consider the recommendations and forward them to the command staff as appropriate.

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# Chapter 2 - Organization and Administration

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# 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 DIVISIONS

The Chief of Police is responsible for administering and managing the Wheaton Police Department. There are two divisions in the Police Department as follows:

- Operations Division
- Support Division

### 200.2.1 OPERATIONS DIVISION

The Operations Division is commanded by a Deputy Chief, whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of Uniformed Patrol, the Traffic Unit, Training Officer, Community Service Officers, Parking Enforcement Officers, and Crossing Guards.

### 200.2.2 SUPPORT DIVISION

The Support Division is commanded by a Deputy Chief, whose primary responsibility is to provide general management direction and control for the Support Division. The Support Division consists of the Investigations Bureau, Community Engagement, Public Safety Analyst, Police Services, Property Control, and the Social Worker.

## 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 a Deputy Chief 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 or in exceptional situations is as follows:

(a) Operations Deputy Chief

(b) Support Deputy Chief

(c) Operations Lieutenant

(d) Support Lieutenant

### 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

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or special assignment (e.g.SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

### 200.3.3 ORDERS

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

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# Special Orders

## 201.1 PURPOSE AND SCOPE

Special Orders 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. Special Orders will immediately modify or supersede sections of this manual to which they pertain.

### 201.1.1 SPECIAL ORDERS PROTOCOL

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

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

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 23-01 signifies the first Special Order for the year 2023.

## 201.2 RESPONSIBILITIES

### 201.2.1 STAFF

The staff shall review and recommend Special Orders for incorporation as revisions to the Policy Manual.

## 201.3 ACCEPTANCE OF SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Special Orders. All employees are required to acknowledge in writing the receipt and review any new Special Order, as indicated by the Chief of Police. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Officer.

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# Training

## 202.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

## 202.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and the Illinois Law Enforcement Training and Standards Board (ILETSB) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

## 202.3 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 department members.

(c) Provide for continued professional development of department members.

(d) Ensure compliance with ILETSB rules and regulations concerning law enforcement training.

## 202.4 TRAINING OFFICER

The Chief of Police shall designate a Training Officer who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Officer should review the training plan annually.

## 202.5 TRAINING PLAN

The training plan should be a general outline of anticipated training and costs.The plan should include a systematic and detailed method for recording and logging of all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

### 202.5.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

(a) Federally mandated training:

1. National Incident Management System (NIMS) training

(b) State-mandated training:

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1. 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; 50 ILCS 705/7.1):
        1. Legal updates.
        2. Emergency medical response training and certification.
        3. Crisis intervention training.
        4. Officer wellness and mental health.
        5. Firearms Restraining Order Act.
        6. Use of force (must include scenario-based or similar training in accordance with ILETSB mandates).
    (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. Mental health awareness and response.
        8. Training on sexual assault and sexual abuse response and report writing (see the Sexual Assault Investigations Policy).
        9. ILETSB-approved use of force training, including policies and laws related to stops and searches and officer safety techniques.
        10. Scenario-based role-playing (six hours de-escalation and six hours high-risk traffic stops) in accordance with ILETSB mandates.
        11. Autism-informed responses, techniques, and procedures.
    (d) State-mandated training requirements every four years include:
        1. Homicide investigator training for investigators (50 ILCS 705/10.11).
    (e) State-mandated training requirements every five years include:
        1. Domestic violence (725 ILCS 5/112A–27; 750 ILCS 60/301.1).

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202.5.2 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).

202.5.3 NON-SWORN ORIENTATION
All non-sworn members of the Department shall receive information regarding:

(a) The Department's role, purpose, goals, policies, and procedures.

(b) Working conditions and regulations.

(c) Responsibilities and rights of employees.

(d) City of Wheaton Employee Manual

202.5.4 SKILLS DEVELOPMENT TRAINING
Members who are assigned to new functions or promotions shall receive training in their new assignments.

## 202.6 TRAINING ATTENDANCE

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:

1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the member's participation.
5. Emergency situations or department necessity.

(b) Any member who is unable to attend training as scheduled shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:

1. Document the member's absence in a memorandum to the member's supervisor, if directed by a supervisor.
2. Make arrangements through the member's supervisor or the Training Officer to attend the required training on an alternate date.

## 202.7 DAILY TRAINING BULLETINS
The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Wheaton 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 Training Officer.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Training Officer. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should

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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.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and 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-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

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

### 202.8 TRAINING RECORDS

The Training Officer is responsible for the creation, filing, and storage of all training records (50 ILCS 705/8.1). Training records shall be retained in accordance with the established records retention schedule.

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# Administrative Communications

### 203.1 PURPOSE AND SCOPE

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

### 203.2 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.

### 203.3 CORRESPONDENCE

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

### 203.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Deputy Chief.

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# Retiree Concealed Firearms

## 204.1 PURPOSE AND SCOPE

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

## 204.2 POLICY

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

## 204.3 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.

### 204.3.1 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.

### 204.3.2 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.

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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.

## 204.4 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).

## 204.5 FORMER OFFICERS RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Patrol Lieutenant 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.

### 204.5.1 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 employee or former employee 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.

## 204.6 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.

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## 204.7 FIREARM QUALIFICATIONS

The Training Officer or a designee 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 Training Officer will maintain a record of the qualifications and weapons used.

The Chief, or a designee shall ensure that any such certification program complies with 20 Ill. Adm. Code 1720.280.

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# Tactical Alert/Mobilization

## 205.1 PURPOSE

This Order establishes the procedure for the coordination and deployment of department resources to operational emergencies which are unexpected and require significant personnel deployment for extended periods of time.

## 205.2 CATEGORIES AND PROCEDURES

### 205.2.1 TACTICAL ALERT

A tactical alert is activated during emergency circumstances which require the immediate and prolonged deployment of a significant number of personnel and the temporary suspension of police response to non-emergency calls for services (i.e., barricaded suspect, hostage situation, etc.).

The on-scene supervisor may declare, at his/her discretion, a tactical alert by notifying DuComm. DuComm will broadcast the tactical alert to all Wheaton Police Department units. When a tactical alert has been declared, the following actions take place:

(a) Scheduled end of watch times is canceled. All on-duty Wheaton Police Department personnel will remain on duty.

(b) The on-scene supervisor will establish a command post and summon the necessary personnel to the tactical problem. This includes requests for mutual aid, MERIT SWAT, etc.

(c) The on-scene supervisor will coordinate staff notifications.

(d) DuComm will hold all non-life-threatening calls for service. Incoming requests for service that do not meet the life-threatening threshold will be advised of the tactical alert status. The request will be held until the emergency situation is resolved. Once the tactical alert has been cleared by a supervisor, the DuComm dispatcher will broadcast all holding calls for service.

(e) The team reporting for deployment will respond to the police department as customary and be assigned as needed. This direction will be provided by the on-scene supervisor and/or the oncoming Lieutenant/Sergeant.

(f) Once the situation has been resolved, and at the direction of the on-scene supervisor, DuComm will be directed to clear the tactical alert. The on-scene supervisor will coordinate the release of the scene, as well as any surrounding areas impacted by the incident.

(g) Officers who worked beyond their scheduled end of watch will report to the police department and wait for clearance from a supervisor to end their tour of duty.

(h) Those officers working during their scheduled watch will return to their assignments, unless as otherwise directed by a supervisor.

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### 205.2.2 MOBILIZATION

A mobilization of the Department notifies personnel of impending emergency operations which require re-deployment of Department resources. In these circumstances, it is projected that the needs and demands of the incident will extend beyond 24 hours. Examples of these types of incidents include hazardous material, railroad accident, aircraft disaster, major fires, floods, terrorist activities, civil disturbances, bombs, and explosives. To ensure the response is adequately capable to meet the resource and operational needs, personnel redistribution will be centralized within Patrol.

The procedure of mobilizing the department occurs following the initiation of a tactical alert by the on-scene supervisor. During staff notifications, the on-scene supervisor shall provide his/her assessment, to include magnitude, projected duration, equipment needs, and known hazards, of the incident and the requirement to mobilize the department. The Deputy Chief of Operations, or in his/her absence any Lieutenant, shall order the department mobilization by notifying DuComm and Police Services. Once the mobilization is declared, Police Services will contact each member of the department and advise of the activation. Staff notifications will be made by the Deputy Chief of Operations, or his/her designee. DuComm will limit calls for service to emergency responses only. All other calls for service will be screened for prioritization and responded to accordingly.

When mobilization has been ordered, the following actions will commence, unless otherwise directed by the Chief of Police or his/her designee:

(a) All sworn personnel will be in uniform or have immediate availability to all components of the Wheaton Police Department uniform, patrol duty equipment and be prepared to deploy as directed.

(b) All regular department scheduling is suspended.

(c) All days off, vacation leave, personal days, and holidays are automatically canceled.

(d) The mobilization reconfigures resources from existing schedules into two watches covering a 24-hour period. Generally, the distribution of staffing will be based on the incident, allocating a greater number of resources during the time when services are expected to be at the highest. The mobilization places all members in the Department on a 12-hour duty status, followed by a 12 hour off duty period. Day watch will operate from 0700 hrs. to 1900 hrs. and identified as "Watch A." Night watch will operate from 1900 hrs. to 0700 hrs. and be identified as "Watch B."

(e) Sworn personnel from all divisions will report to their assigned watch as directed by their Lieutenant/Sergeant.

(f) All media inquiries pertaining to the department mobilization will be directed to the Deputy Chief of Support.

At the conclusion to the mobilization, all personnel will be directed to return to pre-mobilization scheduling and assignments by the Deputy Chief of Operations, or his/her designee. A patrol lieutenant shall be assigned to generate an after-action mobilization report, indicating the nature, resources, course of action, duration, and resolution of the incident. This report shall be forwarded through the chain of command to the Chief of Police.

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# Chapter 3 - General Operations

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# 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.

The Wheaton Police Department values the safety of the public and its officers. With this in mind, officers shall use only that force which is reasonable and necessary to effectively bring an incident under safe control. The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene and whether the officers' actions are objectively reasonable in the light of the facts and circumstances confronting them: rather than with the 20/20 vision of hindsight. The 'reasonableness' must embody allowance for the fact officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving. The Wheaton Police Department shall use Illinois Use of Force Laws, 720 ILCS 5/7 et seq and Graham v. Connor, 490 U.S. 386 (1989) as its foundation in training and reviewing any Use of Force incident involving a Wheaton Police Officer. The Wheaton Police Department shall maintain adherence to all applicable federal, state, and local laws pertaining to this policy. The Department recognizes and respects the value of all human life and dignity without prejudice to anyone.

### 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.

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## 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.

### 300.2.1 DUTY TO INTERVENE 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, intervene 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

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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 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).

### 300.3.2 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).

### 300.3.3 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.

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(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.

### 300.3.4 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.

(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.

### 300.3.5 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 subject ingests evidence, or another object, supervisory notification shall be made and summon the medics to the scene as soon as practical.

## 300.4 DEADLY FORCE APPLICATIONS

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

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

(a) An officer may use deadly force to protect themself or others from what the officer 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

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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 themself) if the individual is not immediately apprehended.
2. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, an officer shall not use deadly force against a person whose actions are a threat solely to themself or property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

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 are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

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.

## 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:

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(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 CEW or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or a transport belt.

(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.

(j) Any force used by a member of this department including any technique, tactic, chemical agent, or weapon(s ), utilized to control, restrain, or overcome the resistance of another.

(k) The use of escort holds, control holds, and firm grips utilized in conjunction with handcuffing, searching, or momentarily controlling the movement of another is not classified as a use of force requiring notification to a supervisor.

## 300.6 MEDICAL CONSIDERATIONS

Pursuant to 720 ILCS 5/7-15, Duty to render aid, it is the policy of the State of Illinois that all law enforcement officers must, as soon as reasonably practical, determine if a person is injured, whether as a result of a use of force or otherwise, and render medical aid and assistance consistent with training and request emergency medical assistance if necessary. "Render medical aid and assistance" includes, but is not limited to, (i) performing emergency life-saving procedures such as cardiopulmonary resuscitation or the administration of an automated external defibrillator; and (ii) the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person.

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.

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

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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, 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 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 and the scene where the force was applied.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify and interview any witnesses not already included in related reports. When possible, these interviews should be recorded.

(f) Review and approve all related reports.

(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.

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(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 LIEUTENANT RESPONSIBILITY
A Lieutenant 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 shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.8.1 TRAINING REQUIREMENTS
Required annual training shall include:

(a) Legal updates.

(b) De-escalation tactics, including alternatives to force.

(c) The duty to intervene.

(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

(g) Training on the use of force.

## 300.9 USE OF FORCE ANALYSIS

At least annually, the Operations Deputy Chief, or his/her designee,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.

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# Supervisory Review

## 301.1 PURPOSE

The purpose of this order is to establish department policy and procedure regarding the supervisory responsibilities associated with a police officer's use-of-force. This order should be used as a guideline for supervisors, to include members of the Command Staff as well as "Officers In Charge" for incidents involving any use of force in which the supervisor is not directly involved.

## 301.2 POLICY

The Wheaton Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy. Each supervisor in the chain of command from the investigating supervisor to the Chief of Police will review the facts and circumstances of the incident involving the use of force and evaluate if the actions demonstrated are in compliance with the laws, policies and procedures that justify such actions.

The legal standard used to determine the lawfulness of the use of force is the Fourth Amendment of the United States Constitution. Additionally, the Wheaton Police Department is guided by Illinois Use of Force Laws, 720 ILCS 5/7 et seq and the United States Supreme Court decision in the case of Graham v Connor, 490 U.S. 386 (1989). The ruling states, in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application." The force must be reasonable under the circumstances known or perceived to the officer at the time the force was used. Therefore, the Department examines all use of force incidents from an objective standard rather than a subjective standard.

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Wheaton Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case.

The Department values the safety of the public and its officers. Therefore, officers shall only use that force which is reasonable and necessary to effectively bring an incident under safe control. Officers shall comply with Illinois Compiled Statutes (ILCS) 720 ILCS 5/Article 7, which govern Justifiable Use of Force.

## 301.3 SUPERVISOR RESPONSIBILITIES

### 301.3.1 REVIEW

Unless extenuating circumstances exist, a supervisor shall respond to every scene where there has been a reported application of Actual Force. No supervisor who ordered, used, or participated

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in the use of force will conduct the review of the incident, unless it is impractical under the circumstances.

In the event of an extenuating circumstance, or the direct supervisor is involved in the use of force, the supervisor shall make notification through the chain of command of the involvement and/or extenuating circumstance that prohibits the direct supervisor to investigate the incident. In the event the use of force results in great bodily harm or death to the offender, the supervisor shall adhere to the department order entitled, "Officer Involved Shooting and Deaths."." Absent these circumstances, the reviewing supervisor is expected to:

1. Ensure that any injured parties are examined and treated by paramedics. If an officer declines medical attention or advises they are not hurt despite obvious signs of injury, the supervisor shall order the officer to receive medical attention. If the involved subject declines medical attention, an effort should be made to record the refusal and ensure a waiver is signed. Every effort should be made to have the subject's refusal recorded. If possible, obtain the associated medical paperwork, and/or medical record release/ waiver, from any officer(s) or subject(s) receiving medical attention.
2. Ensure that photograph documentation, and if available video evidence, has been captured including any areas involving visible injury, complaints of pain by any and all involved parties, overall photographs of uninjured areas, scene and weather conditions.
3. Identify any witnesses and conduct independent interviews. These interviews shall be memorialized utilizing audio/video equipment, when practicable. If the interview is not recorded, the investigating supervisor shall justify the reason the interview was not recorded on the Use of Force Incident – Supervisor Review form.
4. Check the area for evidence, including video evidence.This includes department video, civilian recordings and business surveillance.
5. Custody/Non-custody admonishments shall be applied based on the nature of the interview. If a separately recorded interview with the arrestee, in custody, upon whom force was applied is conducted without the person(s) having voluntarily waived his/ her Miranda rights, the following shall apply:
    (a) The content of the interview shall not be summarized or included in any related criminal charges.
    (b) The fact that a recorded interview was conducted will be documented within the Use of Force Incident-Supervisor Review.
6. Conduct an interview of all officer(s) involved, as well as any and all officers who observed any portion of the incident.
7. Secure the radio transmissions by submitting an Incident Clarification Form through DuComm, obtain any related squad video and detention center video associated with the Wheaton Police Department. This may include requesting squad video from other municipalities during mutual aid responses. Additionally, video capturing the immediate area of the incident shall also be retained regardless of if it captured any portion of the incident as evidence to counter claims of tampering or selective evidence retention.

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8. Mark all evidence for retention until all potential civil litigation has expired.

### 301.3.2 DOCUMENTATION APPROVAL

Unless it is impractical due to scheduling or other associated conflicts, a lieutenant is responsible for the Use of Force Incident – Supervisory Review and approval of all associated police reports.If such conflict exists, the lieutenant that is notified of the incident shall direct a supervisor to complete the review and approve the associated reports.

The facts and circumstances surrounding the incident shall be evaluated based on the standard of "Objective Reasonableness" established in Graham v. Connor (490 U.S. 386 (1989)). Further compliance with Illinois Use of Force Laws (720 ILCS 5/7 et seq), Tennessee v. Garner (471 US 1 (1985)), and the Wheaton Police Department Order entitled Use of Force shall be evaluated with each supervisory review assessment.The assessment of force shall be evaluated upon:

(a) The totality of circumstances

(a) From the perspective of a reasonable officer

(a) With similar training and experience

(a) On the scene

(a) At the moment force was used

(a) Without 20/20 hindsight

(a) In circumstances that are tense, uncertain and rapidly evolving

Although not intended to be all inclusive, additional considerations when analyzing a Peace Officer's Use of Force include, but are not limited to:

(a) The immediacy and severity of the threat to officers or others, including weapons or the threat of the use of a weapon

(a) The conduct of the individual being confronted, as reasonably perceived by the officer at the time

(a) The severity of the crime or reason for contact with individual

(a) The level of resistance demonstrated, the actions conducted while attempting to evade arrest by flight or specific actions conducted while attacking the officer

(a) The apparent need for immediate control of the subject or a prompt resolution of the situation

(a) Any other exigent circumstances

During the administrative investigation into the facts and circumstances surrounding the use of force incident, the Chief of Police may reassign the officer(s) involved, pending the supervisory review. Once finalized, the investigating supervisor shall make the recommendation if the force used during the incident was in compliance with the Use of Force Department Order. The incident under review shall utilize the totality of the circumstances when determining the objective reasonableness of the officer(s) action. The Use of Force Supervisory Review shall be forwarded through the Chain of Command for a final determination by the Chief of Police.

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### 301.4 ANNUAL ANALYSIS

On an annual basis, the Deputy Chief of Operations, or his/her designee, shall prepare an analysis report on use of force incidents. The analysis will seek to identify any trends, training recommendations, equipment recommendations, and any need for policy revisions. This report will be provided to the Chief of Police.

The Wheaton Police Department will also provide the data associated with use-of-force incidents that meet the FBI's criteria for submittal into the National Use-of-Force Data Collection. The goal of the resulting statistics is not to offer insight into single use-of-force incidents but to provide an aggregate view of the incidents reported and the circumstances, subjects, and officers involved. Statistical reports emphasize the collective nature of the data and do not assess whether the officers involved in use-of-force incidents acted lawfully or within the bounds of department policy.

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# Handcuffing and Restraints

## 302.1 PURPOSE AND SCOPE

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

## 302.2 POLICY

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

## 302.3 USE OF RESTRAINTS

Only members who have successfully completed Wheaton 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.

### 302.3.1 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.

### 302.3.2 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, a transport belt, 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.

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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.

302.3.3 RESTRAINT OF JUVENILES

Juveniles 10 years of age but under 18 years of age shall be handcuffed while being transported for all criminal offenses. A supervisor or juvenile officer, may at their discretion, allow a juvenile to be transported unhandcuffed. The supervisor or juvenile officer shall consider the juvenile's age, escape risk, physical resistance, severity of the juvenile's offense, and any other aggravating or mitigating circumstances surrounding the arrest when making the decision to transport the juvenile unhandcuffed.

## 302.4 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

Officers shall handcuff arrestees. In the unique circumstance where an officer believes an arrestee should not be handcuffed, a supervisor shall be notified to review the situation and provide direction.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be checked for fit and 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.

## 302.5 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.

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

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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.

## 302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints, 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.

## 302.7 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).

### 302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(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 of time,

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(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).

## 302.8 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.

## 302.9 TRAINING

Subject to available resources, the Training Officer 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, transport belt, 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.

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# Control Devices and Techniques

## 303.1 PURPOSE AND SCOPE

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

## 303.2 POLICY

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

## 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members 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.

## 303.4 RESPONSIBILITIES

### 303.4.1 PATROL LIEUTENANT RESPONSIBILITIES

The Patrol Lieutenant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

### 303.4.2 TRAINING OFFICER RESPONSIBILITIES

The Training Officer 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 Training Officer or the designated instructor for a particular control device. The inspection shall be documented.

### 303.4.3 USER RESPONSIBILITIES

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

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Officer for disposition.

## 303.5 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.

## 303.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles 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. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

### 303.6.1 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly treated by emergency medical services personnel.

## 303.7 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

### 303.7.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

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(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

### 303.7.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device 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 give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck 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. Pursuant to 720 ILCS 5/7-5.5 (Prohibited use of force by a peace officer), a peace officer shall not: (i) use force as punishment or retaliation; (ii) discharge kinetic impact projectiles and all other non-lethal or less-lethal projectiles in a manner that targets the head, neck, groin, anterior pelvis, or back; (iii) discharge conducted electrical weapons in a manner that targets the head, chest, neck, groin, or anterior pelvis; (iv) discharge firearms or kinetic impact projectiles indiscriminately into a crowd; (v) use chemical agents or irritants for crowd control, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to allow for the order to be heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order unless providing such time and space would unduly place an officer or another person at risk of death or great bodily harm; or (vi) use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order in a sufficient manner to ensure the order is heard, and repeated if necessary, to allow compliance with the order unless providing such time and space would unduly place an officer or another person at risk of death or great bodily harm.

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### 303.7.3 SAFETY PROCEDURES

Less lethal impact munitions, commonly referred to as "LLIM," launchers specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the LLIM launchers and projectiles at the beginning of each shift to ensure that the tools are in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the LLIM launchers will be unloaded and properly and securely stored in the vehicle during the officer's tour of duty. During all other times, the LLIM launcher will be stored in the armory.

## 303.8 TRAINING FOR CONTROL DEVICES

The Training Officer 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 department's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this department's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

(d) Training shall include the issuance and training of this policy and the Use of Force Policy.

(e) Operator level recertification training for baton, OC, and LLIM must be completed on an annual basis.

## 303.9 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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# Conducted Energy Weapon

## 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy weapon(CEW).

## 304.2 POLICY

The CEW is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

The availability of non-deadly force conducted energy weapons can assist officers in the de-escalation of potentially violent confrontations and provide additional alternatives in the use of force. Conducted Energy Weapons are an important component of this agency's non-deadly force equipment. Officers are authorized to employ Conducted Energy Weapons in accordance with the provisions of this order and this department's overall Use of Force order.

Conducted Electrical Weapons (CEWs) deliver a low amperage electrical charge to a target, which impacts the sensory and motor nervous system. This causes the subject's muscles to involuntarily contract, making it difficult for them to move

## 304.3 ISSUANCE AND CARRYING CEWS

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

The Training Officer should keep a log of issued CEW devices.

Officers shall only use the CEW and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been approved to carry the CEW shall wear the device in an approved manner on their person.

(a) All CEWs shall be clearly distinguishable 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 a firearm and the CEW at the same time.

### 304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CEW is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEWs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Training Officer for disposition. may be required to submit documentation stating the reason for the return and how the CEW or cartridge/magazine was damaged or became inoperative, if known.

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### 304.4 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 fails 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, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CEW. The laser should not be intentionally directed into anyone's eyes.

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.

### 304.5 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 deploy the device within its operational range. Although the CEW may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CEW may be considered for officer safety.

#### 304.5.1 APPLICATION OF THE CEW

The CEW may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary and officers shall operate the device as prescribed in training. The decision to deploy the CEW must be reasonable and necessary.

(a) Use the minimum force necessary to accomplish lawful objectives;

(a) Use force only on those displaying "active aggression" or higher;

(a) Give a verbal warning before the use of force;

(a) Give subjects a reasonable opportunity to comply before force is used;

(a) Immediately cease any force once a subject has surrendered or is captured, handcuffed, and controlled;

(a) Follow "targeting guidelines" when feasible and use a 5-second "window of opportunity" to restrain and "cuff under power;"

(a) Every CEW trigger pull or 5-seconds of discharge must be justified under the specific circumstances of the incident.

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

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

### 304.5.2 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 potential 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 known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CEW capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) 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.

### 304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel. Officers shall adhere to 720 ILCS 5/7-5.5 (Prohibited use of force by a peace officer) and shall not use force as punishment or retaliation or discharge conducted electrical weapons in a manner that targets the head, chest, neck, groin, or anterior pelvis.

### 304.5.4 MULTIPLE APPLICATIONS OF THE CEW

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

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(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands, other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CEW. As soon as practicable, officers shall notify a supervisor any time the CEW has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### 304.5.6 DANGEROUS ANIMALS

The CEW may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

### 304.5.7 OFF-DUTY CONSIDERATIONS

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

## 304.6 DOCUMENTATION

Officers shall document all CEW discharges in the related arrest/crime reports. Photographs should be taken of any obvious probe impact or drive-stun application sites. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented inthe report. Data downloads from the CEW after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

### 304.6.1 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

## 304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove

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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, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed by medics or other qualified medical personnel.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination. 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/video 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 (see the Medical Aid and Response Policy).

## 304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CEW may be used. A supervisor should respond to all incidents where the CEW was activated.

A supervisor should review each incident where a person has been exposed to a CEW. The device's internal logs should be downloaded by a CEW Instructor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed. The supervisor will review the use of force as indicated by department policy.

## 304.9 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 assignments for a period of one year or more shall be recertified by a qualified CEW instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEWs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Officer. All training and proficiency for CEWs will be documented in the officer's training files

The Training Officer is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification.

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# Officer-Involved Shootings and Deaths

## 305.1 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.

### 305.1.1 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).

## 305.2 POLICY

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

## 305.3 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.

## 305.4 CONTROL OF INVESTIGATIONS

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

### 305.4.1 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 Wheaton Police Department would control the investigation if the suspect’s crime occurred in City of Wheaton.

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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.

### 305.4.2 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 police department'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.

### 305.4.3 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 pursuant to the Reporting of Deaths in Custody Act (730 ILCS 210/3-5).

## 305.5 INVESTIGATION PROCESS

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

### 305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved WPD 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.

### 305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved WPD 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.

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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 WPD 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.

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 Patrol Lieutenant and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional WPD 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 WPD officer should be given an administrative order not to discuss the incident with other involved officers or WPD 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.

### 305.5.3 PATROL LIEUTENANT RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the Patrol Lieutenant.

### 305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Deputy Chiefs
- Lieutenants
- Outside agency investigators (if appropriate)
- Psychological/Peer support personnel
- Chaplain (if requested)
- Coroner (if necessary)

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- Involved officer's agency representative (if requested)
- Public Information Officer

### 305.5.5 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).

### 305.5.6 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

1. Involved WPD 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.
2. Requests from involved non-WPD 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 WPD officer. A licensed psychotherapist may also be provided to any other affected WPD 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, the 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 between the involved officer and a peer support member is addressed in the Wellness Program Policy.

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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 WPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Patrol Lieutenant to make schedule adjustments to accommodate such leave.

## 305.6 CRIMINAL INVESTIGATION

The State Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting that does not result in death. Officer-involved deaths shall be investigated by Metropolitan Emergency Response and Investigations Team (MERIT).

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the State Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) WPD supervisors and Command Staff personnel should not participate directly in any voluntary interview of WPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

### 305.6.1 OFFICER-INVOLVED DEATH INVESTIGATIONS

The Chief of Police should ensure that the Wheaton Police Department enters into appropriate intergovernmental agreements to investigate officer-involved deaths involving members of the WPD by appropriately trained outside investigators as required by the Police and Community Relations Improvement Act (50 ILCS 727/1-1 et seq.). The agreement should establish any compensation arrangement for participation in investigations and establish responsibilities for

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expeditiously providing a complete report to the State's Attorney and a public report if no charge or indictment is brought against the officer.

### 305.6.2 REPORTS BY INVOLVED WPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved WPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved WPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/ witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved WPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

### 305.6.3 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons 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, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(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 a member of the Department.

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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 transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

## 305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved WPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Command Staff and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy) (50 ILCS 725/1 et seq.).

(a) Any officer involved in a shooting or death may be requested or administratively compelled to submit to alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

1. A sample shall be compelled in the case of a shooting that caused injury or death of a person as soon as practicable but no later than the end of the officer's shift or tour of duty (50 ILCS 727/1-25).

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas, with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

(a) Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

(b) The interview shall take place at the facility to which the administrative investigator is assigned or the police facility that has jurisdiction over the place where the incident occurred. The interview shall also be conducted at a reasonable time of day and during the time when the officer is on-duty as operational requirements and the nature of the incident permit. The interview shall be of reasonable duration and allow for reasonable periods of rest and

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personal necessities of the officer (50 ILCS 725/3.1; 50 ILCS 725/3.3; 50 ILCS 725/3.5).

(c) The officer shall not be subject to professional or personal abuse, including offensive language (50 ILCS 725/3.6).

(d) If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview and shall inform the WPD of any person who will be present on his/her behalf (50 ILCS 725/3.4; 50 ILCS 725/3.9). The officer shall have the right to be represented by counsel and may request counsel at any time before or during the interview and shall have a reasonable time and opportunity to obtain counsel (50 ILCS 725/3.9). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(e) A complete record of the administrative interview shall be made and a complete transcript or copy shall be made available to the officer without charge and without undue delay. Such record may be electronically recorded (50 ILCS 725/3.7). The officer may also record the interview.

(f) The officer shall be informed in writing of the nature of the investigation, the interviewers, and all persons who will be present on behalf of the WPD (50 ILCS 725/3.2; 50 ILCS 725/3.4). If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights in writing and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally (50 ILCS 725/3.8).

(g) The Command Staff shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

(h) Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Chief of Police to determine whether there was compliance with the Use of Force Policy.

(i) Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

(d) Investigators should take reasonable steps to avoid interfering with the outside criminal investigation conducted under the requirements of 50 ILCS 727/1-10 (50 ILCS 727/1-15).

### 305.8 CIVIL LIABILITY RESPONSE

A member 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.

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## 305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV) or other video or audio recordings, but not body-worn camera footage, prior to providing a recorded statement or completing reports (see the Body-Worn Cameras Policy) (50 ILCS 706/10-20).

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV, body-worn, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office as appropriate.

## 305.10 DEBRIEFING

Following an officer-involved shooting or death, the Wheaton Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings

### 305.10.1 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 members have provided recorded or formal statements to criminal and/or administrative investigators.

## 305.11 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 Patrol Lieutenant, Support Deputy Chief and Public Information Officer in the event of inquiries from the media.

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

Department members 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.

## 305.12 REPORTING

The Operations Deputy Chief will ensure that the Police Services Supervisor is provided with 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 Police Services Supervisor shall submit a written report to the Illinois Criminal Justice Information Authority whenever there is an officer-involved death of an individual in custody or

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that may have been caused by an officer's use of force as required by the Reporting of Deaths in Custody Act (730 ILCS 210/3-5). 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).

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# Firearms

## 306.1 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.

## 306.2 POLICY

The Wheaton 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.

## 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by an armorer. Firearms shall not be carried by civilian members while on-duty or while in any City-owned vehicle. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member 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 members in the performance of their official duties without the express written authorization of the member's Deputy Chief regarding the type of weapon and manner in which it is carried. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

### 306.3.1 HANDGUNS

The authorized department-issued handgun is the Glock 45.

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### 306.3.2 PATROL RIFLES

The department issued patrol rifle is the AR15/M16, 5.56 mm, carbine rifle.

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When the officer is on-duty and the rifle is not deployed, the patrol rifle shall be properly secured in the locking weapons rack in the patrol vehicle. In the event the rifle is unable to be secured in the locking mechanism, supervisory notification is required.

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### 306.3.3 AUTHORIZED SECONDARY HANDGUN

A secondary weapon is any other sidearm other than the department issued caliber semi-automatic pistol which is carried while on duty. For officers choosing to carry a secondary weapon, the following requirements shall be met:

(a) The officer shall complete a memo indicating the officer's choice of a secondary firearm, holster, ammunition, method, and location of carry. The memo will include photos of the weapon with the serial number, the ammunition box, and the holster. The weapon shall be tentatively approved for use by a sergeant or lieutenant and the Training Officer. Following qualification with the weapon, the sergeant or lieutenant will forward a recommendation for approval/denial to their respective Deputy Chief for review and recommendation to the Chief of Police for final approval.

(b) Approval criteria include a minimum of .380 caliber, as well as the overall quality, safety and effectiveness of the firearm.

(c) The secondary firearm shall be securely carried and fully concealed from view, in a holster designed for that weapon.

### 306.3.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members 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.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(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 member to submit the firearm to the Training Officer 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 member 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 member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Training Officer, who will maintain a list of the information.

(g) If a member 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) Members shall only carry department-authorized ammunition. Approval criteria include a minimum of .380 caliber, as well as the overall quality, safety and effectiveness of the firearm

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(i) When armed, officers shall carry their badges and Wheaton Police Department identification cards under circumstances requiring possession of such identification.

306.3.5 AMMUNITION
Duty and training ammunition for duty weapons will be provided by the department. Personally owned firearm ammunition shall be provided by the member.

## 306.4 EQUIPMENT

Firearms carried on- 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 member.

306.4.1 REPAIRS OR MODIFICATIONS
Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Training Officer.

Firearms that are the property of the Department 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.

The Approved Rifle Accessories/Modifications List will be maintained in the Procedures Manual.

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

306.4.2 HOLSTERS
Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

## 306.5 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 on the range or where clearing barrels are present.

(d) 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.

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(e) 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.

(f) 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.

### 306.5.1 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 member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved 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 may be safely stored in lockers at the end of the shift.Department-owned firearms shall 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 and then stored in the appropriate equipment storage room behind at least 2 access controls.

### 306.5.2 STORAGE OFF SITE

Members 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. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (720 ILCS 5/24-9(a)).

### 306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- 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 member’s senses or judgment.

## 306.6 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 annually. 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.

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306.6.1 REQUIREMENTS PRIOR TO CARRYING
Prior to an officer carrying a firearm, the officer shall digitally acknowledge this policy and the Use of Force Policy, and successfully complete department-approved training on both.

306.6.2 NON-CERTIFICATION OR NON-QUALIFICATION
If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status, or scheduling conflict, that member shall submit a memorandum to the member's immediate 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 member in demonstrating consistent firearm proficiency.

(b) Members 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:

    1. Unauthorized range make-up

    2. Failure to meet minimum standards or qualify after remedial training

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

Sworn personnel who do not qualify with their duty firearms will be given remedial training immediately by a certified firearms instructor to correct any deficiencies. The officer will be provided a minimum of one re-qualification opportunity during the scheduled firearms training/ qualification to demonstrate proficiency. If the officer fails to qualify with the Department issued firearm after receiving the immediate remedial training, the certified firearms instructor shall set up a training program, which will consist of two certified firearms instructors. If the officer fails to qualify after receiving the 20 hours of remedial firearms training, the Chief of Police shall be notified through the chain of command.

Failure to qualify with a secondary or off-duty firearm shall result in the cancellation of approval to carry that firearm.

## 306.7 FIREARM DISCHARGE
Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her 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 member 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:

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(a) If on-duty at the time of the incident, the member shall file a written report with his/her Deputy Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(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.

306.7.1 DESTRUCTION OF ANIMALS

Members 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, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.7.2 INJURED ANIMALS

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

306.7.3 WARNING SHOTS

Generally, warning shots are prohibited.

## 306.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Officer after each range date. Failure of any member 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 members during hours established by the Department.

The assigned member of the command staff, or designee,has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by members of this department to verify proper operation. The assigned member of the command staff, or designee,has the authority to deem any department-issued or personally owned firearm unfit for service. The member 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 assigned member of the command staff, or designee.

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The Rangemaster has the responsibility for ensuring each member 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 member is authorized to carry.

The Rangemaster shall complete and submit to the Training Officer 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 member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Officer.

### 306.9 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 Wheaton 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 Wheaton Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Wheaton Police Department an NLETS message 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.

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(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.

### 306.10 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 Wheaton 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.

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# Vehicle Pursuits

## 307.1 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 crashes. 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.

### 307.1.1 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.

## 307.2 OFFICER 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

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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 crash, the driver of any pursuit vehicle shall reduce the vehicle's speed so as to avoid a crash 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.

### 307.2.1 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.

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(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 should not be undertaken with a prisoner(s) in the police vehicle.

### 307.2.2 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 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.

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### 307.2.3 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.

## 307.3 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.

### 307.3.1 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, 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 emergency warning lights.

### 307.3.2 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 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.

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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 Dispatch 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.

### 307.3.3 SECONDARY UNIT(S) RESPONSIBILITIES

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.

(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.

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### 307.3.4 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.

### 307.3.5 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, unless directed otherwise by a supervisor.

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.

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### 307.3.6 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.

### 307.3.7 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.

## 307.4 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 field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field 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.
3. That other agencies are notified as necessary and appropriate.

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(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. Ensure 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.

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(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.

307.4.1 PATROL LIEUTENANT RESPONSIBILITY

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

The Patrol Lieutenant shall review all pertinent reports for content and forward to the Deputy Chief.

## 307.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or telecommunicator. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.5.1 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.

## 307.6 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 Wheaton 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 Dispatch that the pursuit is leaving this jurisdiction.

(b) The controlling supervisor will decide whether to continue the pursuit based upon the totality of circumstances known.

(c) As soon as practicable Dispatch will notify the involved jurisdiction.

(d) If two units from the other agency are actively involved in the pursuit, the officers will not engage in the pursuit unless directed to do so by a supervisor.

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### 307.6.1 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 Wheaton 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 ISP should include confirmation that the ISP will relinquish control.

### 307.6.2 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 Patrol Lieutenant should review a request for assistance from another agency. The Patrol Lieutenant 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 City 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.

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## 307.7 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.

### 307.7.1 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of 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.

### 307.7.2 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.

### 307.7.3 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.

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### 307.7.4 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:

(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

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exigent circumstances, such techniques should not be employed by officers that have not been trained in application of the selected technique.

307.7.5 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.

## 307.8 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.

(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 Supervisory Review shall be completed briefly summarizing the pursuit to his/her supervisor, through the chain of commandr. This review 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: for example arrest, citation.
7. Arrestee information should be provided if applicable.
8. Injuries and/or property damage.
9. Medical treatment.
10. Name of supervisor at scene.
11. 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:

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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.

307.8.1 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.

307.8.2 POLICY REVIEW

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

## 307.9 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.

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# Officer Response to Calls

## 308.1 PURPOSE AND SCOPE

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

It is difficult to establish policy and procedure for emergency driving specific enough to provide meaningful guidance yet broad enough to allow discretion to function effectively. The purpose of this Order is to balance the objectives and assist the officer in making decisions. Each decision must be based upon the conditions and circumstances existing at the time. Ultimately, the test will be "reasonableness" of the course of action chosen.

## 308.2 RESPONSE TO CALLS

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 (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.

(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.

## 308.3 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 should immediately notify Dispatch.

## 308.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Dispatch.

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### 308.5 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 a Code-3 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 Dispatch. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

### 308.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Patrol Sergeant or the field 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 field 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 a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Patrol Sergeant or the field 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

### 308.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Patrol Sergeant, field supervisor, and Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

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# Domestic Violence

## 309.1 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.

### 309.1.1 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.

## 309.2 POLICY

The Wheaton 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.

## 309.3 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.

## 309.4 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.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

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(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 on-duty supervisor 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.

### 309.4.1 ARREST SITUATIONS

Officers can make an arrest without a warrant if they have probable cause to believe a person has committed or is committing a criminal offense (e.g., battery against the victim). Law enforcement officers shall recognize the danger inherent in Domestic Violence and when an officer has reason

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to believe that a person has been abused, neglected, or exploited by a family or household member, the officer shall immediately use all reasonable means to prevent further abuse, neglect, or exploitation, including arresting the abusing, neglecting, and exploiting party, where appropriate. See 750 ILCS 60/304(a)(1).

Officers can make an arrest without a warrant if they have probable cause to believe the person has violated one of the police enforced remedies of an Order of Protection, even if the crime was not committed in the presence of the officer.

NOTE: A non-consensual, warrantless entry into the home of an individual for purpose of arrest requires exigent circumstances. Also, officers must determine that the offender has been served a copy of the Order of Protection or has actual notice of the order. The officer should check the victim's copy of the Order of Protection or verify provisions of the order via LEADS.

When probable cause exists, an officer shall make an arrest in cases involving domestic violence under the following circumstances:

(a) When a felony has been committed.

(a) When a misdemeanor has been committed and an established victim has visible signs of injury (see exceptions in Definitions, pertaining to the reasonable direction of a minor child by a parent or person in loco parentis), or when any weapon has been used to inflict injury or to intimidate or threaten an established victim.

(a) When a misdemeanor has been committed and the officer is aware that the abuser has committed other acts of domestic violence in the past.

(a) When an officer has probable cause to believe that a misdemeanor has been committed and the officer is aware that the abuser has threatened verbally or in writing to cause further harm.

(a) When an offense is committed in the presence of the officer.

(a) When an officer has confirmed that a valid order of protection, civil no contact order or stalking no contact order is in effect and the officer has probable cause to believe that a condition of the order has been violated by the offender. For an order of protection, the violation must be of remedies, 1, 2, 3, 14 or 14.5. and a police enforced remedy of the order has been violated by the offender. (Note: officers must determine that the offender has been served with a copy of the Order of Protection or has actual knowledge of it. The officer should check victim's copy of the Order of Protection or verify provisions of the order via LEADS.)

(a) When an officer is aware that the offender is presently in violation of a 72 hour stay away order which was set as a condition of pre-trial release for all crimes in which the victim is a family or household member. (720 ILCS 5/32-10b)

In any circumstances described in paragraphs of this section, the unwillingness of the victim to pursue charges shall not be sufficient reason to not arrest. However, if the officer determines that there are extenuating circumstances that mitigate against an arrest, approval from an on-scene supervisor shall be obtained to forgo arrest.

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Making dual arrests in domestic violence cases is discouraged and should only be done in rare instances when the predominant aggressor cannot be identified and when both parties show considerable evidence of a battery

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.

### 309.4.2 NON-ARREST SITUATIONS

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, etc.).

(b) Document the resolution in a report.

### 309.4.3 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, a condition of pretrial release, supervision, or order of protection is appropriate.

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

## 309.5 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.

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(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.

(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.

## 309.6 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.

## 309.7 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.

## 309.8 LEGAL MANDATES AND RELEVANT LAWS

Illinois law provides for the following:

### 309.8.1 STANDARDS FOR ARRESTS

(a) Officers shall attempt to determine the predominate physical aggressor.

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(b) 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).

(c) 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).

(d) Officers investigating a domestic violence incident who encounter an individual on pretrial release for a domestic violence charge should attempt to determine if there are reasonable grounds to believe that the individual is violating a condition of pretrial release, for example 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)).

### 309.8.2 REPORTS AND RECORDS

The Wheaton 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 Police Services Supervisor is provided with enough information to meet the reporting requirements of 50 ILCS 709/5-12.

### 309.8.3 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).

### 309.8.4 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 request that the respondent immediately surrender the CCL and forward the notification of

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the order and the surrendered license to the Illinois State Police within seven days of the date the order was served (430 ILCS 66/70).

If the Wheaton 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).

### 309.8.5 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)).

If the respondent officer is employed by the Wheaton 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 Wheaton 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.

## 309.9 KARINA'S LAW

When an order of protection requires the respondent to surrender their firearms, firearm parts, FOID card, and CCL, the officers serving the order of protection shall (725 ILCS 5/112A-14; 750 ILCS 60/214):

(a) Request that the respondent immediately surrender all firearms, firearm parts, FOID card, and CCL on their person and at the place of service. The serving officers shall take custody of items surrendered.

(b) Notify the respondent that all firearms, firearm parts, FOID card, and CCL not on respondent's person or at the place of service at the time of service must be surrendered to local law enforcement within 24 hours after service of the order of protection.

    1. The serving officers should document in a report and appropriate databases the date and time this notice was given.

### 309.9.1 CORRESPONDING SEARCH WARRANTS

If a search warrant for the seizure of respondent's firearms, firearm parts, FOID card, and CCL is issued at or after the entry of an order of protection in a criminal case, the Wheaton Police Department shall execute the search warrant within 96 hours after it was issued by the court. A return of the search warrant shall be filed with the court within 24 hours after it was executed or, if the court is not in session, the next date the court is in session, and state the information required by law (725 ILCS 5/112A-14).

If a search warrant for the seizure of respondent's firearms, firearm parts, FOID card, and CCL is issued at or after the entry of an order of protection in a civil case (750 ILCS 60/214):

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(a) The Wheaton Police Department shall execute the search warrant within 96 hours after receiving it if no evaluation of the warrant is needed, unless the court orders otherwise.

(b) If evaluation of the warrant by the Wheaton Police Department is required, the Wheaton Police Department should complete the evaluation and request the court to amend or negate the warrant within 48 hours after receiving it. The Wheaton Police Department shall execute the warrant within 96 hours after the court issues its amendments, unless the court orders otherwise.

(c) The Wheaton Police Department must notify the petitioner if the court amends or negates the warrant or extends the time to execute it as soon as practicable.

(d) A return of the search warrant shall be filed with the court within 24 hours after it was executed or, if the court is not in session, the next date the court is in session, and state the information required by law.

The information sheet accompanying the warrant should be reviewed prior to execution of the search warrant. The operations director or the authorized designee should evaluate and determine whether it is reasonably practicable to serve an order of protection and execute a corresponding search warrant at the same time (725 ILCS 5/112A-14; 750 ILCS 60/214) (see the Operations Planning and Deconfliction Policy).

### 309.9.2 RECEIPT OF SURRENDERED AND SEIZED ITEMS

A receipt identifying all surrendered or seized items and advising the respondent that they may request the return of the items when the order of protection is no longer in effect shall be prepared by the officers. A copy of the receipt shall be given to the respondent and filed with the appropriate court (725 ILCS 5/112A-14; 750 ILCS 60/214). A copy of the receipt should be forwarded to the Police Services Supervisor as soon as practicable.

Firearms and firearm parts collected for safekeeping by Wheaton Police Department for the duration of the order of protection should be handled and booked in accordance with the Property and Evidence Control Policy.

The Police Services Supervisor shall send any FOID card or CCL collected to the Illinois State Police Firearm Owners' Identification Card Office as soon as practicable (725 ILCS 5/112A-14;750 ILCS 60/214).

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# Workplace Violence

## 310.1 PURPOSE AND SCOPE

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

### 310.1.1 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).

## 310.2 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.

## 310.3 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. Members should consider whether a related domestic violence investigation should also be conducted, as provided in the Domestic Violence Policy.

(b) Members 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.

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(f) All responses to calls of workplace violence should be documented in an appropriate report.

## 310.4 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. Members 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 their 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 the victim has sustained injury or complains of pain.

(g) Ask the victim whether they have a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their 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 pretrial release for a domestic violence charge should attempt to determine if there are reasonable grounds to believe that the individual is violating a condition of pretrial release, for example by making contact or communicating with a domestic violence victim within 72 hours of release (725 ILCS 5/110-10(d)).

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# Search and Seizure

## 311.1 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 Wheaton Police Department personnel to consider when dealing with search and seizure issues.

## 311.2 POLICY

It is the policy of the Wheaton 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.

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.

## 311.3 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
- 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.

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.

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### 311.4 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.

### 311.5 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
- 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.

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# Temporary Custody of Juveniles

## 312.1 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 Wheaton Police Department (34 USC § 11133).

### 312.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's 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 the juvenile's 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.

**Safety checks** - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

**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.

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(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.

**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.

## 312.2 POLICY

The Wheaton 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 Wheaton Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### 312.2.1 ADDITIONAL CONSIDERATIONS

It is also the policy of the Department that all members be committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.

## 312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Wheaton Police Department. These include:

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or obvious signs of severe emotional or mental disturbance (see the Civil Commitments Policy).

1. If the officer taking custody of a juvenile believes that the juvenile may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or transfer to an appropriate facility is completed.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

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 should notify a supervisor of the situation.

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These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

### 312.4 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).

### 312.5 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Wheaton Police Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Department.

(c) Supervisory 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 (e.g., emergency situations, unusual incidents).

(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 on-duty supervisor should initial the log to approve the custody, including any secure custody, and should also initial the log when the juvenile is released.

### 312.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Wheaton Police 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 Department shall maintain a constant, immediate, side-by-side 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.

### 312.7 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The on-duty supervisor is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours.

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(b) Safety checks and significant incidents/activities are noted on the log.

(c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

(d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(e) There is reasonable access to toilets and wash basins.

(f) Food is 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) There is privacy during family, guardian, and/or attorney visits.

(h) Juveniles 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.

(i) Clean blankets are provided as reasonably necessary to ensure the comfort of the individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(j) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.

(k) Adequate furnishings are available, including suitable chairs or benches.

(l) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody (see the Temporary Custody of Adults Policy).

(m) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

Juveniles arrested for a felony or misdemeanor offense may only be detained in a "detention setting" for the periods of time outlined below.705 ILCS 405/5-410.

10 and 11 years of age – No more than 6 hours in a "detention setting."

12 to 17 years of age – No more than 12 hours in a "detention setting."

12 to 17 years of age – No more than 24 hours for a "crime of violence," in a "detention setting."

Detention time begins when a juvenile is placed in a secure room or cell, or when handcuffed to a fixed object.Transportation time does not count towards total detention time.Detention time ends when the juvenile is permanently removed from a detention setting prior to being released or transferred.

Juveniles must be separated by sight and sound from adults while in custody.

A periodic visual check of juveniles confined shall be made by personal observation, not including observation by a monitoring device. Periodic is defined to be a minimum of at least once every 15 minutes.

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## 312.8 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

## 312.9 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 Wheaton 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 supervisor. 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.

### 312.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

## 312.10 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

## 312.11 SECURE CUSTODY

Only juvenile offenders 10 years of age or older may be placed in secure custody (705 ILCS 405/5-410). Supervisor approval is required before placing a juvenile offender in secure custody. Juveniles in custody for status offenses shall not be held 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.

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### 312.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when the juvenile is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

(a) 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 juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.

(c) The juveniles shall have constant auditory access to department members.

(d) The juvenile'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 15 minutes.

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to the juvenile's well-being.
3. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

## 312.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Operations Deputy Chief will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Wheaton Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Patrol Lieutenant, the Chief of Police, and the Support Deputy Chief

(c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile

(d) Notification of the appropriate prosecutor

(e) Notification of the City Attorney

(f) Notification of the Coroner

(g) Notification of the juvenile court

(h) Evidence preservation

(i) Reporting to the Office of Jail and Detention Standards (20 Ill. Adm. Code 720.130)

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## 312.13 INTERVIEWING OR INTERROGATING

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 *Miranda Rights for Minors* 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?

### 312.13.1 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 5/22-88):

(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 5/22-88).

## 312.14 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.

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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).

All juveniles arrested for felonies, misdemeanors, and adopted traffic misdemeanors who have committed an offense which requires fingerprinting and photographing or the juvenile cannot be released to parents on scene shall be brought into the Wheaton Police Department and shall be processed accordingly.

### 312.15 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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# Adult Abuse

## 313.1 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 Wheaton Police Department members as required by law.

### 313.1.1 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.

## 313.2 POLICY

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

## 313.3 MANDATORY NOTIFICATION

(a) Members of the Wheaton Police Department shall notify the Illinois Department on Aging or other designated social services agency within 24 hours when there is reason to believe that an eligible adult who is unable to seek assistance for themselves because of a disability or other condition or impairment has, within the previous 12 months, been subjected to abuse, neglect, or financial exploitation (320 ILCS 20/4).

(b) Members of the Wheaton Police Department shall notify the Illinois Department on Aging or other designated social services agency when there is reason to believe that an eligible adult has died as the result of suspected abuse or neglect (320 ILCS 20/4).

(c) For purpose of this notification, an eligible adult means either:

1. An adult 18 through 59 years old whose disability impairs their ability to seek or to obtain protection from abuse, neglect, or exploitation.
2. A person 60 years of age or older who resides in a domestic living situation.

(d) Incidents of alleged abuse shall continue to be reported pursuant to the Illinois Domestic Violence Act (320 ILCS 20/4).

(e) The Wheaton Police Department shall also notify the Illinois Department on Aging whenever it determines a death of an eligible adult was caused by abuse or neglect by a caregiver (320 ILCS 20/3).

## 313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available 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.

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(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).

## 313.5 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.

(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.

## 313.6 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

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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.

## 313.7 INTERVIEWS

### 313.7.1 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.

### 313.7.2 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:

(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.

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## 313.8 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 an examination.

## 313.9 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.

### 313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations 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 manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations 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.

### 313.9.2 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 the Investigations supervisor so an interagency response can begin.

## 313.10 STATE MANDATES AND OTHER RELEVANT LAWS

### 313.10.1 POLICE SERVICES RESPONSIBILITIES

The Police Services 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.

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(b) Retaining the original adult abuse report with the initial case file.

313.10.2 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 Maintenance and Release Policy (320 ILCS 20/8).

313.10.3 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 such reports (320 ILCS 20/3).

## 313.11 TRAINING

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

(a) Participating in multidisciplinary 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.

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# Discriminatory Harassment

## 314.1 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.

## 314.2 POLICY

The Wheaton 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 sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination 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 a member to discipline.

## 314.3 DEFINITIONS

Definitions related to this policy include:

### 314.3.1 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.

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### 314.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated (820 ILCS 180/20; 820 ILCS 180/30).

### 314.3.3 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).

### 314.3.4 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 as 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.

### 314.3.5 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 the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or departmental rules or regulations, or any other appropriate work-related communication between supervisor and member.

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## 314.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Resources, or the City Manager.

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

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

### 314.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Resources, or the City Manager for further information, direction, or clarification.

### 314.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers 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 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 the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

### 314.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

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(a) Behavior of supervisors and managers should represent the values of the Department and professional 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.

## 314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member 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 all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated. The involved individuals should be protected against retaliation, and the complaint and relating investigation should be kept confidential to the extent possible.

### 314.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's 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.

### 314.5.2 FORMAL INVESTIGATION

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

The person 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 members involved. No influence will be used to suppress any complaint and no member 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 is not 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.

Members 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, the Director of Human Resources, or the City Manager.

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### 314.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, 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. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

## 314.6 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 the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Wheaton 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.

### 314.6.1 STATE-REQUIRED TRAINING

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

The Training Officer should develop a training program that meets the requirements for harassment and discrimination training in 5 ILCS 430/5-10.5 and that 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).

### 314.6.2 NOTICE

A notice of member 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 Wheaton Police Department or in an employee handbook (775 ILCS 5/2-102(K)(1)).

## 314.6 DOCUMENTATION OF COMPLAINTS

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

(a) Approved by the Chief of Police, the City Manager, or the Director of Human Resources, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

### 314.6.1 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.

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# Child Abuse

## 315.1 PURPOSE AND SCOPE

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

### 315.1.1 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).

## 315.2 POLICY

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

## 315.3 MANDATORY NOTIFICATION

Members of the Wheaton 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.

### 315.3.1 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.
2. The child's age, the nature of the child's condition, including any evidence of previous injuries or disabilities.

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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) A member 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).

## 315.4 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.

## 315.5 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.

(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.

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(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 Wheaton 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).

## 315.6 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.

### 315.6.1 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.

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

## 315.7 DUPAGE COUNTY CHILDREN'S CENTER

Pursuant to the terms of the intergovernmental Agreement and to the Illinois Abuse & Neglect child Reporting Act (325 lLCS 5/1), DuPage County Children's Center has assumed responsibility for specific incident-based reports of Child Sexual Abuse and Severe Physical Abuse occurring in DuPage County.

The DuPage County Children's Center was created to reduce the number of interviews and minimize the number of professionals associated with Child Sexual Abuse cases by conducting joint child protective/law enforcement interviews/investigations. The Children's Center also seeks to lessen the trauma experienced by sexually abused children by:

(a) Conducting interviews in a non-law enforcement, age-appropriate environment

(b) Provide support for any consequent legal proceedings

(c) Address any immediate crisis needs

(d) Provide referrals for short and long-term treatment

### 315.7.1 ELIGIBILITY

The DuPage County Children's Center shall have joint investigative responsibility with the primary law enforcement with jurisdiction for any incident described below:

(a) All cases of sexual abuse or assault to a child under 13 years of age.

(b) Cases in sexual abuse/assault to children under 18 years of age by a family member, caretaker, or person in a position of authority. (Sexual penetration, sexual molestation, sexual exploitation, and sexually transmitted disease present in underage children)

(c) Cases of sexual abuse/assault to children between the ages of 13 and 16 by non-family members where there is an element of force or there is more than a 5-year age difference between the victim and the accused.

(d) All cases of severe physical abuse/assault to children under 18 years of age committed by a family member, caretaker, or person in a position of authority.

    1. Allegations of severe physical abuse include:

        i. Death

        ii. Brain damage/Skull fracture

        iii. Subdural hematoma/Hemorrhage

        iv. Fractured bones

        v. Internal Injuries

        vi. 3rd degree or intentional burns

        vii. Poison/Noxious substances

        viii. Gunshot or stabbing injury

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ix. Torture

x. Other injuries on a case-by-case basis

2. At the request of the primary law enforcement agency, the Deputy Chief has the discretion to accept cases other than those specified when a determination that a case should be handled in a child sensitive manner.

(e) The Children's Center will provide forensic victim sensitive interviewing and case management services to children who are reported to have been a witness or present at the time of a domestic violence incident or any other violent crime.

**The Children's Center will not investigate sexual activity between children 10 years of age and under. The Center can provide referrals if needed.**

### 315.7.2 ACCESS PROCEDURE

The Children's Center is accessible 24 hours a day by calling (630) 407-2750. For an after-hours emergency, call the DuPage County Sheriff's Department at (630) 407-2400. The DuPage County Sheriff's Department will page the on-call investigator immediately. Please note that a report made to the DuPage County Children's Center does not substitute for mandated reporting to the DCFS Child Abuse Hotline under the "Abused and Neglected Child Reporting Act', (325 ILCS 5/1). The DCFS Child Abuse Hotline number is 800-25-abuse.

Local Law Enforcement will receive written notification of cases referred to the Children's Center by other sources (DCFS, direct referrals, etc.).

When feasible, interviews will be conducted during the Center's regular operating hours. However, it is mandated that initial contact be made within 24 hours of an interfamilial or caretaker report to the DCFS Child Abuse Hotline.

### 315.7.3 URGENT RESPONSE BY CHILDREN'S CENTER

Investigators will provide an urgent response in the following situations:

(a) The child/victim is at immediate risk of abuse by the perpetrator.

(b) Situations where it is likely physical evidence exists.

(c) Situations where immediate response is necessary to detain a perpetrator.

### 315.7.4 RESPONSE BY LOCAL LAW ENFORCEMENT

Local law enforcement should obtain all information possible for the Center referral from sources other than the victim and the alleged offender. DO NOT INTERVIEW THE VICTIM In instances where it is absolutely necessary for a police officer to have contact with a child victim, such contact shall be coordinated through the Children's Center.

As the local law enforcement agency retains jurisdiction, a detective should be assigned to the case as a liaison to the Children's Center.

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The investigation of severe physical and sexual abuse of children requires mutual cooperation between the Children's center and the primary law enforcement agency. The Children's Center may request assistance to affect an arrest, transport offenders, and collect or process evidence.

315.7.5 PHYSICAL EXAMINATIONS
An expert medical examination by a physician trained in the area of child abuse and trauma shall be arranged for any victim of abuse alleging sexual penetration, sexually transmitted disease, or physical injury.

315.7.6 MENTAL HEALTH COUNSELING/SUPPORT SERVICES
Case Managers will refer victims and their families for community mental health counseling or support services when needed. Victims may also be referred for specialized assessments.

315.7.7 REVIEW TEAM MEETING
The Children's Center hosts monthly team meetings. The team meeting is designated as a multidisciplinary approach to decisions on how best to proceed with a case, legality and therapeutically. A representative from the primary law enforcement agency is welcome to attend the meeting. Efforts are made to link the victim and family with services as soon as possible. Review team members include: The Deputy Chief of Investigations, Criminal Investigators, the Center's case managers, the County Prosecutors, DCFS representatives and representatives of agencies providing treatment services. Local law enforcement is always welcome.

315.7.8 TO REPORT A CASE
The Children's Center's working hours are Monday through Friday from 8:00 a.m. - 4:30 p.m. lf you are reporting a new case during these hours please call our Main number at (630) 407-2750. If you are reporting a new case after hours, please call the Sheriff's Office at (630) 4O7-2400. The On-Call Investigator will be paged by the Sheriff's Office and return your call shortly.

See attachment: Childrens Center Guidelines.PNG

## 315.8 INTERVIEWS
In the event the DuPage County Children's Center does not accept the case, or the case facts are circumstances do not meet the eligibility requirements for investigative responsibility, officers should consider the following guidelines when conducting interviews associated with child abuse.

315.8.1 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.

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315.8.2 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.

## 315.9 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.

## 315.10 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.

315.10.1 SUPERVISOR RESPONSIBILITIES

The Investigations 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 Investigations 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)

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### 315.10.2 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 Investigations Supervisor so an interagency response can begin.

## 315.11 STATE MANDATES AND OTHER RELEVANT LAWS

Illinois requires or permits the following:

### 315.11.1 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).

### 315.11.2 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 department 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).

### 315.11.3 ACKNOWLEDGEMENT OF REPORTING RESPONSIBILITY

The Field Training Officer shall ensure that members 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).

### 315.11.4 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 Patrol Lieutenant to arrange for the assistance to occur at a mutually agreeable time (325 ILCS 5/7.2).

### 315.11.5 SEXUAL ABUSE INVOLVING SCHOOL PERSONNEL

In all reported incidents of sexual abuse of a child involving school personnel, including vendors or volunteers, the Investigations 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).

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## 315.12 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.

### 315.12.1 TRAINING RECORDS

In addition to providing copies of completed mandated reporter training records to the Training Officer 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).

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# Missing Persons

## 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 316.1.1 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 their 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)).

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**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), the National Missing and Unidentified Persons System (NamUs), and LEADS (20 Ill. Adm. Code 1291.40).

## 316.2 POLICY

The Wheaton 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 Wheaton 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.

## 316.3 REQUIRED FORMS AND DNA COLLECTION KITS

The Investigations 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

## 316.4 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)).

### 316.4.1 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.

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### 316.5 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 a radio alert (e.g., internal broadcast, interagency broadcast) 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:

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 (34 USC § 41308).

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological 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 their 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)).

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(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)).

## 316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

### 316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Police Services.

(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.

(g) Initiating a search of the area if applicable. Steps to initiate a search may include:

1. Arrange for a search team of department members or volunteers.
2. Determine the locations to be searched.
3. Establish a search pattern.
4. Arrange for other resources as needed (e.g., divers, air support, canines).

### 316.6.2 POLICE SERVICES RESPONSIBILITIES

The responsibilities of the Police Services 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 Investigations.

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(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).

## 316.7 INVESTIGATIONS FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(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 party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and 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).

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(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 the National Center for Missing and Exploited Children (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).

(h) Should make appropriate inquiry with the Coroner.

(i) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

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).

(j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Illinois State Police and enter the photograph into applicable missing person networks (34 USC § 41308).

(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).

### 316.7.1 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 Wheaton 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.

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## 316.8 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.

The Police Services 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.

(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.

### 316.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.

(c) Use available resources, such as those related to missing persons, to identify the person.

## 316.9 CASE CLOSURE

The Investigations 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 City of Wheaton 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.

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## 316.10 TRAINING

Subject to available resources, the Training Officer, or supervisor from the Support Division, 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

(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.

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# Public Alerts

## 317.1 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.

## 317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, 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.

## 317.3 RESPONSIBILITIES

### 317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Wheaton Police Department should notify their supervisor, Patrol Lieutenant or Investigations Supervisor 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.

### 317.3.2 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, the appropriate Deputy Chief and the Public Information Officer 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 Deputy Chief

## 317.4 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.

### 317.4.1 CRITERIA

An AMBER Alert should only be implemented when all of the following criteria are met (20 Ill. Adm. Code 1292.30):

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(a) A confirmed abduction.

(b) The child must be under the age of 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.

### 317.4.2 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) Complete the Amber Alert Notification Plan form, notify the Illinois State Police Communication Center (SCC) (217) 786-6677, and fax the AMBER Fax Packet (217) 786-7191.

(b) Include detailed information which could be helpful to the public in identifying the child.

(c) Designate a department contact for the Illinois State Police (ISP) SCC (include a name and telephone number).

(d) Designate a secondary number Public Information Officer (PIO) for media contacts.

(e) Follow department policy regarding the actual investigation process involving any abducted/kidnapped child incident which takes place within this department's jurisdiction.

(f) Disseminate necessary abduction information via a LEADS/NLETS message (sent ISPERN messages shall be coordinated through the ISP district of occurrence).

(g) 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 (ISPmissing@illinois.gov).

(h) 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 or ojjdp.ojp.gov/programs/national-center-missing-and-exploited-children.

(i) The investigator or other individual responsible for making notifications 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.

(j) The Investigations investigator or other individual responsible for making notifications 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.

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## 317.5 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.

### 317.5.1 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).

### 317.5.2 PROCEDURE

Upon receipt of a missing person report and using the above criteria, the investigator or other individual assigned to the investigation 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 Packet available at silversearchillinois.org and fax the completed form to the ISP Communications Center, (217) 786-7191.

(c) If appropriate, coordinate an ISPERN message through the ISP District of occurrence.

(d) Upload DNA profiles as determined by the ISP 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 members 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.

## 317.6 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).

### 317.6.1 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

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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.

317.6.2 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).

## 317.7 ADDITIONAL RESOURCES

317.7.1 A CHILD IS MISSING ALERT (ACIM)
The on-scene supervisor will be responsible for the decision to use ACIM assets (888-875-2246).

ACIM may be used for cases involving:

(a) Any missing person 17 years of age or younger

(b) Runaway children if the on-scene supervisor deems the child to be at risk

(c) Stranger abduction, prior to AMBER ALERT being activated

(d) College students (at the discretion of a supervisor)

(e) A senior citizen who must be 65 years of age or older (unless otherwise disabled) when being missing is out of character for the elderly person. ACIM can be used for an elderly person who frequently walks away from a nursing facility

(f) Disabled person (no age limitation) where the disability severely limits the person's ability to self-care; the person is disoriented, dependent on life sustaining medication

(g) Impending or imminent weather conditions (such as snowstorms, thunderstorms, tornado warning, et cetera) in the opinion of the on-scene supervisor warrant utilization of ACIM.

ACIM will:

(a) Use computer-mapping software to identify the area the subject was last seen and potential areas there the subject might be found

(b) Use an automated telephone system to deliver a recorded message to residents and businesses in the area the person was last seen. The message will ask residents to check their property for the missing individual

(c) Notify police of any information or leads reported to them

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(d) If police verify a sighting that places the missing person in a different zip code than the last known location that was indicated at the time of the first ACIM message, a second message can be sent out into the new area.

### 317.7.2 INTEGRATED PUBLIC ALERT AND WARNING SYSTEM (IPAWS)

The Integrated Public Alert & Warning System (IPAWS) is the Federal Emergency Management Agency's (FEMA) national system for local alerting that provides authenticated emergency and public safety information to the public through mobile phones using Wireless Emergency Alerts, to radio and television via the Emergency Alert System, and on the National Oceanic and Atmospheric Administration's Weather Radio.

IPAWS is a National System for Local Alerting

- Supports sending geo-targeted alerts from local, state, tribal, and territorial officials during emergencies and from the President in the event of a catastrophic national emergency
- Provides authenticated emergency alert and information messaging from public safety officials to the public through:
    - Radio and television via the Emergency Alert System (EAS)
    - Cellular phones via Wireless Emergency Alerts (WEA)
    - NOAA All Hazards National Weather Radio (NWR) via IPAWS-NOAA gateway
    - Internet applications and websites via the IPAWS All-Hazards Information Feed

IPAWS includes, but is not limited to, the following situations:

- Emergency alert and warning information
    - Anything public safety officials determine is a threat to public safety
- Alerting all citizens (including those with disabilities and others with access and functional needs) in a given area
- Sudden, unforeseen or unpredictable incidents
- Imminent threat to life or property
- Public safety information that is relevant but not immediately threatening to the public
- Updates, recovery, and reunification information
- Applicable information for isolated/local situations

The City of Wheaton currently has three designated alerting authorities with IPAWS access. They include the Patrol Lieutenant assigned to Day Watch (0700-1900), Support Lieutenant, and Public Information Officer (Communications).

The Integrated Public Alert and Warning System (IPAWS) support all preparedness mission areas: prevention, protection, mitigation, response, and recovery efforts. IPAWS delivers coordinated, prompt, reliable, and actionable information to the whole community through the use of clear, consistent, accessible, and culturally and linguistically appropriate methods. IPAWS effectively

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relays information regarding any threat or hazard, as well as the actions being taken and the assistance being made available, as appropriate.

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# Victim and Witness Assistance

## 318.1 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.

## 318.2 POLICY

The Wheaton Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Wheaton 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.

## 318.3 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 Wheaton 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.

### 318.3.1 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).

## 318.4 CRIME VICTIMS

Officers shall provide all victims with the applicable victim information handouts, and provide a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.

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.

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Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct the victim to the proper written department material or available victim resources.

### 318.4.1 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.

Officers should, when feasible, schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness, to include at the option of the Department (unless required by law) providing transportation.

### 318.4.2 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).

## 318.5 VICTIM INFORMATION

The Support Deputy Chief 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 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

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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.

(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 Violent 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.

## 318.6 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.

## 318.7 WITNESS INFORMATION

The Support Deputy Chief shall ensure that witness information handouts are available and current. Handouts should include information regarding:

(a) A telephone number that the witness may call to report additional information about the case or to receive information about the status of the case.

(b) The Violent Crime Witness Protection Program Fund (725 ILCS 173/10).

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(c) 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.
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, and 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.

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# Hate Crimes

## 319.1 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.

## 319.2 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).

## 319.3 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.

## 319.4 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.

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(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 City Attorney).

#### 319.4.1 INVESTIGATIONS RESPONSIBILITY

If a case is assigned to the Investigations, the assigned detective 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 Police Services Supervisor is provided with enough information to meet the reporting requirements of 50 ILCS 709/5-12.

### 319.5 TRAINING

All members of this department should receive training on hate crimes recognition and investigation.

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# Standards of Conduct

## 320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Wheaton 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.

## 320.2 POLICY

The continued employment or appointment of every member of the Wheaton 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.

## 320.3 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.

### 320.3.1 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.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### 320.3.2 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.

## 320.4 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 just 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.

## 320.5 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.

### 320.5.1 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 City 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.

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### 320.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Wheaton Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment 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.

### 320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status 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.

### 320.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while onduty or through the use of one's official capacity.

(b) Engaging in onduty 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.

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### 320.5.5 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 the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.

### 320.5.6 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.

### 320.5.7 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 or contact numbers.

(f) Failure to notify the Department of Human Resources of changes relevant to personal information (e.g., information associated with benefits determination) in a timely fashion.

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320.5.8 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 City policy, the collective bargaining agreement, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

320.5.9 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

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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 City.

(g) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(h) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(i) 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.

(j) 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.

(k) 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.

(l) 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.

(m) Failure of any member to be reasonably available and responsive. Members must be able to be reached for emergency purposes, scheduling or other needs of the Department. Each member shall maintain a current phone number with the Department with voicemail or other measure for receiving Department messages. Messages shall be returned promptly and within a reasonable amount of time.

### 320.5.10 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.

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(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.

(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.

### 320.5.11 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.

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# Report Preparation

## 321.1 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.

## 321.2 POLICY

It is the policy of the Wheaton 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.

## 321.3 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.

## 321.4 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.

### 321.4.1 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.

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### 321.4.2 ELECTRONIC SIGNATURES

The Wheaton Police Department has established an electronic signature procedure for use by all employees of the Wheaton Police Department. The Operations Deputy Chief 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.).

## 321.5 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.

### 321.5.1 CRIMINAL ACTIVITY

When an officer 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.

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### 321.5.2 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).

(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.

### 321.5.3 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. All deaths shall be appropriately investigated and documented.

### 321.5.4 CITY PERSONNEL OR PROPERTY

Incidents involving City personnel or property shall require a report when:

- An injury occurs as the result of an act of a City employee or on City property.
- There is damage to City property or equipment.

### 321.5.5 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.

### 321.5.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public online include:

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(a) Burglary to a Vehicle
(b) Civil Matter or Matter of Record
(c) Criminal Damage to Property or Vehicle
(d) Harassment or Harassment by Electronic Communications
(e) Identity Theft
(f) Lost or Stolen Property
(g) Miscellaneous Report
(h) Nuisances
(i) Private Property Crash or Accidental Damage to a Vehicle
(j) Theft
(k) Trespass to Vehicle

Officers at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Officers may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft; the Internet Crime Complaint Center (IC3) website for computer crimes).

321.5.7 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.

## 321.6 REVIEW AND CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should identify the reasons 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.

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# Media Relations

## 322.1 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.

## 322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Deputy Chiefs, Patrol Lieutenants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

### 322.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(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 a supervisor or the designated department media representative.

(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.

## 322.3 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 department Public Information Officer or other designated spokesperson.

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2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFR should be routed through a Lieutenant. 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.

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, with the supervisor in charge determining the appropriate location for the news media. Generally, this location will be beyond the outer perimeter, subject to situational and environmental considerations. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

### 322.3.1 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.

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# Subpoenas and Court Appearances

## 323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Wheaton Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

## 323.2 POLICY

Wheaton Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

## 323.3 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).

### 323.3.1 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 City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City 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.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Wheaton Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Wheaton 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.

### 323.3.1 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.

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323.3.1 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 City personnel rules.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

## 323.4 FAILURE TO APPEAR

**Authorized Absence (either scheduled or emergency situation)**

The Operations Secretary shall inform the City's Prosecutor or State's Attorney's Office, of the member's absence and request continuances for any and all cases on the Court Call to the Officer's next available Court date.

**Unauthorized Absences and/or Tardiness**

Any member arriving late to a court appearance, or being absent from a court appearance without authorization, shall inform their immediate supervisor upon reporting for their next duty day. A member's unauthorized absence or late appearance in Court shall be documented by the member's immediate supervisor noting the reason for the tardy or absence and the affect the absence had on the proceedings. It shall be the supervisor's responsibility to recommend any discipline necessary.

## 323.5 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 operations secretary 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.

## 323.6 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.

323.6.1 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.

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### 323.7 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 City personnel rules.

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# Outside Agency Assistance

## 324.1 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.

## 324.2 POLICY

It is the policy of the Wheaton 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.

## 324.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the on-duty supervisor for approval.

When another law enforcement agency requests assistance from this department, the on-duty supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

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.

### 324.3.1 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 Wheaton Police Department shall notify his/her supervisor and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

## 324.4 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.

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### 324.5 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 on-duty supervisor.

### 324.6 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 a Deputy Chief 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.

The Training Officer should maintain documentation that the appropriate members have received the required training.

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# Registered Offender Information

## 325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Wheaton 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 offenders.

## 325.2 POLICY

It is the policy of the Wheaton 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.

## 325.3 REGISTRATION

The Investigations Supervisor 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.

## 325.4 CONTENTS OF REGISTRATION

The Investigations Supervisor shall assign a detective to reasonably accommodate registration. The assigned detective 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 copy of the registration paperowrk.

(f) Enter registration information into Law Enforcement Agencies Database System (LEADS).

## 325.5 MONITORING OF REGISTERED OFFENDERS

The Investigations Supervisor 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:

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(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 Investigations detective.

The Investigations Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Wheaton Police Department personnel, including timely updates regarding new or relocated registrants.

## 325.6 DISSEMINATION OF OFFENDER INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees 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 Deputy Chief of Support if warranted. A determination will be made by the Deputy Chief of Support, 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 City of Wheaton website.

The Police Services 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).

### 325.6.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification, or a link to important reminders, that:

(a) The information on the Registry refers only to sex offenses and/or certain crimes and may not reflect the entire criminal history of a particular individual. A complete public record of Illinois criminal history can be obtained from the Illinois State Police Bureau of Identification.

(b) The information contained on this site does not imply listed individuals will commit a specific type of crime in the future, nor does it imply that if a future crime is committed by a listed individual what the nature of that crime may be. ISP makes no representation as to any offender's likelihood of re-offending.

(c) Information compiled on this Registry may not be used to harass or threaten sex offenders or their families. Harassment, stalking or threats may violate Illinois criminal law.

### 325.6.2 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

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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).

### 325.6.3 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.

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# Major Incident Notification

### 326.1 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.

### 326.2 POLICY

The Wheaton 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.

### 326.3 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 Deputy Chief. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

a. Death Investigations (To include Homicide, or any element involved that heightens the probable manner/cause beyond natural. When the totality of the facts and circumstances are considered, the elements used in this determination include, but are not limited to, age, medical history, environment, or intoxication).

b. Traffic crash where type A injuries sustained may result in a fatality or the traffic

crash resulted in a fatality

c. Criminal Sexual Assault or other sex related offense

d. Bank robbery, armed robbery, robbery, home invasion, kidnapping

e. Battery involving great bodily harm where the injuries sustained may result in death

f. Arson, bomb threats actual bombings, acts of terrorism, threat of school and/or mass shootings

g. Burglary, residential burglary, and criminal damage to property where the loss is in excess of $10,000

h. Any incident involving the discharge of a firearm

i. Significant injury or death to employee - on or off duty

j. Death of a prominent Wheaton official

k. Arrest of Department employee or prominent Wheaton official

l. Aircraft crash with major damage and/or injury or death

m. In-custody deaths (Utilize OIS department policy)

n. Disaster or potential disaster situation

o. Riot, civil disorder, or any significant disturbance

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p. Public transportation accident or significant damage to a public facility

q. Major fire

r. Major traffic crash or MERIT call out

s. Any MERIT call-out

t. All squad crashes, use of force incidents, or employee exposures,

u. Any other situation or crime where a supervisor determines investigative intervention may be necessary

## 326.4 SUPERVISOR RESPONSIBILITY

### 326.4.1 OPERATIONS RESPONSIBILITY

The on-duty supervisor is responsible for making the appropriate notifications. This includes notifying the on-duty operations lieutenant. For incidents involving investigative follow-up, the support lieutenant shall be notified. If the incident requires that a detective(s) respond from home, the support lieutenant shall be contacted who will then contact the appropriate detective. The on-scene supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The supervisor shall attempt to make the notifications as soon as practical. Based on the needs and demands of the incident, the on-duty supervisor shall also consider and request additional resources as necessary. This includes, but is not limited to, any sworn personnel with specialized training or outside agency resource, such as ILEAS, Mutual Aid, MERIT, WMD, or the DuPage County State's Attorney's Office.

It shall be the responsibility of the Lieutenants or their designee to notify the Deputy Chiefs and Chief of Police.

The on-duty supervisor, or their designee, shall be responsible for notifying the department of the incident by generating a department wide email.

### 326.4.2 SUPPORT RESPONSIBILITY

Upon notification by the on-duty supervisor of a major incident requiring investigation or potential investigation, the Support Lieutenant or their designee shall assess the circumstances and determine if a detective(s) should be involved in the investigation. The Support Lieutenant or designee may also initiate an investigative response to any potential or ongoing major incident. It shall be the responsibility of the assigned detective to review the progress of the investigation with the Support Lieutenant and/or on-duty supervisor to determine if a department wide email should be generated.

The responding assigned case detective shall be responsible for the scene and investigation of a major incident unless relieved or reassigned by the Support Lieutenant or another supervisor. The case detective is responsible for coordinating the investigation and completion of the case report(s).

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It shall be the responsibility of the Support Lieutenant to notify the Support Deputy Chief of Police. In the absence of the Support Deputy Chief of Police, the Chief of Police or designee shall be notified.

### 326.4.3 EMAIL NOTIFICATION CONTENT

The synopsis of significant event notifications (commonly referred to as an "Unusual") should include the following information and be emailed to all members of the department:

a. The email subject line should be "Unusual Occurrence: (Type of Incident) and (Case Number)"

b.. Date/Time of Incident

c. Location of Incident

d. Brief description of incident

e. Subjects at large/in-custody

f. Primary case detective (if applicable)

### 326.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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# Death Investigation

## 327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

## 327.2 POLICY

It is the policy of the Wheaton Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

## 327.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Support Division Lieutenant as necessary. The Patrol Lieutenant, or his/her designee will make notification to command staff in accordance with the Major Incident Notification Policy.

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 investigators on any death or homicide investigation (50 ILCS 705/10.11).

### 327.3.1 REPORTING

All incidents involving a death shall be documented on the appropriate form.

### 327.3.2 CORONER REQUEST

Officers are not authorized to pronounce death unless they are also Coroners, Deputy Coroners, or appointed Coroner investigators. The Coroner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Coroner be notified in any of the following cases (55 ILCS 5/3-3013):

(a) A sudden or violent death, whether apparently suicidal, homicidal, or accidental.

(b) A death due to a sex crime.

(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.

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(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.

### 327.3.3 SEARCHING DEAD BODIES

(a) The Coroner, their assistant, and authorized investigators are generally the only persons permitted to move, handle, or search a dead body.

(b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor, with the permission of the Coroner (55 ILCS 5/3-3019). If a donor document is located, the Coroner or their assistant shall be promptly notified.

(c) The Coroner, with the permission of the Department, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

(d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner or their assistant, the investigating officer should first obtain verbal consent from the Coroner or their assistant when practicable (55 ILCS 5/3-3019).

(e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner or their assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Coroner or their assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

### 327.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigations supervisor shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Patrol Lieutenant or Investigations supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

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327.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES
Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

## 327.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

The assigned officer, as necessary, shall create an unidentified person record in the National Missing and Unidentified Persons System as required by law (50 ILCS 722/20).

The assigned officer, as necessary, shall contact the Illinois State Police (ISP), request the creation of a National Crime Information Center (NCIC) Unidentified Person record, and provide ISP with all initial and updated information needed for that record as required by law.The assigned officer will obtain the NCIC number from ISP and maintain it in the case file (50 ILCS 722/20).

## 327.5 DEATH NOTIFICATION

When reasonably practicable, 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 a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

## 327.6 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 Support Deputy Chief 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).

## 327.7 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)):

(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.

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# Identity Theft

## 328.1 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.

## 328.2 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.

## 328.3 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)).

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# Limited English Proficiency Services

## 329.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

### 329.1.1 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 member** - A member of the Wheaton 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).

## 329.2 POLICY

It is the policy of the Wheaton 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 members.

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.

## 329.3 LEP COORDINATOR

The Support Lieutenant is the designated LEP Coordinator.

The responsibilities of the LEP Coordinator include, but are not limited to:

(a) Coordinating and implementing all aspects of the Wheaton Police Department's LEP services to LEP individuals.

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(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to all sworn members and Dispatch Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

## 329.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members 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 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 department members, 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 department members, programs or services.

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(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

### 329.5 TYPES OF LEP ASSISTANCE AVAILABLE

Wheaton Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an 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 an 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.

### 329.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

### 329.7 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.

### 329.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members 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. Members 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 members must be able to communicate 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 member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

### 329.9 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,

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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 LEP Coordinator 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.

### 329.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- 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.

### 329.9.2 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 in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and

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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 an LEP individual may offer to assist with communication or interpretation, members 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.

## 329.10 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 member 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. Members 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.

## 329.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Wheaton Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

### 329.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller’s language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

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### 329.12 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 LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of 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 members 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 an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

### 329.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member 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 department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

The use of an 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 an LEP individual.

### 329.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members 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 member or an authorized interpreter.

In an effort to ensure that the rights of individuals who are LEP are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation,

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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.

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.

### 329.15 BOOKINGS

When gathering information during the booking process, members 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. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

### 329.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members 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 LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

### 329.17 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.

### 329.18 TRAINING

To ensure that all members 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 Training Officer shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Officer shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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### 329.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members 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 understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members 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 Training Officer shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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# Child and Dependent Adult Safety

## 331.1 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.

## 331.2 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 Wheaton 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.

## 331.3 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.

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

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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.

### 331.3.1 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 on-duty supervisor 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.

### 331.3.2 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.

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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. The on-duty supervisor may also decide to unarrest the subject and seek a complaint and warrant. The necessity of the arrest of the individual should be balanced with the severity of the alleged crime, the totality of the circumstances and the wellbeing of the child or adult dependent. The circumstances supporting this decision should be appropriately documented in the police report.

331.3.3 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

331.3.4 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.

## 331.4 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.

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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.

### 331.5 TRAINING

The Training Officer 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.

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# Service Animals

## 332.1 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).

### 332.1.1 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).

## 332.2 POLICY

It is the policy of the Wheaton Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service animal (720 ILCS 5/48-8).

## 332.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Wheaton Police Department affords to all members of the public (28 CFR 35.136).

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.

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- 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.
- 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.

## 332.4 INQUIRIES REGARDING SERVICE ANIMALS

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 their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

## 332.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

## 332.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor 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); 28 CFR 35.139).

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 access to services, programs, and activities to an individual with a disability. Members are expected to

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provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

### 332.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members 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).

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# Abandoned Newborn Infant Protection

## 333.1 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).

## 333.2 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 30 days old or less at the time the child is initially relinquished (325 ILCS 2/10). 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).

## 333.3 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)). If the infant is not being transported by the paramedics, the officer will see that transportation of the infant to the nearest hospital is accomplished as soon as transportation can be arranged. Newborn infants will not be transported in a department vehicle equipped with a prisoner screen or in any department vehicle without the appropriate child safety restraint and/or that does not allow for the proper placement of such child safety restraint.

## 333.4 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:

- Acceptance of the information is completely voluntary.
- Registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary.
- They will remain anonymous if they complete a Denial of Information Exchange.
- They have the option to provide medical information only and still remain anonymous.

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- By relinquishing the child anonymously, they will have to petition the court of jurisdiction if they desire to prevent the termination of parental rights and regain custody of the child.

333.4.1 SUPERVISOR NOTIFICATION
When accepting a newborn infant, officers will notify their immediate supervisor as soon as practical.

333.4.2 DOCUMENTATION
When accepting a newborn infant, officers will generate a report and document all pertinent information.

## 333.5 RIGHT OF PERSON OR PARENT TO RETURN

If the relinquishing person or a parent of a relinquished newborn infant returns to reclaim the infant within 30 days after relinquishing the infant at the Department, an officer must inform that person of the name and location of the hospital where the infant was transported (325 ILCS 2/20 (c)).

## 333.6 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).

## 333.7 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 regards 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.

## 333.8 REQUIRED SIGNAGE

The Deputy Chief of Support 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).

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# Volunteer Program

## 334.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

### 334.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

## 334.2 VOLUNTEER MANAGEMENT

### 334.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Support Deputy Chief. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Recommending discipline through the Support Deputy Chief when warranted.

(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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### 334.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public, pass a background check, adhere to expectations, policies, and responsibilities, and perform assigned tasks

### 334.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the Illinois Law Enforcement Agencies Data System (LEADS).

(b) Employment

(c) References

A polygraph exam may be required of each applicant depending on the type of assignment.

### 334.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator once approved through the Chief of Police. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description, expectations, policies and responsibilities and agreement of service with the Department.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

### 334.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training may include: Harassment Training, appropriate CJIS training, radio usage training, first aid/CPR, and City IT Information Security Training.

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Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

### 334.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

### 334.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

## 334.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

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## 334.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

## 334.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty.

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

### 334.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) Verification that the volunteer possesses a valid Illinois Driver's License.

(b) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers shallnot operate a marked patrol car and are not authorized to operate a Department vehicle with emergency lights and siren activated.

### 334.5.2 RADIO USAGE

Volunteers shall successfully complete radio procedures training prior to using the police radio and comply with all related provisions. The Volunteer Coordinator should ensure that radio training is provided for volunteers whenever necessary.

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## 334.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

### 334.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

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# Off-Duty Law Enforcement Actions

## 335.1 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 Wheaton Police Department with respect to taking law enforcement action while off-duty.

## 335.2 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.

## 335.3 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 Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

## 335.4 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.

(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.

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(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.

### 335.4.1 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 police officer until acknowledged. Official identification should also be displayed.

### 335.4.2 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.

### 335.4.3 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.

## 335.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the on-duty supervisor as soon as practicable.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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# Private Person’s Arrest

## 336.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person’s arrest.

## 336.2 POLICY

It is the policy of the Wheaton Police Department to accept a private person’s arrest only when legal and appropriate.

## 336.3 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).

## 336.4 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.

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# Community Relations

## 337.1 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.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

## 337.2 POLICY

It is the policy of the Wheaton 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.

## 337.3 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.

## 337.4 COMMUNITY ENGAGEMENT OFFICER

The Chief of Police or the authorized designee should designate a member of the Department to serve as the Community Engagement Officer. The member should report directly to the Chief of Police or the authorized designee and is responsible for:

(a) Obtaining department-approved training related to the officer'sresponsibilities.

(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.

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(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 Operations Deputy Chief 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 City 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.

(j) Evaluating the effectiveness of Community Policing programs.

## 337.5 LAW ENFORCEMENT OPERATIONS EDUCATION

The Community Engagement Officer 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.

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.

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## 337.6 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.

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# Firearms Restraining Orders

## 338.1 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.

### 338.1.1 DEFINITIONS

Definitions related to this policy include:

**Family member of the respondent:** a spouse, parent, child, or stepchild of the respondent, any other person related by blood or present marriage to the respondent, or a person who shares a common dwelling with the respondent.

**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; 430 ILCS 67/35; 430 ILCS 67/40). The order requires the named person to surrender to local law enforcement any firearm, ammunition, and firearm parts that could be assembled to make an operable firearm in the respondent's possession for the duration of the order (430 ILCS 67/35; 430 ILCS 67/40).

**Intimate partner:** a spouse, former spouse, a person with whom the respondent has or allegedly has a child in common, or a person with whom the respondent has or has had a dating or engagement relationship.

**Petitioner:**

(a) A family member of the respondent as defined in this Act; or

(b) A law enforcement officer, who files a petition alleging that the respondent poses a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possession or receiving a firearm.

**"Respondent"** means the person alleged in the petition to pose a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, or receiving a firearm

## 338.2 POLICY

It is the policy of the Wheaton 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.

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## 338.3 FIREARMS RESTRAINING ORDERS

If at all possible, a family member should be directed to fill out a petition for a firearms restraining order utilizing the Circuit Clerk and State's Attorney's Office. An officer who reasonably believes that a firearms restraining order is appropriate should obtain supervisor approval prior to seeking an order.

### 338.3.1 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).

### 338.3.2 REQUIREMENTS OF PETITION

A petition for a firearms restraining order should be prepared and served consistent with state law, court-approved forms, and the attached procedures (430 ILCS 67/1 et seq.). If known, the petition should identify existing or previous protective orders and clear and present danger reports involving the subject of the petition.

### 338.3.3 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.

## 338.4 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).

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### 338.4.1 SAFETY CONSIDERATIONS

Upon receipt of a firearms restraining order, the Operations Deputy Chief or the authorized designee shall be notified to 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.

### 338.4.2 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).

### 338.4.3 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 a copy of the receipt is forwarded to the Evidence/Propery Custodian as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Control Policy.

### 338.4.4 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.

### 338.4.5 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).

### 338.4.6 INFORMATION FOR RETAKING POSSESSION OF FIREARMS, ANY FIREARM OWNER'S IDENTIFICATION CARD, AND CONCEALED CARRY LICENSE

An officer who takes custody of firearms, ammunition, firearm parts, a Firearm Owner's Identification card, and concealed carry license should inform the person who is the subject of

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the order of the process for retaking possession of those items after the period of safekeeping has ended.

338.4.7 DATABASE CHECK OF SEIZED FIREARMS
An officer who takes custody of firearms from the person who is the subject of the order should run the firearms through LEADS and the National Crime Information Center (NCIC) database.

## 338.5 ADDITIONAL RESPONSIBILITIES
The officer/detective assignedis responsible for sending required documents to the ISP in the manner prescribed or required by law (e.g., receipts of court-ordered items, Firearms Owners Identification cards, concealed carry licenses). This includes sending any received concealed carry licenses within seven days of receipt (430 ILCS 66/70).

## 338.6 RENEWAL OF FIREARMS RESTRAINING ORDER
The Support Lieutenant 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).

## 338.7 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 Control (430 ILCS 67/35; 430 ILCS 67/40).

## 338.8 REPORTING CLEAR AND PRESENT DANGER TO ISP
An officer encountering an individual, who based on known circumstances, would pose a clear and present danger to self or others (as defined by 430 ILCS 65/1.1), shall forward a report to the ISP in the approved format (430 ILCS 65/8.1). This requirement applies regardless of whether a petition for a firearms restraining order has been filed.

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# Range Regulations

## 339.1 PURPOSE

The purpose of this department order is to promote safety and set forth the procedures for use of the Department firing range, or other facility utilized for firearms training.

## 339.2 POLICY

It is the mission of the Wheaton Police Department to provide its members with the most comprehensive and up-to-date firearms training. This department order provides procedures and safety regulations for use of the department training facility, as well as other shooting facilities

## 339.3 RANGE RULES AND REGULATIONS

### 339.3.1 RANGE SAFETY RULES

Safety is every Department member's responsibility; any unsafe acts on the range will be immediately reported to the supervising instructor. Serious violations will be reported immediately to the on-duty supervisor. Violations of the safety rules may result in discipline.

A. While present in the Police Department, firearms will be charged and cleared either into a bullet trap, located in the Gun Cleaning Room, or on the range, at the direction of the Range Master or firearms instructor, with the muzzle pointed down range.

B. No charged weapons will be out of the holster except when preparing to clear the weapon, during recharging, on the firing line, or at the direction of the Range Master or firearms instructor.

C. All persons entering the range will report to the Range Master or firearms instructor.

D. All persons will follow the directions of the Range Master or firearms instructor.

E. Upon entering the range, no person will un-holster, clear, or charge a weapon unless directed to do so by the Range Master or firearm instructor.

F. All firearms will be considered loaded and charged until the person who is in possession of the firearm determines otherwise.

G. All weapons will be pointed down range, or in a safe direction when out of the holster.

H. No person will fire a weapon from a point beyond the firing line except during supervised Department qualification, practice, or training sessions as directed by the Range Master or firearms instructor.

I. No person who has any odor of an alcoholic beverage on his/her breath, or other sign of impairment, regardless of the degree of intoxication, will be allowed on the range.

J. All organized Department shoots will be scheduled and supervised by a Department Range Officer.

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K. No person who is taking a prescribed medication, which impairs motor skills, will be allowed on the range.

L. Eye and ear protection must be used at all times while on the range.

M. In the event of a weapon failure, the weapon shall remain pointed in a safe direction until the failure is mitigated.

N. Any person sustaining an injury while on the range will immediately report it to the Range Instructor and Shift Supervisor.

O. Any incidents on the range involving weapons, misconduct, or violations of department rules will be reported to the Shift Supervisor by the Range Instructor. The Range Instructor has the authority to order members off the range in cases of serious misconduct.

339.3.2 PERSONNEL AUTHORIZED TO UTILIZE THE RANGE

A. Sworn Police Officers of the Wheaton Police Department.

B. Sworn Police Officers of other Law Enforcement Agencies participating in department sanctioned activities.

C. Other persons authorized by the Chief of Police or Deputy Chief.All persons who are not employed by the City of Wheaton will complete a liability waiver prior to utilizing the Wheaton Police Department Range

See attachment: HOLD HARMLESS AGREEMENT - RANGE (Individual Person).pdf

## 339.4 FIREARM CLEANING AREA

The firearm cleaning area is a designated area in the Wheaton Police Department for the cleaning of firearms. Firearms may also be cleaned in the armory. All firearms will be considered loaded and charged until the person who is in possession of the firearm determines otherwise. Before starting the cleaning process, the officer shall always ensure that the firearm is unloaded. This includes prior to leaving the range, remove the magazine and check the chamber to make sure there is no ammunition present. Officers will utilize the appropriate tools and supplies to clean their firearms. Once completed, a function test should be conducted to ensure everything is in proper working order after reassembly. This will verify that the mechanisms are in working order, such as the trigger, safety, magazine release, bolt release, etc. Once completed, the officer(s) will return the supplies and tools and take the necessary actions for the space to be clean and presentable. Officers shall charge their weapons on the range or in a designated barrel.

## 339.5 RANGE INSPECTION

Range Inspections will occur at the beginning and end of each training day to identify hazards, damages, and/or general maintenance. The Range Master will be responsible for conducting range inspections and ensuring the range is left in a clean and presentable condition. The inspection will be documented on an inspection form.

See attachment: Range Use and Inspection.pdf.

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Additionally, any damage to the range that is observed or occurs during training should be reported to the Training Officer.

### 339.6 LEAD EXPOSURE CONTROL PLAN

The following procedures will be used to mitigate lead exposure on the department's firing range:

A. Food and drink are prohibited within the firing range.

B. All parties shall wash their hands after using the firing range.

C. Tack mat(s) will be placed at the range entrance/exit to aid in removing particulate matter from shoes.

D. The department shall utilize ammunition that is jacketed, encapsulated, or otherwise designed to mitigate the emission of lead when fired.

E. To prevent airborne particles, brooms and sweeping are prohibited on the firing range.

F. Department members will not engage in lead removal. The department's firing range will be professionally cleaned on an annual basis, or more frequently if deemed necessary by the Training Officer. Cleaning will be performed by a third-party independent contractor and shall include lead removal and air filter changes. The range will be closed to department members during the duration of cleaning.

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# Clear and Present Danger

## 340.1 PURPOSE

The purpose of this department order is to provide guidelines for sworn personnel regarding mandated Clear and Present Danger Reporting commensurate with the Illinois State Police Department's Emergency Amendment to the Firearm Owner's Identification Card Act 20 Ill. Adm. Code 1230.120, authored on July 15, 2022.

## 340.2 POLICY

Sworn personnel of the Wheaton Police Department shall report determinations of a clear and present danger to the Illinois State Police.Clear and present danger reporting shall be used by the Illinois State Police to identify persons who meet the definition of "clear and present danger" under 430 ILCS 65/1.1 (2).

## 340.3 DEFINITIONS

Pursuant to 430 ILCS 65/1.1 (2), "Clear and Present Danger" means a person who:

1. Communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or
2. Demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

## 340.4 PROCEDURES

Clear and Present Danger Reporting Instructions:

1. The Illinois State Police Clear and Present Danger Request form shall be utilized by all sworn personnel to report individuals determined to pose a Clear and Present Danger pursuant to the Firearms Owners Identification Card Act (430 ILCS 65/8.1) and Illinois Administrative Code (Title 20 Section 1230.120).
2. Reporting law enforcement officials must complete the Illinois State Police Clear and Present Danger request form in its entirety.Specific behaviors and statements leading to the determination must be included in the narrative section, including dates and times of occurrence, as well as the names and contact information for any witnesses.Additional supporting documentation should be referenced in the narrative section and submitted with the form.
3. The form must be submitted within 24-72 hours of the incident giving rise to the determination to the Illinois State Police, Firearms Services Bureau-Investigative Support Unit.
4. Completed forms and attachments must be emailed to the Illinois State Police, Firearms Services Bureau, Investigative Support Unit at ISP.FTIP.QC.FAX@illinois.gov within 24-72 hours of the incident giving rise to determining an individual poses a Clear and Present Danger.

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5. The Illinois State Police, Firearms Service Bureau, Investigative Support Unit may be contacted at 217-782-3700, Monday-Friday 8:30 a.m. to 5:00 p.m., to answer questions or confirm receipt of a submission.If emergency assistance from the Firearms Service Bureau is needed after normal business hours, contact the Illinois State Police, Statewide Terrorism and Intelligence Center at 877-455-7842.
6. Once a Clear and Present Danger determination is made, an Agent or an Analyst from the Investigative Support Unit will reach out to you and let you know whether the FOID holder is revoked, denied, or will remain valid.
7. Neither the law enforcement officer making the determination, nor his or her employer, shall be held criminally, civilly, or professionally liable for making or not making the notification required under this subsection, except for willful or wanton misconduct (430 ILCS 65/8.1).

### 340.5 FORMS

An updated and editable version of the Illinois State Police Clear and Present Danger Request can be accessed by clicking HERE.

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# Alternatives to Arrest

## 341.1 PURPOSE

It is unrealistic to expect officers to enforce all laws and ordinances regardless of the circumstances encountered. Instead, officers must make discretionary decisions in arrests and alternatives to arrests to effectively realize an equitable solution to the situation encountered.

Sworn personnel shall act in accordance with the law and department policies. When discretion is employed, it must be reasonable, defensible and fair. If the situation is beyond the officer's scope, the officer's supervisor will be consulted on the discretionary action to be considered.

## 341.2 POLICY

In the course of performing their duties, officers often encounter people in need of help more appropriately provided by another criminal justice agency, public social service agency, or private social service agency. These calls for service frequently involve the elderly, juveniles, mental health, substance abuse, persons with a disability, and transients in need of help from resources outside of the law enforcement realm.

It shall be policy of the Wheaton Police Department to utilize referrals for adults and juveniles to other criminal justice agencies, public social service agencies, or private social service agencies when appropriate. The purpose of this referral policy is to divert certain issues from the formal criminal justice system to potentially solve individual and community problems by means of other resources. This includes recommendations to the DuPage County State's Attorney's Office for those cases qualifying for Drug Court and Mental Illness Court Alternative Program (MICAP).

## 341.3 ADULT REFERRALS

Based upon the facts presented, the initial investigating officer shall make a determination whether or not the party or parties involved in the case need a type of help best provided by another criminal justice agency or a social service agency. Dependent upon the circumstances of the case, capabilities of the involved parties, and available resources, the initial investigating officer may take one of the following actions:

(a) Provide basic information and telephone numbers of the criminal justice or social service agency that may provide assistance.

(b) Intervene on behalf of the party or parties by contacting the assisting agency and making the necessary arrangements.

(c) Transport the party or parties to the offices or facilities of the assisting agency. The on-duty supervisor must review the facts of the case and provide prior approval whenever an officer plans to assist by contacting the social service agency or transporting the parties to the agency. The initial investigating officer will document this referral by completing a case report.

(d) Issue a non-criminal ordinance citation or a verbal warning.

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### 341.4 JUVENILE REFERRALS

Cases involving juveniles shall be handled in conformance with state statutes and department policies and procedures. Alternatives to arrest should be reviewed with a Juvenile Officer to identify possible referrals.

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# Generative Artificial Intelligence Use

## 342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy.

### 342.1.1 DEFINITIONS

Definitions related to this policy include:

**Generative artificial intelligence (GenAI)** - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

## 342.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Wheaton Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

## 342.3 RESPONSIBILITIES

### 342.3.1 CHIEF OF POLICE

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

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### 342.3.2 AI COORDINATOR

The Chief of Police or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Support Deputy Chief or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

(a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief of Police or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:

1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the department's use of the system.
3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.

(b) Ensuring appropriate contractual safeguards are in place to manage third-party use of department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.

(c) Coordinating with others within the Department and City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.

(d) Maintaining a list or inventory of department-approved GenAI systems and, when appropriate for department transparency, making the list or inventory available to the public.

(e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

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(f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.

(g) Developing and updating training for the authorized users of each department-approved GenAI system.

(h) Ensuring access to department GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.

(i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the department's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.

(j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.

(k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.

(l) Reviewing this policy and Department practices and proposing updates as needed to the Chief of Police.

(m) Developing procedures in coordination with the *Brady* information coordinator and the Police Services Supervisor for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the Illinois Freedom of Information Act.

## 342.4 USE OF GENERATIVE AI

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

(a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.

(b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).

(c) Include a statement in the final document or work product that GenAI was used to aid in its production.

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342.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

## 342.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or the authorized designee for the intended use.

## 342.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

(a) A review of this policy

(b) The need for human oversight of GenAI outputs

(c) The interpretation, review, and verification of GenAI output

(d) Checking GenAI output for bias or protected information

(e) Ethical use of GenAI technology

(f) Data security and privacy concerns

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# ADA Compliance

## 343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Wheaton Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

### 343.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

**ADA coordinator** - The member designated by the Chief of Police to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

**Assistive devices, auxiliary aids, and services** - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Wheaton Police Department and to facilitate effective communication. 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) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

**Disability** - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

**Facility** - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

**Modification** - Any change, adjustment, alteration, adaptation, or accommodation that renders a department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

**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

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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.

### 343.2 POLICY

It is the policy of the Wheaton Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

### 343.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

(a) Collaborating with the City ADA coordinator regarding the Wheaton Police Department's efforts to provide equal access to services, programs, and activities.

1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).

(b) Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:

1. Inspection of current department facilities to identify access issues.
2. Review of current department services, activities, and programs for access issues.
3. Assessment and update, if necessary, of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.

(c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.

(d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.

1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.

(e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.

(f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

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(g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).

(h) Collaborating with other city departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

(i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).

(j) Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.

(k) Recommending amendments to this policy as needed.

## 343.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

### 343.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

(a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

1. A substantial alteration of the service, program, or activity.

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2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
3. A threat to or the destruction of the historic significance of a historic property.
4. A direct threat to the health or safety of others (28 CFR 35.139).

(b) If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.

(c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
2. Utilizing technology, equipment, rolling stock, or other conveyances.
3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
4. Any other means or methods that would make services, programs, or activities readily accessible.

(d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

### 343.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

### 343.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

## 343.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should 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 may be effective include:

(a) The methods of communication usually used by the individual.

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(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, members may use whatever modification reasonably appears effective under the circumstances. This may include 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. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

### 343.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

### 343.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

### 343.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time.

(b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.

(c) Familiar with the use of text- and video-based communications products and systems.

(d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

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(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.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

### 343.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

### 343.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

### 343.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

### 343.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to

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determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

### 343.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### 343.7 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

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.

### 343.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

### 343.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

(a) The type of modification, assistive device, auxiliary aid, or service provided.

(b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.

(c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

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All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

### 343.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

### 343.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

(a) Awareness and understanding of this policy, related procedures, forms, and available resources.

(b) Procedures for handling requests for modifications.

(c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.

(d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Officer should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

#### 343.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.

(d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

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Training should be provided for all Dispatch members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

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# Chapter 4 - Patrol Operations

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# Patrol Function

## 400.1 PURPOSE AND SCOPE

### 400.1.1 FUNCTION

The Operations Division provides continuous citywide patrol coverage, 24 hours a day, 365 days a year. Patrol coverage is achieved by two teams per day, operating on 12-hour shifts.

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.

(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 Wheaton 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 Investigations Supervisor in a timely fashion.

## 400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Wheaton 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 appropriately forwarded for retention or follow-up investigation.

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### 400.2.2 PATROL BRIEFINGS

Unless an urgent call for service prompts the immediate response of officers, the shift supervisors will conduct a shift briefing with the officers coming on duty. This opportunity provides officers staffing the oncoming shift with information regarding activities of prior shifts, squad car and beat assignments, ongoing investigations, and any other information pertinent to patrol operations or otherwise impacting the department. Any officers not available to attend the briefing will be notified of their assignment and shift information by the supervisor.

## 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 patrol 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.

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# Bias-Based Policing

## 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Wheaton 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).

### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), 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. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

## 401.2 POLICY

The Wheaton 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.

## 401.3 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.

## 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform their 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.

### 401.4.1 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.

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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.

401.4.2 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.

## 401.5 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 their supervisor in a timely manner.

    1. Supervisors should document these discussions in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, 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 or data 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 take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

## 401.6 STATE REPORTING

The Police Services 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 pursuant to the schedule in 625 ILCS 5/11-212.

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# Crime and Disaster Scene Integrity

## 402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 402.2 POLICY

It is the policy of the Wheaton 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.

## 402.3 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.

## 402.4 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.

## 402.5 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

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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.

### 402.5.1 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.

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# Mutual Aid and Outside Agency Assistance

## 403.1 PURPOSE AND SCOPE

The purpose of this order is to provide procedural guidance for requesting and providing mutual aid assistance.

## 403.2 POLICY

It is the policy of the Wheaton Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws, directives, and orders of this department.

## 403.3 BACKGROUND

The Illinois Law Enforcement Alarm System (ILEAS) was formed in 2002 in response to the September 11th attacks as a joint venture of the Illinois Association of Chiefs of Police, the Illinois Sheriffs' Association, and the Illinois Emergency Management Agency. ILEAS was created to meet the needs of local law enforcement throughout the State of Illinois in matters of mutual aid, emergency response and the combination of resources for public safety and terrorism prevention and response. ILEAS is a consortium of over 900 local governments established pursuant to the Constitution of the State of Illinois (Ill. Const. Art. VII, sec. 10), the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.), the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/7-101 et seq.) and the Illinois Municipal Code (65 ILCS 5/11-1-2.1).

The Mobile Field Force (MFF) is a platoon of police officers of various ranks with a leader. Tactics used are based on small squad tactics developed by the Office of Domestic Preparedness as well as the more traditional Mobile Field Force tactics. A team generally consists of four squads and may be supplemented by specialized units from ILEAS member agencies.

Weapons of Mass Destruction Special Response Teams (SRT) is a highly trained, equipped, and skilled tactical team that serves as a resource for ILEAS member agencies in handling weapons of mass destruction incidents. In addition to standard SWAT equipment each team also has hazardous materials protective gear and detection equipment, armored vehicle, and self-contained breathing apparatus.

The Metropolitan Emergency Response Investigation Team (MERIT) was created to provide a single highly skilled, effective, efficient, and collaborative county-wide law enforcement taskforce for the expressed mutual benefit of every community within DuPage County. MERIT exists as a separate entity and resource to ILEAS with the expressed operation for law enforcement needs on a local/county scale.

## 403.4 PROCEDURES FOR REQUESTING MUTUAL AID

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### 403.4.1 AUTHORITY TO MAKE REQUEST

The Shift Sergeant, or OIC, has the authority to request any Mutual Aid assistance deemed appropriate. Requests for assistance will be done in plain language. Ask for the number of officers and / or supervisors needed as well as any other resources. When a request for mutual aid is initiated, notification shall be made to a Patrol Lieutenant, the Deputy Chief of Operations, and the Chief of Police when practical, but without delay.

### 403.4.2 METHOD OF REQUEST

Most requests for Mutual Aid will be made through DuComm.

Upon the request for mutual aid, DuComm will request all pertinent information of the request/ staging area and begin the mutual aid request process by notifying the designated ILEAS mutual aid dispatch center (Currently: North West Central Dispatch).

Have the following information prepared when calling to request assistance:

1. Name of agency requesting the call-out
2. Name of person authorizing the request
3. Nature of the Incident
4. Location of the incident - to include Zip Code and County
5. Additional resources requested
6. Departments already on the scene
7. Requesting Officer/Agency Call-back number
8. Responders Point of Contact and method (Name and contact number or radio channel)
9. Staging area and routing information
10. Radio contact frequency for staging command if known (ISPERN, IREACH, StarCom, etc.)
11. Other special details or instructions for responding personnel
    (a) A request for an officer = One uniformed officer and squad car.
    (b) A request for a supervisor = One uniformed officer above the rank of Patrolman with a squad car.

If requesting a Special Team Response: (MFF, WMD/SRT, EOD), identify the type of team you are requesting and why. North West Central Dispatch will contact the appropriate team commander who will then contact you.

When the team commander contacts you, they will gather specific details about your situation and determine if your request is appropriate for an ILEAS Special Team callout. Team commanders must take several things into consideration to determine if your request meets ILEAS Standard Operating Guidelines. There may be times when the team commander determines that activation

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of an ILEAS Special Team is not appropriate for the circumstances at hand. If that is the case, they will advise and work with you to offer advice and secure other assets if possible.

If activation is appropriate, the Team Commander will gather all necessary information and inform you of the anticipated response time.

## 403.5 WHEATON STAGING AREAS

- Billy Graham Center - President & College Ave., west on College
- Community Center - 1777 S. Blanchard; Rt. 56 & Naperville, north on Naperville.
- DuPage County Fairgrounds - County Farm Rd. & Manchester.
- Wheaton North High School - Gary & Thomas, east on Thomas.
- Wheaton-Warrenville High School - Rt. 56 & Wiesbrook.

## 403.6 MERIT MUTUAL AID REQUESTS

### 403.6.1 RESOURCES

The Wheaton Police Department is a member of the DuPage Metropolitan Emergency Response & Investigation Team (MERIT). This membership provides for mutual aid in various situations outside of ILEAS. The following operational components are available through MERIT:

1. Crisis Negotiations
2. SWAT
3. K-9 Response
4. Major Crash Reconstruction
5. Incident Management Assistance Team (IMAT) and Planned Events
6. Public Integrity (OIS, OID, and Officer Involved Sex Assault)
7. Crime Scene Investigation
8. Digital Forensics
9. Investigations
10. Major Crimes (Forcible Felonies)
11. Surveillance and Intelligence Investigations
12. Drone

### 403.6.2 INITIATING A MERIT REQUEST

Any supervisor wishing to activate a component of MERIT must first make staff notification to the next higher rank. If approved, the supervisor shall contact DUCOMM or call 630-260-7501. The requesting supervisor shall specifically request MERIT activation and have the following information immediately available:

1. Name and direct contact information for the scene supervisor

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2. The MERIT component being requested
3. Nature of the request
4. Location of the command post and/or staging area

The scene supervisor will be contacted directly by the MERIT Commander of the requested component. If the MERIT Commander approves, the appropriate resources will respond to assist.

IMAT, Planned Events, and routine case work for digital forensics shall not use the above activation procedure. Services of this nature shall contact the appropriate commander directly to review the request.

#### 403.6.3 RESPONDING TO A MERIT REQUEST

A supervisor receiving a request for assistance through MERIT shall make every effort to meet the request. The sole determining factor shall be the current needs of the City of Wheaton. Absent an overriding department need, supervisors shall grant authorization for a MERIT officer to respond and assist with the activation request.

Any department employee assigned to a MERIT component who receives an activation request must contact their immediate supervisor and receive approval to respond.

## 403.7 MOBILE FIELD FORCE OPERATIONS

- Provide security at sites where pharmaceuticals from the National Strategic Stockpile are being distributed
- Provide evacuation assistance related to weapons of mass destruction incidents
- Rescue victims or police officers under hazardous conditions
- Apprehend multiple offenders in crowd situations
- Isolate areas of civil disorder or disaster by the use of large, organized perimeters
- Control or disburse unruly crowds
- Act as the first response to EMAC requests from other states

## 403.8 WEAPONS OF MASS DESTRUCTION SPECIAL RESPONSE TEAM OPERATIONS

- Stabilize the scene
- Establish inner perimeter
- Neutralize human threat
- Detect conventional bombs, hazardous materials, chemical, radiological, or biological agents
- Aid victims
- Decontaminate victims, emergency responders and items moving from the hot to cold zone

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- Preserve crime scene
- Establish communications with the local incident commander and/or state EOC
- Prepare for the arrival of the State Weapons of Mass Destruction Team and Illinois National Guard Civil Support Team
- Provide a liaison and operate with the local incident commander, SWMD, and National Guard

### 403.9 DUPAGE COUNTY ARSON TASK FORCE

The Wheaton Fire Department shall secure any fire scene from any intrusions and shall make notification to the Wheaton Police Department in the following situations:

1. When it is established or suspected the fire was set in conjunction or to conceal any major investigation (see Major Crimes Order).
2. When a corpse is located at or near the fire scene.
3. When a fire occurs as a result of a bomb or other device.

In any of the above instances, the Wheaton Police Department retains primary responsibility for the investigation. The Support Lieutenant or designee shall be responsible for collaborating with the Arson Task Force if utilized.

### 403.10 TERMINATING A LAW ENFORCEMENT REQUEST FOR ADDITIONAL SUPPORT

Whenever a plan has been implemented, the highest-ranking Wheaton supervisor on scene shall terminate the request for additional resources when adequate law enforcement personnel have responded. This means that the situation is now under control, but that the emergency is not necessarily terminated. Notice of said termination shall be made to the ILEAS dispatcher at the Dispatch Center. The order in which the manpower is returned to duty with their own agencies is at the discretion of the highest-ranking Wheaton supervisor on scene.

When officers from other communities are called in to assist on a mutual aid basis, it is expected that they will be released and returned to duty in their own community as soon as the situation is restored to the point which permits the local community to satisfactorily handle it with its own resources, or, as indicated in a previous established agreement (i.e., MERIT).

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# Ride-Alongs

## 404.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the Wheaton Police Department's Ride-Along Program. The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function firsthand. This policy provides the following:

(a) Eligibility requirements to participate in the Ride-Along Program.

(b) Application, approval, and scheduling process for the Ride-Along Program.

(c) Expectations/requirements of the observer prior to the ride-along.

(d) Responsibilities of the host officer conducting the ride-along.

### 404.1.1 ELIGIBILITY

The Wheaton Police Department Ride-Along Program is offered to most interested persons with a few limitations. All applicants must complete a ride-along application and receive approval prior to participating in a ride-along. Any applicant may be denied without cause from participating in the program.

The following are minimum factors that will be considered during the approval/denial process:

- No one under fourteen (14) years of age will be allowed to participate.
- Observers under eighteen (18) years of age, must have signed permission of a parent or legal guardian.
- Prior criminal history.
- Pending lawsuit against the Department.
- Current subject of a criminal investigation.
- Denial by any supervisor.

## 404.2 POLICY

It is the goal of the Wheaton Police Department to constantly improve the relationship and communications between our agency and the community we serve. In pursuit of this goal, the Wheaton Police Department offers a Ride-Along Program to provide opportunities for citizens of our community and visitors to observe policing firsthand, and through personal interaction, become better acquainted with the duties and responsibilities of our agency and personnel.

## 404.3 PROCEDURE TO REQUEST A RIDE-ALONG

The following procedure will be followed for those wishing to participate in the Ride-Along Program.

(a) Complete a ride-along application which can be obtained online at www.wheaton.il.us/321/Police-Department, or in person from the Wheaton Police Department.

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(b) Submit completed application online, or in person at the Wheaton Police Department. The application must be completed in its entirety and the associated waivers signed. Incomplete applications will not be accepted.

(c) Applicants under eighteen (18) years of age must have a parent or legal guardian present at the time the application is submitted and must return the ride-along application in person at the Wheaton Police Department.

(d) A criminal history check (WebRMS/NetRMS records, LEADS, NCIC, Circuit Clerk) will be conducted on each applicant and attached to the application.

(e) Applicants must have submitted to a fingerprint background check with the department within 12 months of the requested ride along date. This requirement may be waived for department employees' immediate family members and current members of law enforcement with approval from the Deputy Chief of Operations.

(f) Applications with accompanying documents will be forwarded to the Deputy Chief of Operations for review and approval/denial. Approved applications will be forwarded to an Operations Lieutenant.

(g) An Operations Lieutenant will notify the observer of the date and time of the ride-along and provide additional information as needed. All scheduling information will be forwarded to the appropriate shift sergeant.

(h) An applicant whose application was denied will be contacted by a representative of the department.

### 404.3.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Part-time and Auxiliary, police applicants, and all others with approval of the Patrol Lieutenant.

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.

Ride-along requirements for police cadets are covered in the Police Cadets Policy.

### 404.3.2 SUITABLE ATTIRE

Any person approved to participate as a ride-along observer is required to be suitably dressed in a collared shirt, blouse or jacket, slacks, and closed toe shoes. Any supervisor may refuse a ride-along to anyone they determine not to be properly dressed.

Any sworn/certified officer participating in a ride-along will not wear any items of clothing that identifies them as a police officer.

### 404.3.3 FIREARMS AND WEAPONS

Ride-along observers (with the exception of pre-approved sworn/certified law enforcement officers or retirees who are current in their qualification status) are prohibited from possessing weapons of any kind during the ride-along. Qualifying officers/retired officers wishing to carry a firearm

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during the ride-along must obtain pre-approval to do so by the Operations Division Deputy Chief. If approved, the firearm must be carried in a secure holster, concealed, and in compliance with any rules, regulations, or policies of their employing department. The shift supervisor and patrol officer conducting the ride-along shall be notified that the observer is armed with a firearm.

### 404.3.4 RECORDING EQUIPMENT AND CELL PHONES

Recordings (audio or visual) and photographs of any kind are prohibited during the ride-along. No recording cameras or other equipment will be allowed inside any police vehicle without the express consent of the Chief of Police.

Observers may have a cell phone with them, however, will be required to have the phone out of sight for the duration of the ride-along. Any cell phone use during the ride-along by the observer will be grounds for termination of the ride-along and the observer will be returned to the police department.

### 404.3.5 PEACE OFFICER RIDE-ALONGS

Off-duty police officers, recruit officers, or any other employee of this department will not be permitted to ride-along for observation purposes with on-duty officers without the express consent of the Operations Division Deputy Chief. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity, except as emergency circumstances may require.

### 404.3.6 PROCEDURE TO REQUEST A RIDE-ALONG - VISITING LAW ENFORCEMENT OFFICER

(a) Visiting sworn/certified law enforcement officers should follow the procedures outlined in section 404.3.

(b) The law enforcement officer must be currently employed by a Federal, State, County, or local law enforcement agency, and must not be a probationary employee, on suspension or administrative leave

(c) The agent/officer/deputy observer shall not be in uniform and must comply with the attire requirements outlined in this policy.

(d) Agents/officers/deputies wishing to carry a concealed firearm during the ride-along, must be approved by the Operations Division Deputy Chief as to the type of weapon and ammunition carried.

(e) If the law enforcement officer is approved to carry a concealed firearm, notification shall be made to the shift supervisor and host officer.

(f) The agent/officer/deputy observer will not draw or use his/her weapon, unless emergency conditions exist. An emergency condition is defined as those circumstances in which the observer, an officer, or a citizen is in imminent danger of great bodily harm or death.

(g) The agent/officer/deputy observer will maintain an observer status and will not engage in any enforcement action.

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404.3.7 RIDE-ALONG CRIMINAL HISTORY CHECK
Ride-along observers will be in close proximity and exposed to sensitive information including criminal history information and records. As such, all ride-along applicants (with the exception of City of Wheaton employees) will undergo a criminal history check prior to approval as a ride-along participant.

The application form contains a section that must be signed by the applicant, which authorizes members of the Wheaton Police Department to conduct a complete criminal history check. The criminal history check shall include a review of records from the Wheaton Police Department records system, the Law Enforcement Agencies Data System (LEADS), the National Crime Information Center (NCIC), and the Circuit Clerks database.

Applicants with criminal histories including felony convictions, extensive misdemeanor convictions, ongoing voluntary interactions with known criminals, active pending criminal cases, and active lawsuits against the City of Wheaton or the Police Department, among others, may be denied.

## 404.4 OFFICER'S RESPONSIBILITY
The host officer in charge of the ride-along has many responsibilities which include, but are not limited to the following:

(a) Officers shall consider the safety of the participant at all times

(b) Prior to the beginning of the ride-along, the host officer will conduct a brief orientation which should include the following:

1. Safety equipment orientation (fire extinguisher, flares, etc.).
2. Police radio use and operation should the observer need to use it to summons emergency assistance.
3. Observer safety rules:

(a) The observer will remain in the police vehicle unless permission is granted for the observer to accompany the officer.

(b) The observer must wear a seat belt at all times while in the police vehicle.

(c) No tobacco use of any kind is permitted in the police vehicle or at any time during the ride-along.

(d) The observer will follow the directions of the officer.

(e) The observer will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling of any police equipment, unless an emergency situation exists.

(f) Observers should be informed that as an observer they may become a witness to situations and actions the officer is involved in and may be listed in police reports as such and may be required to testify in court.

(g) Emergency Vehicle responses, vehicle pursuits, and certain calls for service are inherently dangerous. The officer should use sound judgement

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and may decide to drop the observer off at a safe location, if practical, before continuing. If this occurs, the officer should advise dispatch that the observer was dropped off, the location, and request another unit to pick up the observer and return them to the police department.

(h) Officers will not allow any observer to be present in any residence or situation that would jeopardize his/her safety or cause undue stress or embarrassment to a victim or any other involved party.

(i) Ride-along observers may be permitted to continue observation during the transportation and booking process, provided this does not jeopardize their safety.

(j) Conduct by an observer that results in termination of the ride-along or is otherwise inappropriate should be immediately reported to the shift supervisor.

(k) The observer may terminate the ride-along at any time, as practical, and the officer will return the observer to the police department.

(c) At the conclusion of the ride-along, the observe will be requested to perform a Post Ride-Along Questionnaire. Upon completion, all related paperwork will be returned to the Operations Division Deputy Chief.

(d) All applicable paperwork will be stored and archived within the Wheaton Police Department's database.

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# Hazardous Material Response

## 405.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure.

### 405.1.1 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.

## 405.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees 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.

## 405.3 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 employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee 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.

### 405.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee 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.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

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# Hostage and Barricade Incidents

## 406.1 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.

### 406.1.1 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.

## 406.2 POLICY

It is the policy of the Wheaton 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.

## 406.3 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 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.

### 406.3.1 EMERGENCY COMMUNICATIONS

Should circumstances at the scene permit, Department supervisors or negotiators may promptly contact the Office of the State Attorney for assistance in obtaining an ex parte order to intercept audio communications at the scene (725 ILCS 5/108B-3).

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

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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)).

## 406.4 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.

### 406.4.1 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.

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(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 command officers and the Public Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

### 406.4.2 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.

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(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 command officers and the Public Information Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

## 406.5 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 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.~~If it is practicable to do so, arrange for video documentation of the operation.~~

(f) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(g) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(h) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the press release procedure~~Media Relations Policy~~.

(i) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(j) Debrief personnel and review documentation as appropriate.

## 406.6 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.

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# Response to Bomb Calls

## 407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Wheaton 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.

## 407.2 POLICY

It is the policy of the Wheaton Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

## 407.3 RECEIPT OF BOMB THREAT

Department members 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 member receiving the bomb threat should ensure that the shift supervisor is immediately advised and informed of the details. This will enable the shift supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

## 407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

### 407.4.1 WHEATON POLICE DEPARTMENT FACILITY

If the bomb threat is against the Wheaton Police Department facility, the shift supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

### 407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Wheaton 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 shift supervisor deems appropriate.

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### 407.4.3 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.

## 407.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Wheaton, 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 shift supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

### 407.5.1 ASSISTANCE

The shift supervisor 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 shift supervisor determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(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.

### 407.6 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 DuPage County Hazardous Devices Unit, after they have been summoned to the scene.

(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:

(a) Two-way radios

(b) Cell phones

(c) Other personal communication devices

(d) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(e) A safe access route should be provided for support personnel and equipment.

(f) Search the area for secondary devices as appropriate and based upon available resources.

(g) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(h) Promptly relay available information to the shift supervisor including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).

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4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

## 407.7 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.

### 407.7.1 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.

### 407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Hazardous Devices Unit
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Patrol Lieutenant
- 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

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### 407.7.3 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.

### 407.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The shift supervisor 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.

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# Crisis Intervention Incidents

## 408.1 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.

### 408.1.1 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.

## 408.2 POLICY

The Wheaton 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.

## 408.3 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

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.

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### 408.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Deputy Chief 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.

### 408.5 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.

### 408.6 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.

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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.

## 408.7 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.

## 408.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis, when practical. Responding supervisors should:

(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).

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(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 Deputy Chief, if warranted.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

## 408.9 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.

### 408.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

## 408.10 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.

## 408.11 EVALUATION

The Deputy Chief designated to coordinate the crisis intervention strategy for this department 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.

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### 408.12 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).

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# Civil Commitments

## 409.1 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.).

## 409.2 POLICY

It is the policy of the Wheaton Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

## 409.3 AUTHORITY

An officer responding to or handling a call involving a suspected civil commitment may take that person into custody and transport them to an approved mental health facility when the officer has probable cause that the person is in need of immediate hospitalization to protect themself 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) 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.

(b) 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 name shall be included in the petition (405 ILCS 5/3-606).

### 409.3.1 MINORS

An officer may take a minor into custody and transport the minor to a mental health facility when there is probable cause to believe that the minor has a mental illness or emotional disturbance of such severity that hospitalization is necessary to protect themself 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) 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.

(b) The name, address, and telephone number of any witness.

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409.3.2 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.

## 409.4 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.

When a use of force occurs under this section, the reasonableness of said force should be determined utilizing the Graham factors with consideration given to the additional factors provided in Estate of Hill v. Miracle, No. 16-1818 (6th Cir. 2017).

## 409.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have Dispatch 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.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints 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 the transport, shift supervisor approval is required before transport commences.

## 409.6 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 detention, upon request (405 ILCS 5/3-606).

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Absent exigent circumstances, the transporting officer should not assist facility staff with the admission 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, officers will not apply facility-ordered restraints.

## 409.7 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.

See attachment: Petition for involuntary admission.pdf

See attachment: Application by an adult for admission of a minor.pdf

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

### 409.7.1 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.

## 409.8 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 individual, department resources (e.g., posting a guard), and other relevant factors in making this decision.

## 409.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure

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law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any confiscated firearm or other weapon that has been taken into custody.

## 409.10 TRAINING

This department will endeavor to provide training approved by the Illinois Law Enforcement Training and Standards Board on interaction with persons with a mental disability, civil commitments, and crisis intervention.

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# Notice to Appear or Summons Releases

## 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Wheaton 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.

## 410.2 POLICY

The Wheaton 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.

## 410.3 RELEASE

An officer shall issue a citation to appear in lieu of arrest to an individual accused of any offense that is not a felony or Class A misdemeanor when the individual (725 ILCS 5/109-1):

(a) Presents valid identification.

(b) Does not reasonably appear to pose a 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 the individual's safety.

(d) Ceases the criminal activity after the issuance of the citation.

An officer may, when arresting an individual for an offense for which pretrial release may not be denied, release the individual without taking the individual before a court (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).

## 410.4 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.

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(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

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# Foreign Diplomatic and Consular Representatives

## 411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Wheaton Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 411.2 POLICY

The Wheaton 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.

## 411.3 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.

(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.

## 411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(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.

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

## 411.5 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) |

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| | | | | | | |
|---|---|---|---|---|---|---|
| Member of Admin and Tech Staff | No<br>note b | No | Yes | No | No | Same as sponsor (full immunity & inviolability) |
| Service Staff | Yes<br>note a | Yes | Yes | Yes | No for official acts<br>Yes otherwise<br>note a | No immunity or inviolability<br>note a |
| Career Consul Officer | Yes if for a felony and pursuant to a warrant<br>note a | Yes<br>note d | Yes | No for official acts<br>Testimony may not be compelled in any case | No for official acts<br>Yes otherwise<br>note a | No immunity or inviolability |
| Honorable Consul Officer | Yes | Yes | Yes | No for official acts<br>Yes otherwise | No for official acts<br>Yes otherwise | No immunity or inviolability |
| Consulate Employee | Yes<br>note a | Yes | Yes | No for official acts<br>Yes otherwise | No for official acts<br>Yes otherwise<br>note a | No immunity or inviolability<br>note a |
| Int'l Org Staff<br>note b | Yes<br>note c | Yes<br>note c | Yes | Yes<br>note c | No for official acts<br>Yes otherwise<br>note c | No immunity or inviolability |
| Diplomatic-Level Staff of Missions to Int'l Org | No<br>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<br>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.

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(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.

## 411.6 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.

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# Immediate Response and Deployment

## 412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces, places of worship 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 department order is to identify guidelines and procedures that will assist responding officers in active threat situations that require immediate response, as well as the response to high risk incidents.

## 412.2 POLICY

It is the policy of the Wheaton Police Department to protect human life by any means legally possible. Officers responding to active threats shall accomplish this duty by immediately using any legal means at their disposal to resolve the incident. This may include arrest, containment, or use of deadly force, in accordance with state and federal statutory and constitutional guidelines.

Nothing in this department order 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.

## 412.3 DEFINITIONS

**Active Threat**: Individual(s) who are actively engaged in or have performed a significant step towards inflicting serious bodily injury and/or death to innocent person(s).

**Immediate Response:** The swift and direct response of the initial responding officers to ongoing life-threatening situations where delayed engagement of the active threat could otherwise result in serious bodily injury and/or death to innocent person(s).

**High Risk Incident**: Any incident requiring a Police response to a situation involving a high probability of death and/or serious bodily injury to those involved (including but not limited to barricaded suspects, high risk search warrants, hostage situations, crisis situations, armed homicidal and/or suicidal persons, terrorist assaults, service of arrest warrants on persons suspected to be armed and dangerous, etc.) and which generally have several common characteristics, including the following four (4) phases through which the situations progress before the incident is resolved.

1. **The Response Phase** - The phase in which Police personnel encounter the incident, and resources are committed toward the resolution of the matter.
2. **The Containment Phase** - The phase in which Police personnel and/or specialized units are deployed to isolate and contain the suspect(s) and remove/evacuate uninvolved persons from danger.
3. **The Negotiation Phase** - The phase in which attempts are made to persuade the suspect(s) to surrender to Police custody.

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4. **The Resolution Phase** - The phase in which the threat of death or serious bodily harm is removed as the suspect involved surrenders or is taken into police custody

**Directed Fire:** Directed fire is deadly gunfire aimed at the probable location of an offender who poses an ongoing threat of death or great bodily harm and is otherwise not visible by cover or concealment for the purpose of seizing the offender, allowing officers to move into a tactically advantageous position, rescuing a downed officer or citizen, and/or denying movement of the offender in situations where failure to do so will cause risk of death or great bodily harm to officers or the public at large.

The use of directed fire must not place the public in greater danger than the actions#of the offender. # Officers shall only use directed fire when they have a reasonable belief based on personal observations or those of other officers when determining the probable location of an offender posing an ongoing threat of death or great bodily harm.

**Metropolitan Emergency Response and Investigations Team (MERIT-Metro SWAT)**: The mission of Metro SWAT is to respond to high-risk critical incidents requiring specialized training and equipment and to resolve those incidents while minimizing the potential for injury or loss of life to civilians, officers, or suspects. Critical incidents are defined as: Hostage Situations (the holding of any person against their will by an armed or potentially armed suspect), Barricade Situations (the standoff created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with police orders for surrender), Sniper Situations (the firing upon citizens and/or police by an armed stationary or mobile suspect), High-Risk Apprehension (the arrest or apprehension of armed or potentially armed suspects where the likelihood of armed resistance is high), High Risk Warrant Service (the service of search or arrest warrants where the high-risk elements or policy recommends or requires the use of the SWAT team), Personal Protection (the security of special persons, such as VIPs, witnesses, or suspects, based on threat or potential threat to the well-being of those persons), Special Assignments (any assignment, approved by the MERIT Coordinator or Deputy Coordinator for the SWAT team, based upon a high level of threat).

**Metropolitan Emergency Response and Investigations Team (MERIT – Crisis Negotiation Team "CNT"):** The purpose of the METRO Swat CNT is to assist member departments in their response to emergency critical incidents such as suicidal subjects, barricaded subjects, hostage incidents and any other critical incidents in which CNT skill sets may be utilized.

**Weapons of Mass Destruction Special Response Team (WMD):** A highly trained, equipped and skilled tactical team that serves as a resource for ILEAS member agencies in handling weapons of mass destruction incidents. In addition to standard SWAT equipment each team also has hazardous materials protective gear and detection equipment, an armored vehicle and self-contained breathing apparatus

## 412.4 PROCEDURES

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### 412.4.1 ACTIVE THREAT AND IMMEDIATE RESPONSE

Immediate response and intervention is imperative to the successful resolution of an active threat incident. If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activities toward others, officers shall take immediate action to reduce, prevent or eliminate the threat, if reasonably practicable, while requesting additional assistance. Although an active threat incident is a high-risk incident, the immediate apprehension of the suspects shall supersede all other high-risk incident response procedures. High-risk incident response procedures are identified under the heading High Risk Incident Response Procedures.

Within the multitude of difficult and rapidly evolving circumstances, the procedure may transition from active threat and immediate response to high risk incident response under the following circumstances:

1. The Active Threat(s) have barricaded or fortified their position making a successful assault improbable without specialized weaponry and tactics; or
2. The suspect(s) in the active threat have been killed or taken into police custody; or
3. At the direction of a supervisor

### 412.4.2 HIGH RISK INCIDENT RESPONSE PROCEDURES

**Initial Response Officers**

The tactical deployment in a high-risk incident begins with the initial response. The actions of the initial responder(s) are critical to the overall resolution of the incident. Proper response and performance of the following considerations are critical to the successful resolution of the incident:

1. Assess the situation. To the extent possible, this information should be communicated through DuComm to other responding units and supervisors.
2. Isolate the scene. This consideration is basic to preventing unnecessary access to the site by citizens and other officers. Establish safe entry routes to the site by directing other officers to a suitable location near the scene, yet beyond the danger area.
3. If possible, evacuate uninvolved persons to a place of safety, detaining those who have knowledge or information pertaining to the situation.
4. In the event the situation becomes an active threat, initial response officers shall transition to active threat and immediate response procedures.

**First Line Supervisors**

Upon notification of the high-risk incident, the on-duty patrol supervisor shall immediately respond to the scene and assume and maintain incident command until relieved or re-directed by a higher member in the chain of command.

1. Initiate the seven critical tasks
    (a) Secure and Establish Communications and Control.
    (b) Identify the Kill Zone.

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(c) Establish an inner perimeter.

(d) Establish an outer perimeter.

(e) Establish a scene command post.

(f) Establish a staging area. Depending on need of the incident, multiple staging areas can be established. This includes a staging area for Fire/EMS, other agencies, etc.

(g) Identify and request additional resources. These resources include, but are not limited to ILEAS, Metro SWAT, City of Wheaton Communications and METRO CNT.

2. Coordinate the evacuation of pedestrians, non-Police personnel, or other spectators beyond the outer perimeter.
3. Initiate the tactical alert procedure as warranted.
4. Contact, or direct Police Service Representatives to make notification, to following individuals:

(a) The on-duty Patrol Lieutenant (if no Lieutenant is on duty, the next Lieutenant scheduled to work); will respond to the incident location and serve as the Incident Commander in charge of the incident, and will notify all the following of the incident

(b) Deputy Chief of Operations, who will respond to the incident and assist the Incident Commander

(c) The Investigative Lieutenant and/or Investigative Sergeant, who will coordinate investigative support

(d) Deputy Chief of Support will respond for press inquiries and media contacts, with the assistance of the City of Wheaton Communications Department.

(e) The Chief of Police

(f) If warranted, the on-call Assistant State's Attorney (call Felony Screening)

5. Direct all responding personnel to the Staging Area for assignment.
6. Upon arrival of the Metro SWAT Supervisor, the Incident Commander shall brief the SWAT Supervisor. The SWAT Supervisor will assume command of the SWAT operation. The Incident Commander will continue to control and direct patrol actions.
7. Initiate a record of assigned positions.

### 412.4.3 CALL-OUT PROCEDURE-SPECIAL WEAPONS AND TACTICS

Upon direction from the first line supervisor, or other member of Command Staff, DuComm shall notify the Commander of MERIT Metro Swat.

1. The SWAT Commander will then contact the on-scene supervisor, or Incident Commander for incident details.

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2. Should the requirements for SWAT activation be met, the SWAT Commander will coordinate and assemble the team. The team will respond and the SWAT Supervisor shall assume command of the SWAT operation.
3. If activated, assign an agency liaison to brief the SWAT Commander. Provide any and all intelligence pertaining to the subjects involved.

### 412.4.4 CALL-OUT PROCEDURE-CRISIS NEGOTIATIONS

1. Determine if the High-Risk Incident qualifies for CNT activation (when in doubt, conduct activation procedures).
2. Contact DuComm and request the CNT Supervisor be contacted. Provide a contact number for the on-scene incident supervisor.
3. The CNT supervisor will call back for information to determine if CNT will be activated.
4. If activated, assign an agency liaison to brief responding negotiators. Provide any and all intelligence pertaining to the subjects involved (if known). This includes, but is not limited to, past and current incidents, prior contacts, location of residence, employment, family, military history, access to weapons, hobbies/interests, any known medical conditions (including mental health) and criminal history.
5. If dialog is open and positive with primary responders, continue dialog until further direction by the CNT.

### 412.4.5 DEMOBILIZATION

The Incident Commander will direct staff to prepare a demobilization plan. This plan includes, but is not limited to safe accounting of personnel, reunification of citizens, reunification of property, cancellation of tactical alert and conduct an incident debriefing.

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# Immigration Violations

## 413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Wheaton Police Department relating to immigration and interacting with federal immigration officials.

## 413.2 POLICY

It is the policy of the Wheaton 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.

## 413.3 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.

## 413.4 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)).

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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.

#### 413.4.1 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).

### 413.5 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.

### 413.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor.

No member of the Wheaton 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 Wheaton 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 Wheaton 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 an immigration agent's apprehension or questioning of an individual for immigration enforcement.

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## 413.7 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

### 413.7.1 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).

### 413.7.2 REPORTING TO THE ILLINOIS ATTORNEY GENERAL

The Deputy Chief of Support 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).

## 413.8 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 Investigations supervisor 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 Investigations supervisor 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 Investigations supervisor assigned to oversee the handling of any related case. The Investigations supervisor 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.

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

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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 Investigations supervisor and any designee processing requests should receive periodic training regarding the requirements of 5 ILCS 825/10 (5 ILCS 825/25).

### 413.8.1 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).

### 413.8.2 PUBLICATION OF DECLARATION AND CERTIFICATION FORM PROCESS

The Investigations supervisor should make the department's procedures for certification requests publicly available for victims and their representatives (5 ILCS 825/10).

### 413.8.3 DENIAL OF CERTIFICATION

If certification is denied, the Investigations supervisor 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 Investigations supervisor should respond to any appeals within 30 business days of receipt (5 ILCS 825/11).

### 413.8.4 U VISA AND T VISA DOCUMENTATION AND REPORTING

The Investigations supervisor shall collect written documentation regarding the number of requests that were (5 ILCS 825/20):

(a) Received by the Wheaton Police Department with the dates of receipt.

(b) Granted and with the dates granted.

(c) Denied and with the dates denied.

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The Investigations supervisor 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.

### 413.9 TRAINING

The Training Officer 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.

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# Field Training

## 414.1 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 Wheaton 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.

## 414.2 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.

### 414.2.1 SELECTION PROCESS

Officers interested in becoming an FTO shall submit a written memorandum to their supervisor. If recommended, the memorandum shall be forwarded to the Field Training Coordinator, who shall forward it to the Field Training Commander. Minimum qualifications for Field Training Officer:

(a) Sworn, non-probationary member of the Wheaton Police Department, of which not less than six (6) months prior to the FTO memorandum date were served in uniform patrol operations.

(b) Willingness to make a two (2) year assignment commitment to the Field Training Unit.

(c) Acceptable performance assessments and input from current and immediate Supervisors (those having direct observation / knowledge of the Field Training Candidate's work habits, standards, etc.).

(d) Review of personnel action file entries (e.g., complaints, civil litigation filings, etc.).

(e) All Field Training Officer Candidates must maintain a "meeting standards"

All qualified applicants shall be assessed by a selection board composed of the Deputy Chief of Operations, Field Training Commander and Field Training Coordinator. Final selection of Field Training Officer Candidates shall be made by the Chief of Police or designee

### 414.2.2 TRAINING

An officer selected as an FTO shall successfully complete the department and Illinois Law Enforcement Training & Standards Board (ILETSB)-approved FTO course prior to being assigned as an FTO.

## 414.3 FIELD TRAINING COMMANDER

The Field Training Commander will be selected from the rank of sergeant or above by the Operations Deputy Chief or his/her designee and shall when practical, have completed the ILETSB certified (40 hour) Field Training Officer's Course.

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The Field Training Commander shall be responsible for the overall administration of the Field Training and Evaluation Process. The Field Training Commander shall coordinate the development of an Employment Status Recommendation to retain, extend training or terminate the Probationer. Field Training Unit personnel and Patrol Supervisors will provide input as required. The Field Training Commander is responsible for providing status reports on the Probationer's development at staff meetings.

Whenever possible, the Field Training Unit Commander will attend the various training sessions and Field Training Unit meetings to assess first-hand information concerning Probationer performance and the uniformity of the Field Training Officer instruction techniques. The Field Training Unit Commander shall insure the dissemination of pertinent information from the Training Academy regarding the probationary officer candidate's performance and disseminate it to the Field Training Cadre.

The responsibilities of the FTO Program Commander include the following:

(a) Assignment of trainees to FTOs.

(b) Maintain, update and issue the Field Training Manual to each trainee.

(c) Monitor the overall FTO Program.

(d) Maintain liaison with FTO supervisors of other agencies.

(e) Maintain liaison with academy staff on recruit performance during the academy.

(f) Develop ongoing training for FTOs.

The FTO Commander will be required to successfully complete an ILETSB approved Field Training Administrator's Course, preferably within one year of appointment to this position.

### 414.4 TRAINEE DEFINED

Any entry level, lateral police officer, or person granted Conservators of the Peace Power newly appointed to the Wheaton Police Department who has successfully completed an ILETSB training course.

### 414.5 REQUIRED TRAINING

The Field Training Program for police recruits that have no prior experience as certified full-time police officers shall consist primarily of on-the-job training and shall typically be 14 weeks in duration. This is in addition to required academy training and in-house orientation and training.

At the discretion of the Field Training Commander, police recruits in the Field Training Program who have prior experience as certified fulltime police officers may be identified as candidates to expedite their involvement in the program. This criteria includes, but is not limited to:

(a) Progress in completing training tasks.

(b) Consistently acceptable performance in all categories.

(c) Ability and willingness to serve as the primary contact officer.

(d) Geographic knowledge of the City and orienting abilities.

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(e) Significant Self-Initiated Field Activity

**The Field Training and Evaluation Process shall be divided into the following Phases and Steps:**

The first day of each step is intended as an observation and familiarization day. The Daily Observation Report (DOR) will not be utilized for that day. Normally, you will be formally evaluated for the 12 hours you work every day, but a work day cannot consist of anything less than 6 hours.

Step I

Step I is designed to last 20 working days. A minimum of 20 working days must be completed with structured training and formal evaluation. A working day is defined as a day during which the probationary officer is assigned to a field training officer and completes 50% of the scheduled watch time; such days shall be deemed certified. Your field training officer will provide structured training during this period and will verbally review the DOR with you to ensure that you are receiving performance feedback. Your FTO will utilize the Probationary Officer's training task sheets provided in this manual as a progressive lesson plan. By the end of Step I, the probationary officer is expected to handle 25% of the workload and have completed Training Tasks 1 through 9.

Step II

Step II is designed to last 20 working days. A minimum of 20 working days must be completed with structured training and formal evaluation. Your field training officer shall continue to review the training tasks along with formal performance feedback utilizing the Daily Observation Report. By the end of Step II, the probationary officer is expected to handle 65% of the workload and have completed Training Tasks 10 through 18. All beat specific training tasks must also be completed by the end of Step II.

Step III

Step III is designed to last 20 working days. A minimum of 20 working days must be completed with structured training and formal evaluation. Your field training officer shall complete all training tasks by the end of the step and shall continue with formal performance feedback utilizing the Daily Observation Report. By the end of Step III the probationary officer is expected to handle 95 - 100% of the workload and have completed Training Tasks 19 through 26.

Step IV

Step IV is designed to last 10 working days. A minimum of 10 working days must be completed with structured training and formal evaluation. This step is also referred to as the "shadow period." The purpose of the "shadow period" is to give you the opportunity to demonstrate your ability to perform solo patrol services. This means that you shall perform all the duties and responsibilities, which are required from a solo patrol officer. The FTO will remain in uniform throughout this step. The probationary officer will still be the first contact for citizens. The FTO will be responsible for thoroughly evaluating your performance in order to provide the department with a report of your capability to provide solo patrol services in a courteous, safe, effective and efficient manner. During

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the "shadow period," the FTO will not intervene or assist you unless there is a direct threat to your safety, the public's safety, or if the quality of police service delivered to the public is compromised.

Step V

Step V is the remainder of your probationary period assigned to solo patrol duties. The probationary officer shall be assigned to a watch at the discretion of the Field Training Commander. Step V shall be concluded in accordance with Fire and Police Commission rules identifying the probationary period as 12 months from graduation from a certified police academy.

During Step V, the probationary officer may be periodically assigned to an FTO for the purpose of additional training or retraining. A watch supervisor may also chose to periodically ride with the probationary officer. At the conclusion of Step V, a recommendation will be made to the Board of Fire and Police Commission regarding the successful/unsuccessful completion of the probationary period.

### 414.5.1 FIELD TRAINING MANUAL

The Field Training Manual has been developed for the purpose of providing a standard and comprehensive study plan for the Field Training Program. The manual also provides a mechanism for evaluating and monitoring the police recruit's progress in the program.

The Field Training Manual will be the primary guide in the police recruit's progressing training and development. While in the Field Training Program, the manual must be utilized. The police recruit will be responsible for having the Field Training Manual immediately accessible at all times while involved in the Field Training Program.

(a) Police recruits are expected to become thoroughly familiar with the contents of the Field Training Manual.

(b) The requirements outlined in the Field Training Manual shall be met in a timely manner. The FTO and Field Training Coordinator are charged with the responsibility of ensuring compliance with this manual.

## 414.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

### 414.6.1 FIELD TRAINING OFFICER

The FTO has two primary roles to fulfill: that of a patrol officer assuming full patrol and beat responsibilities and that of a trainer/assessor of probationers

The Field Training Officer shall be directly responsible for the training and evaluation of the probationers assigned, as directed by the Field Training Unit Command Staff.

Field Training Officers shall receive formal FTO instruction prior to assuming probationer training and coaching responsibilities.

A FTO may be released from Field Training and Evaluation Process duties as follows:

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(a) At the request of the Field Training Officer, with the approval of the Deputy Chief of Operations

(a) By removal from patrol duties, due to reassignment.

(a) Upon recommendation of the Field Training Commander and Field Training Coordinator due to unacceptable Field Training Unit performance.

(a) At the direction of the Deputy Chief of Operations, or Chief of Police.

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

### 414.6.2 IMMEDIATE SUPERVISOR

The Patrol Shift Sergeants have the dual responsibility of shift supervision and providing static review of the probationers on shift training and evaluation. Based on their observations, they will inform other staff members of the probationer's progress. All Patrol Sergeants shall receive training in the supervision of the field training process and will sign the reviewed by portion of the Daily Observation Report (DOR), if needed.

In the absence of the Field Training Coordinator (identified in the next subsection), the Patrol Shift Sergeant must insure that the training and evaluation process is properly administered. Various information sources should be utilized to achieve these goals, (including but not limited to) Daily Observation Reports, discussions with Field Training Officers, and on-the-job observations of Probationer performance to assist in summarizing the weekly progress (Weekly Performance Summary).

In the absence of the Field Training Coordinator and the Field Training Commander, the Patrol Shift Supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the designated Field Training Coordinator. Additionally, the patrol shift supervisor will conduct weekly reviews of the Probationer's Field Training Manual to insure it is current and properly completed as well as to provide direction for correction, in the absence of the Field Training Coordinator and the Field Training Commander.

The shift supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the designated Field Training Coordinator, if needed.

### 414.6.4 FIELD TRAINING COORDINATOR

The Field Training Coordinator shall be designated by the Chief of Police.

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The Field Training Coordinator shall be responsible for assisting the Field Training Commander with the general administration and evaluation of the Field Training and Evaluation Process. as well as provide staff monitoring of all probationers during the probationary employment period.

A. The Coordinator shall monitor and evaluate the overall development of probationers in order to identify and correct deficient performance and to assist the FTO's in rectifying them through training and coaching.

B. The Coordinator shall, in concert with the Unit Commander, be responsible for planning, directing, scheduling and evaluating field training assignments and any changes in such assignments or variations in the length of assignments.

C. The Coordinator shall maintain and ensure FTO/Trainee performance evaluations are completed. The Coordinator will work closely with the Probationer, FTO's and patrol shift supervisors during the Field Training and Evaluation Process assignments to assist in correcting any training deficiencies. The Coordinator may recommend Step extension for additional training and coaching.

D. The Coordinator shall facilitate the assembly and dissemination of information regarding the Probationer's progress to the appropriate staff members.

E. The Coordinator shall be responsible for forwarding a final assessment of each Probationer 40 days prior to the end of the probationary employment period. An Employment Status Report will be submitted to the Field Training Commander with a recommendation to retain, extend training or dismiss the probationer. All other supervisory personnel and Field Training personnel will be offered the opportunity to provide input in this final employment status report.

F. The Coordinator will attend Field Training weekly meetings to provide/receive first-hand information concerning probationer performance and to observe FTO group discussions and problem-solving techniques.

G. The Coordinator will also monitor and evaluate FTO performance.

The Field Training Coordinator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO. In his/her absence, this responsibility will be completed by the Field Training Commander or shift supervisor.

### 414.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

## 414.7 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 memorandum of Completion certifying that the trainee has successfully completed the required number of hours of field training.

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# Aircraft Accidents

## 415.1 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.

### 415.1.1 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.

## 415.2 POLICY

It is the policy of the Wheaton Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

## 415.3 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).

## 415.4 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.

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## 415.5 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 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)

## 415.6 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.

## 415.7 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.

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(d) Evacuation chutes, ballistic parachute systems and composite materials.

## 415.8 DOCUMENTATION

All aircraft accidents occurring within the City of Wheaton 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 WPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

### 415.8.1 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.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

### 415.8.2 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.

## 415.9 MEDIA RELATIONS

The Public Information Officer (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. 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.

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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.

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# Contacts and Temporary Detentions

## 416.1 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.

### 416.1.1 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.

**Temporarydetention** - 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.

## 416.2 POLICY

The Wheaton 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.

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## 416.3 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 Wheaton Police Department to strengthen community involvement, community awareness, and problem identification.

### 416.3.1 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.

### 416.3.2 TEMPORARY QUESTIONING UNDER ILLINOIS LAW

An officer may initiate the stop of a person when there is articulable, reasonable, suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions. 725 ILCS 5/107-14 provides specific authority to an officer to initiate the stop when the officer reasonably infers from the circumstances that the person is committing, is about to commit, or has committed an offense as defined in Section 102-15 of the ILCS.

## 416.4 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 is both armed and dangerous and poses an immediate threat to either the officer or the public. 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:

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(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.

(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.

#### 416.4.1 SEARCH DURING TEMPORARY QUESTIONING UNDER ILLINOIS LAW

When a police officer has stopped a person for temporary questioning pursuant to 725 ILCS 5/107-14 and reasonably suspects that he/she or another is in danger of attack, may search the person for weapons. If the officer discovers a weapon, he/she may take it until the completion of the questioning at which time he/she shall either return the weapon, if lawfully possessed, or arrest the person so questioned

## 416.5 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.

#### 416.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

#### 416.5.2 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.

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.

Any field interview that results in a photograph, shall be documented in a police report with the photo as an attachment. Any other copies of the photograph shall be deleted.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

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### 416.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and attached to the case report explaining the facts and circumstances. If an individual is photographed as a suspect in a particular crime, the photograph should be included as an attachment to the related case.

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.

## 416.5 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.

## 416.6 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).

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# Mobile Audio/Video

## 417.1 PURPOSE AND SCOPE

The Wheaton Police Department has equipped marked 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.

### 417.1.1 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 that 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.

## 417.2 POLICY

It is the policy of the Wheaton 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.

## 417.3 OFFICER RESPONSIBILITIES

Prior to going into service, all officers shall ensure their MAVs are functional, and log into the appropriate system. Any malfunction, damage, or deviation in operating conditions of the recording equipment will be#reported to the on-duty supervisor immediately. In the event of a malfunction, the officer shall#immediately place the#squad#out of service#and generate a#Lucity#service request, unless as otherwise authorized by the on-duty supervisor.

## 417.4 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.

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### 417.4.1 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. 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 Dispatch

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

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

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### 417.4.2 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.

### 417.4.3 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 member of this department may surreptitiously record a conversation of any other member 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.

## 417.5 ACTIVATION OF THE MAV

The MAV system shall be activated continuously throughout the officer's shift (50 ILCS 707/15).

## 417.6 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 Dispatch.

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:

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.

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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.

### 417.7 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) By officers for use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to conduct documented reviews of their subordinate's MAV media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review MAV media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.

(d) To assess proper functioning of MAV systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation

(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 their employment

(h) By court personnel through proper process or with the permission of the Chief of Police or the authorized designee

(i) By the media through proper process

(j) To assess possible training value

(k) For training purposes. If an involved officer objects to showing a recording, their objection will be submitted to the command staff to determine if the training value outweighs the officer's objection

(l) As may be directed by the Chief of Police or the authorized designee

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Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Patrol Lieutenant. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

## 417.8 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.

## 417.9 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).

### 417.9.1 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).

### 417.9.2 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.

### 417.9.3 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 Wheaton Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

## 417.10 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.

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(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.

## 417.11 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician 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 MAV technician:

1. Ensures it is stored in a secure location with authorized controlled access.
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:

1. Maintaining 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.

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417.11.1 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 Police Services 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.

## 417.12 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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# Mobile Data Computer Use

## 418.1 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 proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

## 418.2 POLICY

Wheaton Police Department members 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.

## 418.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the City of Wheaton's Information Security Policy and Standards for additional guidance).

## 418.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Patrol Lieutenants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their 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 member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members 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.

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418.4.1 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.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

## 418.5 DOCUMENTATION OF ACTIVITY
Except as otherwise directed by the Patrol Lieutenant 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.

418.5.1 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.

## 418.6 EQUIPMENT CONSIDERATIONS

418.6.1 MALFUNCTIONING
Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

418.6.2 BOMB CALLS
When investigating reports of possible bombs, members 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.

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# RESCUE TASK FORCE RESPONSE

## 419.1 PURPOSE

The purpose of this order is to establish common terminology, roles, and responsibilities of the Rescue Task Force, and outline the mutual response of the Wheaton Police Department and the Wheaton Fire Department to an Active Threat incident.

## 419.2 POLICY

It is the policy of the Wheaton Police Department and Wheaton Fire Department to form and deploy the Rescue Task Force immediately following the deployment of Contact Teams into an Active Threat incident. The mission of the Rescue Task Force is to locate casualties, provide hemorrhage control, airway management, and rapid extrication to triage and/or a higher level of care while under the protection of a dedicated law enforcement security team. This policy shall mirror the Wheaton Fire Department's Rescue Task Force Response Policy.

## 419.3 DEFINITIONS

**Active Threat**: Individual(s) who are actively engaged in or have performed a significant step towards inflicting serious bodily injury and/or death to innocent person(s).

**Active Threat – Immediate Response**: The swift and immediate actions of the initial responding police officers to ongoing life-threatening situations where delayed engagement of the Active Threat could otherwise result in serious bodily injury and/or death to innocent person(s).

**Building Side and Opening Identification**: Unified Command will identify the primary side of the building (usually the main entrance) and designate the side of the building as, "One-Alpha." Each additional side will receive a designation in a clockwise manner of incrementally increasing numeric and alpha phonetic terms. E.g., "Two-Bravo, Three-Charlie, Etc." Openings to the building can be described by door number (if applicable) or by floor and then by opening from the left most opening to right when facing that particular side of the building. E.g., "2nd floor, four delta, opening 4."

**Casualty Collection Point (CCP)**: A location designated for the holding, further assessment, and treatment of casualties. The collection point is an area secured by law enforcement personnel within the warm zone. An ideal collection point has cover and concealment.

**Contact/Hasty Team**: A group of 2 or more police officers with the sole focus of locating and engaging or isolating the Active Threat with all reasonable and necessary force. Contact Teams will communicate locations of the suspect(s) and casualties but will not provide any rescue efforts until the Active Threat has been stopped.

**Concealment**: Anything which hides movement or activity behind it, but otherwise offers little or no protection from gunfire or explosion. Examples: cloth curtains, tinted windows, and drywall.

**Cover**: Protection from direct gunfire and/or explosion. Examples: concrete pillars, brick walls, and other heavy structural materials.

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## *RESCUE TASK FORCE RESPONSE*

**Rescue Team**: A group solely consisting 4 or more police officers with the primary objective to locate non-deceased casualties, provide hemorrhage control, and extricate them to a CCP, Triage Area, and/or a higher level of care. A Rescue Team, or an element of the Rescue Team, may transition to a Contact Team if an Active Threat is located or believed to be in the close vicinity. Casualties will remain under guard by at least one member of a Rescue Team unless directly engaged by the Active Threat. Rescue Teams work in Hot and Warm Zones.

**Rescue Task Force**: The combined rescue efforts of the Wheaton Police and Fire Departments to establish command, create Task Force Teams, deploy Task Force Teams into Warm Zones, and provide casualties with immediate lifesaving measures and rapid extrication to triage and/or a higher-level care under law enforcement protection.

**Secure Corridor**: An ingress and egress path through a Warm Zone to the location of casualties or a Casualty Collection Point protected by law enforcement security teams.

**Security Team**: A group of 2 or more police officers tasked to provide security for a specific area or group of people. Security Teams may create perimeters and establish Secure Corridors of ingress and egress into an Active Threat incident. A Security Team, or an element of the Security Team, may transition to a Contact Team if directly engaged by the Active Threat.

**Task Force Team (TFT)**: A group of at least 2 Wheaton Firefighters wearing body armor and deploying RTF designated equipment and at least 2 police officers specifically tasked with the protection of the Task Force Team. The firefighters must be trained to a minimum of an EMT-B. The security element shall lead the Task Force Team's objective. The Task Force Team's objective is to respond to the area of non-deceased casualties, provide hemorrhage control, basic airway management, and rapid extrication to the CCP, Triage Area and/or a higher level of care. The security element of the team will not transition to a Contact Team or otherwise abandon the Firefighter element or casualties unless directly engaged by an Active Threat. Task Force Teams work in Warm and Cold Zones.

**Unified Command**: Is a unified collaborative team effort between the Fire Departments and Police Departments which allows all agencies with jurisdictional responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies.

**Zones of Operation**:

**1. Hot Zone** – A dynamic environment where a current active threat is known or believed to be present. This area is typically occupied by law enforcement.

**2. Warm Zone** – Areas in which Firefighters/EMS may operate as long as they are working in conjunction with a law enforcement protection element.

**3. Cold Zone** – An area where command is established, equipment and personnel are staged while awaiting assignment and medical triage, treatment and transport operations take place.

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## 419.4 PROCEDURES

The Rescue Task Force Response is fluid, dynamic, and subject to the law enforcement tactical response to the Active Threat incident. The following are Rescue Task Force Response objectives. Nothing prohibits the supervisor or designee from prioritizing the achievement of these objectives in any order based on the situation and/or tactical necessity.

### 419.4.1 INITIAL RESPONSE

**POLICE** - Wheaton Police Officers shall follow the Active Threat – Immediate Response Department Order. It shall be the responsibility of the police shift supervisor or designee to initiate the Rescue Task Force Response when Contact Teams have been deployed and locations of casualties have been identified. He or she shall identify the Zones of Operation and a Unified Command Post location based on dispatch and in-field intelligence. These locations should be communicated to DuComm and the first responding Wheaton Firefighters to facilitate the creation of Unified Command.

**FIRE** – Wheaton Firefighters shall wear the appropriate PPE for their assigned task including ballistic vests, gloves, masks, eye protection, etc. Wheaton Firefighters shall respect the zones as identified by Law Enforcement with the understanding that the scene will be dynamic. Task Force Teams will be assigned and should take the following considerations:

(a) Maintain a heightened state of situational awareness.

(b) Identify the safest route to the outside triage area.

(c) Identify secondary routes for emergency egress or casualty removal, if possible.

(d) Obtain necessary supplies for interior operations and communicate those needs to incident command.

### 419.4.2 ESTABLISH UNIFIED COMMAND AND COMMUNICATIONS

**POLICE/FIRE Duties**

(a) **Establish the Unified Command Post in a Cold Zone if practical. If the Unified Command Post is in a Warm Zone, a security team should be assigned when practical. See Organizational Chart below.**

(b) **Determine a dedicated radio channel for the Firefighter element of the Task Force Teams (Unified 1 or 2). The Firefighter element will be tasked with communicating number of casualties, resource needs, locations of additional casualties (if available), and tactical movement of casualties to a CCP or Triage Area.**

(c) **The security element shall remain on the original channel dedicated to the Active Threat incident and tactical operations. The security element shall only communicate tactical information regarding the Active Threat.**

(d) **Determine Staging and Triage locations.**

### 419.4.3 ESTABLISH A STAGING AREA AND TRIAGE AREA

**POLICE/FIRE Duties**

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(a) Establish a staging area in a Cold Zone if practical. If the staging area is in a Warm Zone, a security team should be assigned when practical. Consideration should be given to the ingress and egress from the location of the Active Threat incident to area hospitals.

(b) Establish a Triage area in a Cold Zone if practical. The Triage Area should be in relative close proximity to the Staging Area to provide rapid exfiltration of critical patients to a higher level of care. If the Triage Area is in a Warm Zone, a security team should be assigned when practical.

### 419.4.4 ESTABLISH CCP AND SECURE CORRIDORS

**POLICE Duties**

(a) When practical and resources allow, establish a CCP. The CCP may operate in a Warm Zone with a law enforcement security element. The CCP should be an area which provides cover, concealment, and a tactical position of advantage to law enforcement.

(b) When practical and resources allow, establish a Secure Corridor with law enforcement security from the location of the casualties or mass casualty area to the CCP. The Secure Corridor should provide a route with major intersections secured by law enforcement to expedite the rapid extrication of the casualties

### 419.4.5 CREATE TASK FORCE TEAMS

**POLICE/FIRE Duties**

(a) As soon as practically possible create a Task Form Team consisting of at least 2 EMT-B trained Firefighters and at least 2 police officers specifically tasked with the protection of the team. Teams will receive designations of, Task Force Team 1, 2, 3, etc. and use the dedicated Unified 1 or 2 channel for rescue operations.

(b) Brief security element of team with responsibilities of protecting the Firefighters and casualties while only engaging the Active Threat if directly engaged

## 419.5 DEPLOY TASK FORCE TEAMS

(a) Task Force Teams shall respond to the area of mass casualties or area of casualties in designated Warm Zones. The team shall avoid traveling through or in close proximity of Hot Zones. The teams should use the CCP or dedicated Secure Corridors (if established).

(b) The security element of the teams shall lead the team.

(c) Upon the arrival to the location of casualties, the team's security shall take a position of tactical advantage and protect the Firefighter EMTs and casualties while assessment and treatment occurs.

(d) The EMT-B Firefighters shall assess the casualties, provide hemorrhage control, basic airway management, and prepare casualties for rapid extrication.

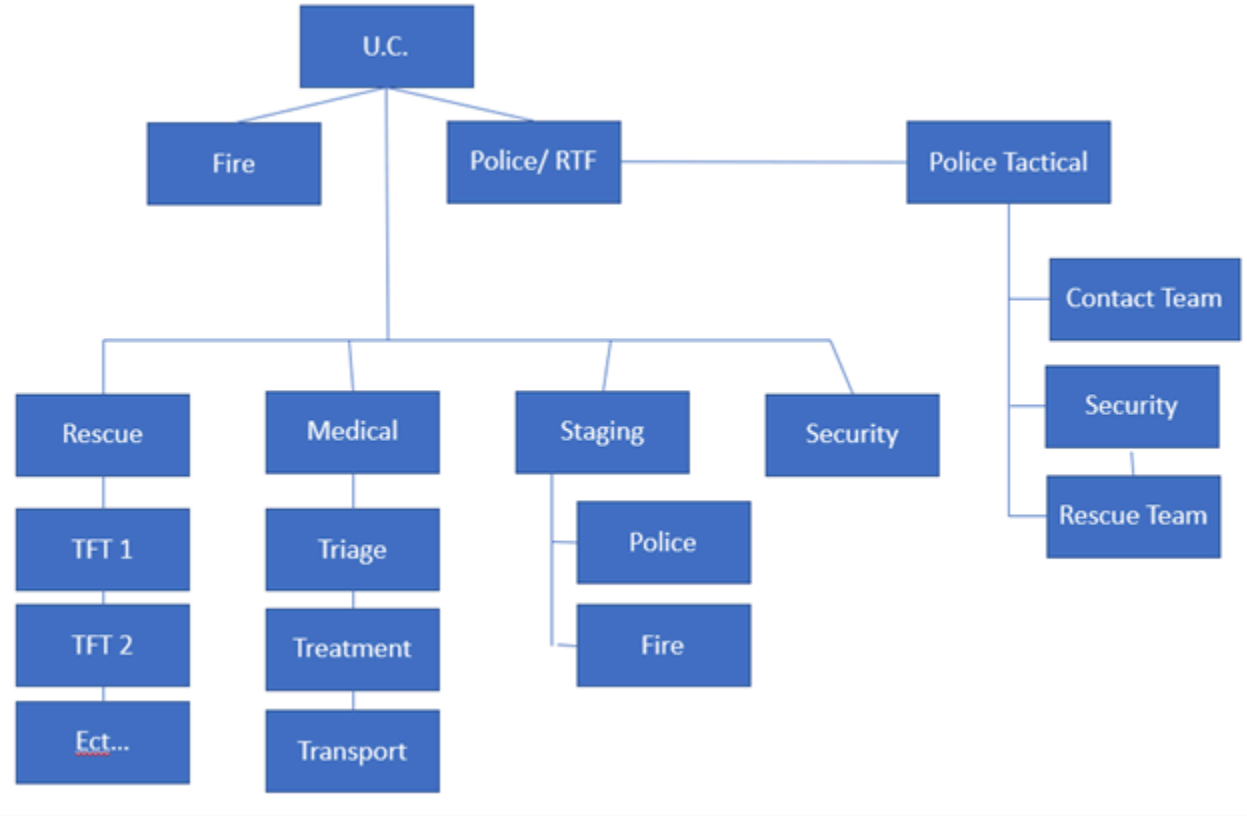
(e) Rapidly extricate casualties to the CCP, Triage Area, and/or a higher level of care.

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(f) Return to area and continue operations until all casualties are removed (excluding deceased – unless otherwise directed) or the area becomes a Hot Zone.

(g) Return to Unified Command for a new assignment until the Active Threat incident is resolved or all casualties have been removed or the scene has been stabilized and standard high risk incident response procedures are implemented.

## 419.6 ORGANIZATIONAL CHART




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# Public Recording of Law Enforcement Activity

## 420.1 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).

## 420.2 POLICY

The Wheaton 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.

## 420.3 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.

## 420.4 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.

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

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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.

## 420.5 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.

## 420.6 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.

(a) To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

(b) The consent should be recorded or provided in writing, when practicable.

(c) 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

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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 Control Policy.

## 420.7 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).

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# Medical Marijuana

## 421.1 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.).

### 421.1.1 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.

## 421.2 POLICY

It is the policy of the Wheaton 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.

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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 Wheaton 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.

## 421.3 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

### 421.3.1 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.

### 421.3.2 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

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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.

### 421.3.3 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).

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421.3.4 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).

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### 421.4 FEDERAL LAW ENFORCEMENT

Officers 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.

### 421.5 PROPERTY AND EVIDENCE CONTROL SUPERVISOR RESPONSIBILITIES

The Property and Evidence Control supervisor 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 Property and Evidence Control supervisor 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 Property and Evidence Control supervisor should return to the person from whom it was seized any useable cannabis, plants, drug paraphernalia or other related property.

The Property and Evidence Control supervisor should not destroy cannabis that was alleged to be for medical purposes except upon receipt of a court order.

The Property and Evidence Control supervisor may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations supervisor.

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# Bicycle Patrol Unit

## 422.1 PURPOSE AND SCOPE

The Wheaton Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

## 422.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Patrol Lieutenant.

## 422.3 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

## 422.4 CARE AND USE OF PATROL BICYCLES

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a Police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of the Illinois Vehicle Code (625 ILCS 5/11-1507). A bicycle is a police vehicle as authorized by 625 ILCS 5/1-162.3.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle shall be equipped with an oscillating, rotating or flashing red and/or blue warning light that is visible from the front, sides, or rear of the bicycle (625 ILCS 5/12-215).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

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Each bicycle will have scheduled maintenance annually to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle.

Bicycles shall be properly secured when not in the officer's immediate presence.

### 422.5 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation.

Officers operating an authorized emergency vehicle may park or stand, irrespective of the provisions of the Illinois Vehicle Code (625 ILCS); proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation; exceed the maximum speed limits so long as he/she does not endanger life or property; disregard regulations governing direction of movement or turning in specified directions (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)).

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# Foot Pursuits

## 423.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue a pursuit of suspects on foot.

## 423.2 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.

## 423.3 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 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.

(e) Air support.

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(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.

## 423.4 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.

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(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

## 423.5 RESPONSIBILITIES IN FOOT PURSUITS

### 423.5.1 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.

### 423.5.2 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.

### 423.5.3 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;

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the supervisor does not, however, need not 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.

### 423.6 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.

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.

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# Automated License Plate Readers (ALPRs)

## 424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of automated license plate reader (ALPR) technology.

## 424.2 POLICY

The policy of the Wheaton Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

## 424.3 ADMINISTRATION

The ALPR technology, also known as license plate recognition (LPR), allows for the automated detection of license plates. It is used by the Wheaton Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Deputy Chief of Support. The Deputy Chief of Support will assign personnel under their command to administer the day-to-day operation of the ALPR equipment and data.

## 424.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings, and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access confidential department, state, or federal data unless authorized to do so.

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(f) If practicable, the officer should verify an ALPR response through the appropriate law enforcement database before taking enforcement action that is based solely upon an ALPR alert.

## 424.5 DATA COLLECTION AND RETENTION

The Deputy Chief of Support is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All stored ALPR data should be retained in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded onto portable media and booked into evidence.

## 424.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Wheaton Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

## 424.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Support Deputy Chief or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Before sharing ALPR information with an out-of-state law enforcement agency, the Support Deputy Chief or the authorized designee shall also ensure that the Wheaton Police Department

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has received the executed written declaration of affirmation from the out-of-state agency as required by 625 ILCS 5/2-130. The declaration of affirmation should be retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

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# Firearm Concealed Carry

## 425.1 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.).

## 425.2 POLICY

The Wheaton 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 Wheaton Police Department to not unreasonably interfere with or discriminate against individuals who lawfully carry concealed handguns.

## 425.3 OFFICER RESPONSIBILITY

When an officer initiates an investigative stop, including 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 24 hours (430 ILCS 65/8.1). The fact that ISP has been notified and the manner of notification should 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., safekeeping, evidence, 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., exigent circumstances, consent).

### 425.3.1 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)).

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### 425.4 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 Control 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 should remove any firearms and submit them to the Property and Evidence Control 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 Control or left with the vehicle. If the licensee chooses to leave the firearm with the vehicle, his/her decision should be documented in the incident report or towed vehicle report.

The handling officer should 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 Control Policy.

### 425.5 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 Control 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 Control Policy (430 ILCS 66/10(h-1)).

### 425.6 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 member who becomes aware of a license applicant who the member reasonably suspects is a danger to him/herself or others, or who poses a threat to public safety should promptly forward an incident report or a memorandum, as appropriate, to the Chief of Police or the authorized designee for approval and forwarding to ISP.

### 425.7 SURRENDER OR SEIZURE OF LICENSES

Members 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

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surrendering the license with a receipt and ensure that the license is forwarded to ISP (430 ILCS 66/70).

Officers should 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 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 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.

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# Medical Aid and Response

## 426.1 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.

## 426.2 POLICY

It is the policy of the Wheaton Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

## 426.3 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 Dispatch 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 Dispatch 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 of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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.

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### 426.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

### 426.5 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.

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.

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.

### 426.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee 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 to an appropriate medical facility.

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 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.

#### 426.6.1 REQUIREMENTS FOR ALL PERSONS IN CUSTODY

When a person in custody is taken to a medical facility for treatment, the transporting officers should (210 ILCS 160/30):

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(a) Be appropriately trained in the custodial escort of high-risk persons.

(b) Notify the receiving medical facility as soon as practicable of the person's significant medical or mental health concerns and recent violent actions or safety concerns.

(c) To the greatest extent practicable, provide the receiving medical facility with the person's medical records possessed by the Department.

During the time period the person is in the custody of the Department at the medical facility, the transporting officers should restrict visitors to those authorized by law, appropriately document allowed visitors, remove restraints upon the request of medical care providers if they would impede medical treatment, and document oral requests as soon as practicable (210 ILCS 160/30).

#### 426.6.2 ADDITIONAL RESTRICTIONS RELATED TO PREGNANT PERSONS

When an person in custody known to be pregnant or postpartum is taken to a medical facility for treatment, leg restraints, shackles, or waist shackles shall not be used. Other restraints may be applied when all of the following exist (210 ILCS 160/30; 55 ILCS 5/3-15003.6):

(a) A supervisor makes an individualized determination that restraints are necessary to prevent a substantial flight risk, or some other extraordinary circumstance exists that necessitates restraints to promote the safety and security of the person in custody, members, medical facility staff, or the public.

(b) There is no objection to the application of restraints or order to remove restraints from treating medical personnel..

(c) The restraints used are the least restrictive type possible.

#### 426.6.3 ADDITIONAL RESTRICTIONS RELATED TO PERSONS IN LABOR

When a person in custody known to be in labor is taken to a medical facility for treatment (210 ILCS 160/30; 55 ILCS 5/3-15003.6):

(a) Restraints shall not be used.

(b) Officers shall ensure the removal of electronic monitoring devices during labor and delivery, as soon as practicable, or at an earlier time, if requested by treating medical personnel.

## 426.7 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.

## 426.8 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.

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The Wheaton Fire Department shall determine a designated landing zone and coordinate the air ambulance. Police department members should assist in securing the landing zone from pedestrian and vehicular traffic.

Police Department 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.

## 426.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after the member 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.

AEDs shall only be used as instructed during training and according to the manufacturer's recommendations. This should include:

(a) An assessment of an unconscious patient to include evaluation of the airway, breathing and circulation, and need for AED use.

(b) An assessment of AED safety precautions to enable the administration of a shock without jeopardizing the safety of the patient, rescuers, or other nearby persons.

(c) Recognition that an electrical shock has been delivered to the patient and that the defibrillator is no longer charged.

(d) Rapid, accurate assessment of the patient's post-shock status.

### 426.9.1 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 Training Officer who is responsible for ensuring appropriate maintenance.

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 Dispatch as soon as possible and request response by EMS (410 ILCS 4/20).

### 426.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

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### 426.9.3 AED TRAINING AND MAINTENANCE

The Training Officer shall ensure that the Wheaton Police Department is equipped with at least one operational and functional AED and that all AED 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 Training Officer 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).

## 426.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

The Training Officer 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).

### 426.10.1 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 Training Officer.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

### 426.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

### 426.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Officer should ensure training is provided to members authorized to administer opioid overdose medication that includes information and training on drug overdose prevention, 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.

## 426.11 FIRST-AID TRAINING

The Training Officer should ensure officers receive periodic first-aid training appropriate for their position.

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# Civil Disputes

## 427.1 PURPOSE AND SCOPE

This policy provides members of the Wheaton 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.

## 427.2 POLICY

The Wheaton 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 may 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.

## 427.3 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.

## 427.4 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.

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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. Members should advise the involved parties on the procedure to receive a copy of the report and the involved parties' responsibility to bring the documentation to the courts for review and potential action.

#### 427.4.1 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, if the person requesting the standby does not have standing or permission to be at the location or premise.

### 427.5 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.

### 427.6 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.

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# First Amendment Assemblies

## 428.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 428.2 POLICY

The Wheaton 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.

## 428.3 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 or there is probable cause that the camera/cell phone captured evidence of a crime.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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### 428.3.1 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).

## 428.4 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 Dispatch, 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.

## 428.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

### 428.5.1 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.

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- 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 actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 428.5.2 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 City 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.

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(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

428.5.3 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 Outside Agency Assistance Policy).

## 428.6 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. If possible, 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.

## 428.7 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 conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential

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to harm officers, or others, (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.

Generally, any use of force shall be governed by the Use of Force Supervisory Review order unless the volatile nature of the unlawful assembly/riot makes adherence unrealistic or unsafe for the supervisor. The incident supervisor shall immediately conform to the order once the unlawful assembly/riot has been quelled.

### 428.8 ARRESTS

The Wheaton 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 Notice to Appear or Summons Releases Policy).

### 428.9 MEDIA RELATIONS

The Public Information Officer, or Deputy Chief of Support, 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).

### 428.10 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

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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.

## 428.11 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, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

### 428.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City 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.

## 428.12 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.

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# Body-Worn Cameras

## 429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media (50 ILCS 706/10-20).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

### 429.1.1 DEFINITIONS

Definitions related to this policy include (50 ILCS 706/10-10; 50 ILCS 706/10-20):

**Activate** - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

**Body Worn Camera (BWC):** An electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings.

**BWC Administrator:**Administrative staff member, appointed by the Chief of Police, who is responsible for oversight of the Department's BWC Program.

**BWC media** - The video, audio, and images captured by department BWCs and the associated metadata.

**BWC media systems** - Any software, including web-based programs and mobile applications, authorized by ILETSB and used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

**Buffering Mode:** The device feature for which the camera continuously video records and holds the most recent 30 seconds of video prior to record activation; audio recording is not captured when the camera is in this mode. With this feature, the initial event that causes the officer to activate the recording is likely to be captured automatically.

**Community Caretaking Function:** A function unrelated to the investigation of a crime such as participating in public meetings, town halls or other community outreach events.

**Deactivate** - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals of at least 30 seconds that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

**Event** - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

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**Event Mode:** When the event button on the BWC is activated the camera is recording both audio and video for up to twelve hours. The buffered video, not audio, captured directly before the event will be saved and attached to the event's permanent memory.

**Flag:** To mark important evidence that you want to find more easily in the future. You can filter your evidence by flagged status and quickly view the flagged evidence files.

**In Uniform:** Pursuant to the Law Enforcement Officer-Worn Body Camera Act, 50 ILC 706/10, means a law enforcement officer who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement officer who is visibly wearing articles of clothing, a badge, tactical gear, gun belt, a patch, or insignia that he or she is a law enforcement officer acting in the course of his or her duties.

**Label:** Process of editing the evidence Title, Case ID (Event or Case Number) and Description.

**Law enforcement-related encounters or activities** - Pursuant to the Law Enforcement Officer-Worn Body Camera Act, 50 ILCS 706/10, this includes, but is not limited to traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol or any other instance in which the officer is enforcing the laws of the municipality, county, or state. This does not include situations where the officer is completing paperwork alone or only in the presence of another law enforcement officer or is participating in training in a classroom setting**.**

## 429.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public. The department is committed to the belief that video and audio documentation of an officer's encounter with the community is an important and valuable resource. Use of these cameras should facilitate professionalism, accountability, and transparency by documenting interactions with the public. The police department strives to respect all individuals' reasonable expectation of privacy, as provided by law.

Furthermore, the department recognizes that the body worn camera may not capture all of what the officer sees and hears, or what an officer senses, feels, or experiences. The recorded images do not provide the totality of the circumstances that drives the officer's response to a particular situation.

## 429.3 RESPONSIBILITIES

### 429.3.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include (50 ILCS 706/10-20):

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(a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.

(b) Acquiring sufficient BWCs to equip all law enforcement officers with BWCs while on duty (50 ILCS 706/10-15).

(c) Ensuring BWCs are equipped with pre-event recording of at least 30 seconds prior to activation and can record for at least 10 hours as required by law.

(d) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department and recording the date each BWC is placed into or taken out of service.

(e) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.

1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.

(f) Managing BWC media systems so that:

1. Systems used by the Department are authorized by ILETSB (50 ILCS 706/10-10).

2. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.

3. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.

(g) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.

(h) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.

(i) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.

(j) Coordinating with the community relations coordinator to (see the Community Relations Policy):

1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages).

2. Gain insight into community expectations regarding BWC use.

(k) Coordinating with the Police Services Supervisor to (see the Police Services and Records Maintenance and Release policies):

1. Determine and apply proper retention periods to BWC media.

2. Develop procedures for the appropriate release of BWC media.

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(l) Coordinating with the Property and Evidence Control to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Control Policy).

(m) Completing an annual administrative review of the BWC program and providing it to the Chief of Police for review.

(n) Establishing procedures to comply with the Law Enforcement Officer-Worn Body Camera Act and guidelines developed by ILETSB for BWC use.

(o) Providing the required annual report to ILETSB (50 ILCS 706/10-25).

429.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

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 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 the BWC Coordinator 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. Officers have discretion as to the placement of the BWC, as approved by the Department, and consistent with Axon recommendations.

When using a portable recorder, the assigned member shall record his/her name, WPD 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. When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

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.

At the end of their shift, officers shall return the BWC to the charging receptacle for uploading. The camera shall remain at the charging receptacle until the BWC is completely uploaded unless otherwise authorized or directed by a supervisor. Officers on any special assignment including members of ILEAS special teams and MERIT shall retrieve their assigned BWC from the police department prior to deployment and shall return their assigned BWC for uploading after completion of the deployment

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### 429.4 BWC USE

The following guidelines apply to the use of BWCs:

(a) Only department-issued BWCs should be used without the express consent of the Chief of Police or the authorized designee.

(b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.

(c) The use of department-issued BWCs shall be strictly limited to department-related activities.

(d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.

(e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

(f) Officers are required to turn on their BWC at all times when the officer is wearing their uniform, as defined herein, and is responding to calls for service or engaged in any official related encounter or activities occurring while the officer is on duty, subject to the exceptions listed in this policy.

(g) The safety of the officer takes precedence over the recording of events.

(h) Officers should ensure their BWC is on buffering mode during their tour of duty. This ensures that the capture of the previous 30 seconds of video only prior to the camera transitions to the event mode.

(i) On-duty Officers are encouraged to dock their BWCs in the BWC charging receptacle if present in the police department building for extended periods of time (15 min or more). All officers must retrieve their BWC upon exiting the Police Department.

(j) BWC officers within a 50' radius will automatically switch from Buffering Mode to Event Mode during the following:

  (a) When the officer draws his/her service pistol from their duty holster.

  (b) When the officer activates the emergency lights on his/her police car.

  (c) When the officer removes his/her patrol rifle from the squad gun rack.

(k) Officers assigned a BWC shall change the system from buffering mode to event mode to record the entire incident for all of the following:

  (a) When involved in an emergency driving situation and the police car does not have a functioning in-car camera. If the police car has a functioning in-car camera, officers have the discretion to leave their BWC in buffering mode.

  (b) Execution of a search warrant, arrest warrant, or a consent search in which the officer is looking for a suspect.

  (c) Foot pursuits.

  (d) High-risk situations.

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(e) Any call for service, or while engaged in any official law enforcement related encounter or activity that occurs while the officer is on-duty; subject to the parameters set forth in this written department order.

(f) The initial crime scene search and processing. In instances where the crime scene search and/or processing will be for an extended period of time, the BWC is not required to be in the event mode. However, when the officer believes there is a reasonable likelihood of coming into contact with unauthorized person(s), the BWC shall be transitioned to event mode.

(g) Situations where an officer reasonably believes it to serve a proper purpose. For example, recording the processing of an uncooperative arrestee through the booking process.

(h) Transporting a detainee or person(s) not in custody, regardless of gender. If multiple officers are transporting, all officers are required to record the incident using their BWC.

(i) Prior to arriving at a dispatched call or when self-initiating a response to a call.

(l) Evidence Technicians processing a crime scene after the initial response by officers are not required to activate their BWC while processing the scene unless they encounter another law enforcement activity that requires the activation of the BWC.

(m) Officers working a special event/extra-ordinary detail will wear their BWC in the buffering mode while working the detail. The camera will be transitioned to event mode in accordance with this department order should any law enforcement related activities occur during the detail.

(n) Officers assigned to a multi-jurisdictional task force (MERIT, ILEAS) and responding to an initial, in-progress call will wear their issued BWC during call-out activities in accordance with this department order.

(o) When exigent circumstances exist, which prevent the BWC from being turned on event mode, the BWC shall be turned on event mode as soon as practicable. The circumstances shall be documented in the officer's incident report and verbalized on the BWC when practicable.

(p) Officers are encouraged to provide notice to the subject being recorded unless it is unsafe to do so, or exigent circumstances exist.

(a) Verbal Announcement/Notice: Verbal statement by the officer indicating a body camera is recording the interaction. Example "My body camera is on; you are being recorded."

(b) If a person inquires as to whether a body camera is in use or whether a recording is being made, officers shall provide a prompt and truthful response.

(q) During the recording of an incident, Officers shall not turn off the BWC until the entire incident has been recorded. In instances where case strategy is being discussed and release of the information will comprise the investigation, the BWC shall remain in event mode. However, the information will be redacted in the event the recording is

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requested through Freedom of Information (FOIA) and will be released in accordance with the provisions set forth in the Law Enforcement Officer Worn Body Camera Act.

(r) If the Offier fails to activate the BWC to event mode and does not record the entire incident, or interrupts the recording for any reason, the officer shall as soon as possible follow-up with a verbal explanation on the BWC while it is in event mode, the time, place, and reason why the recording was not made or discontinued. This shall also be documented in the Officer's incident report.

(s) If an incident report is taken, the officer shall document at the beginning of the report that the incident or interaction was recorded by a body camera.

  (a) Example, "Incident - BWC Recorded."

(t) If a BWC is reviewed prior to the writing the incident report, the officers shall document in the report that the incident or interaction was recorded by a BWC and reviewed prior to writing the report.

  (a) Example, "Incident - BWC recorded and reviewed prior to writing report."

(u) In the event of an arrest, the incident is concluded when the subject has been transported to the Station. However, Officers have discretion to continue recording through the booking process to when the subject is placed in a cell.

  (a) The recording of officers serving in an undercover capacity should be avoided. In instances where undercover officers are captured, the identity of that officer will be redacted, if the recording is requested through the Freedom of Information Act (FOIA) and will be released in accordance with the provisions set forth in the Law Enforcement Officer Worn Body Camera Act.

  (b) When other recording mechanisms in the Holding Facility are not in use, the Officer's BWC shall be on event mode when the Miranda warning is being provided to the person in custody.

(v) Officers will not turn off the power to their body camera during their shift or detail, except under the following conditions

  (a) BWCs may be turned off when the officer is inside a correctional facility which is equipped with a functioning camera system.

  (b) Officers shall turn off the BWC during any court-related matter, to include pre-trial conferences, depositions, or any other activity in the courtroom.

### 429.4.1 PROHIBITIONS

BWCs should not be used to record (50 ILCS 706/10-20):

(a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information). This includes but is not limited to communications with other police personnel during routine, non-enforcement related activities (report writing, case discussions with personnel inside the police facility, etc.) and communications with other police personnel during planning and tactical discussions (roll calls, incident debriefs, etc.).

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(b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.

(c) Conversations of other members without their knowledge.

(d) When a member is taking an authorized break or otherwise engaged in personal activities.

(e) In a courtroom or correctional facility equipped with a functioning camera system unless responding to a call for service or emergency situation.

(f) Interactions with undercover officers or confidential informants.

(g) Strip searches.

(h) Officers shall not edit, redact, erase, or otherwise alter in any manner BWC recordings without prior written authorization by a supervisor. Officers committing violations related to the unauthorized edits, alterations, and dissemination of this data shall be subject to disciplinary action and the provisions set forth in 720 ILCS 5/33-9.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

## 429.5 ACTIVATION OF BWC

Members shall activate their BWC during all calls for service or during the performance of law enforcement-related encounters or activities. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement-related encounters or activities, or while inside a patrol car equipped with functioning Mobile Audio/Video (MAV). However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial, or the member has a reasonable articulable suspicion that the individual has committed or is in the process of committing a crime (50 ILCS 706/10-20).

Unless otherwise authorized by this policy or approved by a supervisor, BWCs shall remain activated until the call for service or law enforcement-related encounter or activity has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations (50 ILCS 706/10-20).

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

### 429.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

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As soon as practicable, members shall verbally notify individuals that have a reasonable expectation of privacy that they are being recorded using a BWC. The notice should be captured on the recording or narrated by the member (50 ILCS 706/10-20; 720 ILCS 5/14-2).

### 429.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

Private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. When officers are lawfully present in a home, during the course of official duties, there is no reasonable expectation of privacy. Officers are not required to give notice to the resident or others that they are being recorded.

When responding to a place where individuals have an expectation of privacy (e.g., medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), the officer must provide notice of the recording and proof of notice must be evident in the recording. Proof of the notification and consent must be evident in the recording and documented in the officer's incident report. Once the initial notice has been provided, the notice requirement has been satisfied, even when another individual becomes a party to the communication. When consent is not obtained, members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event.

A person's objection to being audio and video recorded will not be honored in situations pursuant to an arrest or search of a residence. A subject who is being arrested does not have a reasonable expectation of privacy.

If exigent circumstances exist which prevents the officer from providing the notice, notice must be given as soon as practical.

Members may also mute or deactivate their BWC:

(a) To protect the privacy of a victim or witness.

(b) When an individual wishes to provide information anonymously.

(c) To avoid recording a confidential informant or undercover officer.

(d) When discussing case tactics or strategy.

(e) During private conversations with other members or emergency responders.

Members shall deactivate their BWC when a victim, a witness, or a community member reporting a crime requests that the camera be turned off, unless exigent circumstances exist or the member has reasonable articulable suspicion that the individual has committed or is in the process of committing a crime. The individual's request to deactivate and the member's reason for continuing to record despite the request should be captured on the recording (50 ILCS 706/10-20).

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Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

Members shall not surreptitiously record another Department member unless lawfully authorized by the Chief of Police or the authorized designee.

The surreptitious audio recording of private conversation or when there is reasonable expectation of privacy is prohibited by law.

### 429.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and dispatchers approved by the Chief of Police or the authorized designee shall have access to livestreaming capabilities.

BWCs cannot be remotely activated. When a BWC device has been activated in event recording mode, they are capable of live streaming audio and video over the Axon digital platform to authorized users as set forth herein. GPS is only active on the BWC device when it's in event recording mode.

BWCs shall not be livestreamed without extraordinary/exigent circumstances. The following extraordinary/exigent circumstances would allow authorized users to view a BWC in livestream mode:

(a) **Anytime an authorized user believes an officer is in need of emergency assistance.**

(b) **Felony/High Risk Traffic Stop**

(c) **Bombing or explosive incidents**

(d) **Civil unrest, riot, or looting**

(e) **Any act of terrorism**

(f) **Hostage or barricade situation**

(g) **Active Shooter**

(h) **Foot or vehicle pursuit**

(i) **Any ongoing investigation or incident where the officer was notified in advance that livestreaming would take place via audio and/or visual means**

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### 429.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

(a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.

(b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.

(c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.

(d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

(e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

## 429.6 UPLOADING BWC MEDIA

All BWC recordings are considered evidence.

The BWC will be placed in the proper charging receptacle at the end of each shift. It will be the responsibility of each officer that is assigned a BWC to ensure the camera is properly placed in the charging receptacle and the videos are appropriately tagged and uploaded. Officers are required to upload all body camera videos prior to the end of each tour of duty

BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

Once the recording has been uploaded, the officer is responsible for reviewing the footage and assigning data into categories in accordance with the records management system and department policy. Officers shall ensure the following is accurately assigned to the footage:

(a) ID – The case or event number

(b) The applicable retention category assignment

(c) Accuracy of last name and badge number of the officer who created the recording.

Officers are required to correctly classify all body camera videos prior to the end of each tour of duty unless authorized by a supervisor to wait until the next day's shift. Body camera videos must be classified if the officer does not work again for more than 24 hours after the end of the shift.

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### 429.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

(a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.

(b) When a member has sustained a serious injury or a line-of-duty death has occurred.

(c) When a firearm discharge or use of force incident has occurred.

(d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits to confirm BWC media is being properly uploaded and tagged by their subordinates. Supervisors shall conduct a random audit of BWC recordings on a quarterly basis.**Every 3 month period, supervisors shall randomly review (1) BWC recording from each officer pertaining to the supervisor's direct area of responsibility to ensure that the equipment is operating properly and that officers are using the cameras appropriately and in accordance with legislation, policy and training.**

(a) **The selection of recordings will be conducted in an impartial manner that promotes an equitable review of recordings from all officers under the supervisor's chain of command.**

(b) **Supervisors shall document their review using the BWC Supervisory Audit form in SharePoint.**

(c) **Supervisors shall identify any areas in which additional training or guidance is required.**

(d) **Supervisors shall not review recordings for the sole purpose of searching for violations of Department policy or law not related to a specific complaint or incident.**

**Recordings shall not be used to prepare performance evaluations unless used for the purpose of correcting substandard employee performance that was brought to the supervisor's attention or highlighting commendatory performance of an employee. Additionally, recordings may not be reviewed indiscriminately for disciplinary purposes**

## 429.7 BWC MEDIA

All BWC media is the sole property of the Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

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All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee (50 ILCS 706/10-20).

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

### 429.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines (50 ILCS 706/10-20):

(a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.

(b) Members and their supervisors may review their own BWC media for department-related purposes and prior to completing incident reports or other documentation. However, members shall not review their BWC media or the BWC media of another member before completing their report or other documentation when the member 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; or is ordered to write a report in response to or during the investigation of a misconduct complaint against the member. In those instances, if the member prepared a report and subject to a supervisor's approval, they may file a supplemental report after reviewing BWC media and document that review in the supplemental report. In all other instances, members and supervisors should document in their report if they reviewed BWC media before completing the report.

(c) Investigators may review BWC media pertaining to their assigned cases.

(d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.

(e) Supervisors are permitted to access and view BWC media of their subordinates.

    1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.

    2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would

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be beneficial to provide guidance or to conduct one-on-one informal training for the member.

3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.

(f) The Training Officer is permitted to access and view BWC media for training purposes.

1. Staff members may review BWC media as part of their review to identify training needs.

2. The Training Officer may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Officer should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.

(g) The Police Services Supervisor may access BWC media when necessary to conduct department-related duties.

(h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

(i) A member's field training officer may access and review BWC media for training purposes.

### 429.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

(a) A private residence.

(b) A facility that offers health care, mental health or substance abuse treatment, or social services.

(c) A school building.

(d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy and the Law Enforcement Officer-Worn Body Camera Act (50 ILCS 706/10-20). The Police Services Supervisor should review BWC media before public release.

## 429.8 RETENTION OF BWC MEDIA

BWC media should be retained on a BWC media system in accordance with state records retention laws but in no event for a period of less than 90 days. BWC media shall not be altered, erased, or destroyed prior to the expiration of the 90-day storage period. In the event any BWC media 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,

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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, BWC media 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 member discharged a firearm or used force during the encounter.

(c) Death or great bodily harm occurred to any person in the BWC media.

(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 member is the subject of an internal investigation or otherwise being investigated for possible misconduct.

(f) The supervisor of the member, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution.

(g) The recording member requests that the BWC media be retained for official purposes related to their official duties or believes that it may have evidentiary value in a criminal prosecution.

Under these circumstances, the BWC media of the encounter shall not be altered or destroyed for two years. If the BWC media is used in a criminal, civil, or administrative proceeding, it shall not be destroyed except upon a final disposition and order from the court.

BWC media may be retained after the expiration of the 90-day storage period any time a supervisor designates it for training purposes and may be viewed by members, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with department policies.

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

### 429.9 REPORTING

On or before May 1st of each year, the Wheaton Police Department shall provide an annual report to The Illinois Law Enforcement Training and Standard Board. The report shall include:

A. A brief overview of the makeup of the agency, to include the number of officers using a BWC.

(a) The number of BWCs used by the department.

(a) Technical issues with the equipment and how the issues were remedied.

(a) Brief description of the review process used by supervisors.

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(a) For each recording used in the prosecution of conservation, criminal, or traffic offenses or municipal ordinance violations:

1. The time, date, location of the incident
2. The offense charged and the date charges were filed.

(a) Any other relevant information pertaining to the administration of the BWC program

## 429.10 SCHOOL RESOURCE OFFICERS

The Wheaton Police Department recognizes that the duties and working environment for School Resource Officers (SROs) are unique within law enforcement. It is recognized that SROs are required to maintain school safety while keeping the sanctity of the learning environment that the school provides. SROs are expected to continuously build trusting relationships with students and staff. They also often have impromptu interventions with students to deescalate arguments and/or conflicts. It is with this understanding that the Wheaton Police Department provides special regulations to SROs on their use of Body Worn Cameras (BWCs), while remaining in compliance with state law.

The BWC shall be activated in any of the following situations:

A. When summoned by any individual to respond to an incident where it is likely that a law enforcement-related activity will occur.

(a) Any self-initiated activity where it is previously known, or facts develop that a custodial arrest will be made or a law enforcement-related activity will occur.

(a) Any self-initiated activity where it is previously known, or facts develop that the questioning/investigation will be used later in criminal charges.

(a) When feasible an SRO shall activate the BWC when the contact becomes adversarial, the subject exhibits unusual or aggressive behavior, or circumstances indicate that an internal complaint will likely be filed.

SROs shall adhere to school district policies regarding parental notification prior to interviewing students. SROs will provide a verbal notice of BWC recording to the involved student, prior to any interview or interrogation made in conjunction with a criminal investigation, unless it is unsafe to do so. Example, "My body camera is on; you are being recorded."

If exigent circumstances prevent an SRO from turning on a BWC when required, the BWC shall be activated as soon as practicable.

It is also recognized that SROs often have conversations with students/staff that are unrelated to the investigation of a crime and fall under the definition of a community caretaking function It is not appropriate to record these conversations as it diminishes the trust between the individual and the SRO. For the purposes of this order, a community caretaking function shall include discussions and investigations of school rule violations that are previously known to be non-criminal in nature.

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### 429.11 TASK FORCE OFFICERS

Pursuant to any cooperative Task Force agreement entered into by the City of Wheaton Police Department, the assigned officer shall adhere to the policy and procedures of the agency while in the assignment. This may include being federally deputized as a Task Force Officer, 21 U.S.C. Section 878. This allows the officer the proper authority and enables them to act as a federal law enforcement officer while under the supervision of the task force.

### 429.12 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

(a) Proper use of the BWC device and accessories.

(b) When BWC activation is required, permitted, and prohibited.

(c) How to respond to an individual's request to stop recording.

(d) Proper use of the BWC media systems, including uploading and tagging procedures.

(e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

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# Chapter 5 - Traffic Operations

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# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic crashes, improve motorist and pedestrian safety, and gain compliance with motor vehicle laws. 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 crash data, enforcement activity records, traffic volume, citizen complaints, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in crash 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 Wheaton Police Department. Traffic crash information provided by the Illinois Department of Transportation is a valuable resource for traffic crash 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 crash causing violations during high crash 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 crash locations.

Other factors to be considered for deployment are school zones, presence of children and/or pedestrians, 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 to include:

(a) Speed violations.

(b) Other hazardous violations.

(c) Off-road vehicle violations.

(d) Equipment violations.

(e) Public carrier/commercial vehicle violations.

(f) Violations committed by juveniles.

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(g) Violations committed by non-residents (out of area and/or state).

(h) Newly enacted laws and/or regulations.

(i) Violations resulting in traffic crashes.

(j) Pedestrian and/or bicycle violations.

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 crashes:

#### 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 and as prescribed in the SAFE-T Act..

### 500.4 STOP RECEIPTS

Whenever an officer stops a motorist under 725 ILCS 5/107-14 and searches, frisks, or conducts pat-down searches of 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.

### 500.5 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 mayseize such items for return of the items to the Secretary of State (625 ILCS 5/2-111).

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### 500.6 SUSPENDED OR REVOKED DRIVERS 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.

### 500.7 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members 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 member.

#### 500.7.1 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 employee 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, crash investigations, lane closures, and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers 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 maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

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# Traffic Crashes

## 501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to, investigating, and reporting traffic crashes.

## 501.2 DEFINITIONS

**City-Owned Vehicle:** Any motor vehicle owned, assigned, leased, rented, or borrowed by the City of Wheaton, except Police Department Vehicles.

**Crash Investigator**: Any police officer with Crash Investigation I level training or its equivalent.

**Crash Reconstruction Team:** A group of two or more police officers trained to investigate Type A Injury or Fatal traffic crashes which includes a minimum of one (1) certified Crash Reconstructionist.

**Department vehicle:** Any motor vehicle owned, assigned, leased, rented, or borrowed by the Police Department.

**Officer-involved Death**: Includes any death resulting from a motor vehicle accident, 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 attempt to apprehend (50 ILCS 727/1-5).

**Type A Injury**: As defined by the Illinois Department of Transportation in the SR-1050 Instructional Manual, a Type A Injury is a serious injury (incapacitating) other than fatal which results in one or more of the following:

(a) Severe laceration resulting in exposure of underlying tissues/muscle/organs or resulting in significant loss of blood

(b) Broken or distorted extremity (arm or leg)

(c) Crush injuries

(d) Suspected skull, chest, or abdominal injury other than bruises or minor lacerations

(e) Significant burns (second and third degree burns over 10% or more of the body)

(f) Unconsciousness when taken from the crash scene

(g) Paralysis

## 501.3 POLICY

It is the policy of the Wheaton Police Department to respond to traffic crashes and render or summon aid to injured victims as needed. The Department will investigate and prepare reports in compliance with the Illinois Department of Transportation, Division of Traffic Safety Illinois Traffic Crash Report (Form SR 1050) Manual. As a public service, the Department makes traffic crash reports available to the community with some exceptions with the goal of reducing the occurrence of crashes by attempting to identify the cause of the crash and through enforcing applicable laws.

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## 501.4 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this department and there is:
    1. A life-threatening injury.
    2. A fatality.
    3. A City vehicle involved.
    4. A City official or employee involved.
    5. Involvement of an on- or off-duty member of this department.

### 501.4.1 MEMBER RESPONSIBILITIES

The duties and responsibilities associated with traffic crashes will vary based on the facts and circumstances. In an effort to restore safe driving conditions, coordination must be utilized to secure the scene and thoroughly investigate the traffic crash. Officers conducting traffic crash investigations are responsible for, but not limited to, the following:

(a) Securing the scene
(b) Rerouting traffic
(c) Safe placement of emergency vehicles
(d) Safe and timely removal of involved vehicles, debris, and fluids
(e) Preservation of the scene / evidence if necessary for Crime Scene or crash reconstruction processing
(f) Relocating involved vehicles to a safe location off the roadway when possible
(g) Ensuring that involved parties and pedestrians do not stand in traffic
(h) Complete the Traffic Crash Report and any necessary supplemental reports

## 501.5 NOTIFICATION

If a traffic crash involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Patrol Lieutenant. The Patrol Lieutenant or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Patrol Lieutenant will ensure notification is made in accordance with the Major Incident Notification Policy.

### 501.5.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the

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responding detective(s), officer(s), department, or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic crash should not be released until notification is made to the victim's immediate family.

## 501.6 MINIMUM REPORTING REQUIREMENTS

A crash report shall be taken when:

(a) A fatality, any injury (including complaint of pain), driving under the influence, or hit-and-run is involved.

(b) An on-duty member of the City of Wheaton is involved.

(c) The crash involves any City-owned or leased vehicle.

(d) The crash involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) There is damage to any vehicle to the extent that towing is required.

(g) Prosecution or follow-up investigation is contemplated.

(h) Directed by a supervisor.

For traffic crash investigations involving property damage only, officers will complete a Traffic Crash Report if the crash results in property damage exceeding $1,500.00, or if damage to any vehicle requires a vehicle to be towed from the crash scene. For minor traffic crashes, officers may provide the involved parties with a driver's information exchange form. Officers may utilize their discretion and prepare a crash report for minor property damage crashes if warranted. In this circumstance, officers are not required to prepare a diagram when completing the form.

### 501.6.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic crash occurs on private property unless it involves an injury or fatality, a hit-and-run violation, 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 school bus, a crime or criminal act, or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

### 501.6.2 TRAFFIC CRASHES INVOLVING CITY VEHICLES

Traffic crash investigation reports shall be taken when a City-owned vehicle is involved in a traffic crash upon a roadway or highway or on private property. The respective department head of the employee involved should be notified. Photographs of the crash scene and vehicle shall be taken and included in the report. Additionally, any statements from the individual(s) involved and witnesses, excluding city employees, should be memorialized by an audio/video recording or written statement.

Police Department employees involved in a traffic crash, if able:

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(a) Inspect for injury and summon paramedics, if needed.

(b) Notify the dispatcher and the on-duty Sergeant. (If the highest-ranking Officer on duty is involved, the next on-duty supervisor of a higher rank is then to be notified)

(c) Do not move the vehicles until permission is obtained from the supervisor to do so.

(d) Protect the crash scene.

(e) Limit the conversation with others involved to inquire about injury only.

(f) Officers and supervisors shall limit statements regarding fault or liability during the on-scene investigation.

If the crash occurred during the course of an emergency Police vehicle response, no crash-related citations will be issued prior to the completion of a supervisory review.

Anytime a Police Department vehicle is involved in a traffic crash, the on-duty supervisor shall draft an "Unusual Occurrence" email to members of the Command Staff.The approval of reports and squad crash supervisory review should be completed by a lieutenant in the officer's division, or as otherwise directed.

When determining cause, it shall be the duty of the investigating supervisor to determine the cause of the crash and whether or not the Department member operating the vehicle contributed to the cause. The determination shall be in writing and shall specifically state the facts, evidence, and statements which led to the decision. The classifications are:

No Fault - The operator of the department vehicle was involved in a crash and had no reasonable means of avoiding the crash. Situations leading up to the crash and the crash itself were beyond the driver's control.

Fault Involved - The operator of the department vehicle was involved in a crash in which a traffic violation was committed by the operator, and/or sufficient care was not exercised by the operator under either emergency or non-emergency conditions.

The supervisor review will be forwarded though the chain of command for final determination by the Chief of Police.

### 501.6.3 INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic crash involves the disposition of an injured animal.

### 501.6.4 HIT AND RUN CRASH INVESTIGATIONS

Hit and run crashes involving death or Type A Injury will be investigated by M.E.R.I.T MCRT. For hit and run crashes where property damage is in excess of $1,500, the officer will complete the report on a standard crash report form.

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### 501.6.5 CRASHES INVOLVING CITY PROPERTY

Parkway property damage shall be indicated in the appropriate location of the Crash Report Form. Any person who damages city property should be cited under the city ordinance for damaging city property.

Investigating Officers are to be cognizant of the following facts:

(a) Trees destroyed will not be replaced by the city unless the individual responsible for the destruction is identified.

(a) Homeowners are to be informed that they may file a claim with their own homeowner's insurance company to seek the replacement of the tree – or they may participate in the City tree replacement program by contacting the Forestry Division of Public Works and agree to share the cost to replace the tree.

(a) Officers shall prepare a City Work Order to ensure the repair or placement of property damaged on parkways regardless if a Public Works employee was present at the scene and effected repairs. The city work order shall request a cost estimate for court.

## 501.7 INVESTIGATION

When a traffic crash meets minimum reporting requirements, the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

### 501.7.1 OFFICER-INVOLVED DEATH RESULTING FROM A MOTOR VEHICLE CRASH

All officer-involved deaths resulting from a motor vehicle crash shall be investigated as outlined in the Police and Community Relations Improvement Act, specifically, Investigation of officer-involved deaths; requirements (50 ILCS 727/1-10). M.E.R.I.T Major Crash Reconstruction Team (MCRT) shall be notified and serve as the investigating agency for incidents involving officer-involved death or potential death.

### 501.7.2 TYPE A INJURY OR FATAL CRASHES

Upon learning that a fatal or Type A Injury traffic crash that has the potential to be fatal has occurred, the on-duty supervisor shall ensure the following:

(a) The on-duty supervisor will be in command of the crash scene.

(b) Notification to M.E.R.I.T MCRT shall be made in all fatal crashes, and those incidents in which a Type A injury may result in death.

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(c) Agency notifications include Operations and Support Lieutenants, Deputy Chiefs and Chief of Police.

(d) If warranted, members of M.E.R.I.T MCRT will notify the DuPage County State's Attorney's Office.

(e) Prior to the end of his/her tour of duty, the on-duty supervisor will prepare and disseminate an "Unusual Occurrence" email to the department. The email will include the following:

(a) Names and addresses of those persons involved in the crash, including the identity of any deceased or injured person(s).

(b) A brief summary of the details or circumstances involved.

(c) The status of the investigation

If a department member(s) assigned to M.E.R.I.T MCRT receives notification of a callout in another jurisdiction, the officer shall alert the on-duty supervisor for approval

### 501.7.3 TRAFFIC CRASH SWORN REPORT

The Traffic Crash Sworn Report is only to be used in cases involving a Type A personal injury crash where there is no indication of driver impairment as provided in Section 11- 501.6 of the Illinois Vehicle Code. The procedure when using the Traffic Crash Sworn Report is as follows:

(a) When there is a crash involving death or Type A personal injury to any party (driver included).

(b) If the officer finds no indicators on scene that the driver is under the influence of alcohol, drugs, or intoxicating compounds.

(c) The officer shall issue a Uniform Traffic Citation for any violation with the exception of equipment violations contained in Chapter 12 (do not issue a citation or make an arrest for DUI).

(d) Complete and read the Traffic Crash Warning to Motorist to the driver and request they submit to a chemical test.

(e) After the driver either submits to breath testing or refuses the chemical tests, the Traffic Crash Sworn Report is then completed and issued.

(f) There is no Receipt to Drive as there is no arrest for DUI in this situation.

(g) When the results come back and show a B.A.C. of 0.08 or more or any amount of a drug, substance, or intoxicating compound, the Traffic Crash Sworn Report should be mailed to the SOS. The Sworn Report should also be mailed to the driver along with the appropriate Uniform Traffic Citation.

(h) Results of the traffic crash test cannot be used to impose a Statutory Summary Suspension.

(i) Independent probable cause must be developed for the law enforcement test request and issuance of the Sworn Report. Important: The Traffic Crash Sworn Report should not be used in a nonconsensual blood draw situation. If indicators of DUI are present, follow normal DUI arrest procedure

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## 501.8 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the crash, authorized members should issue a warning, citation, or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter, or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

## 501.9 REPORTS

Department members shall utilize forms approved by the Illinois Department of Transportation as required for the reporting of traffic crashes (625 ILCS 5/11-408; 625 ILCS 5/11-411). All such reports shall be forwarded to the Operations Division for approval and filing.

### 501.9.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

### 501.9.2 SERVICES SUPERVISOR RESPONSIBILITIES

The responsibilities of the Services Supervisor include but are not limited to:

(a) Ensuring the monthly and/or quarterly reports on traffic crash information and statistics are forwarded to the Operations Lieutenants or other persons as required.

(b) Ensuring that traffic crash reports are submitted timely to the appropriate state agencies pursuant to 625 ILCS 5/11-408.

## 501.10 CRASHES INVOLVING IMPAIRED DRIVERS

If through the course of investigating a traffic crash the officer(s) detects indicators of impairment, the investigating officer will follow the guidelines specified in the Department Policy entitled, "Impaired Driving." Upon the establishment of probable cause, a driver involved in a personal injury or fatal traffic crash shall be arrested and read the warning to motorist. The officer will provide the opportunity to submit a breath sample and request a blood and urine test for purposes of determining the alcohol and/or drug content of the driver's blood. Additionally, if a driver of a vehicle is receiving medical treatment as a result of a traffic crash, an officer may request a blood test as specified in 625 ILCS 5/11-501.6(b). Absent probable cause in a type A injury/fatal crash, the at-fault driver shall be issued a Uniform Traffic Citation and be read the traffic crash warning to motorist. In the event of a refusal in either circumstance, the officer should seek to obtain a search warrant through the consultation with the DuPage County State's Attorney's Office.

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# Vehicle Towing

## 502.1 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, except as required by law.

## 502.2 POLICY

The Wheaton Police Department will tow vehicles when appropriate and in accordance with the law.

## 502.3 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 Dispatch 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 City 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.

## 502.4 TOWING OF VEHICLES FROM PRIVATE PROPERTY

Members of the Department should not tow or assist in towing vehicles from private property unless authorized by state and local law (625 ILCS 5/4-201 et. seq.).

## 502.5 TOWING OF VEHICLES FROM PUBLIC PROPERTY

Vehicles abandoned on public property may be towed in accordance with 625 ILCS 5/4-203.

## 502.6 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 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.

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- 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, and if intending to operate the vehicle, must be in accordance with 625 ILCS 5/6-101 (Driver must have a valid license).
- 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.

## 502.7 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.

## 502.8 RECORDS

Police Services members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

### 502.8.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall include the vehicle and tow information in the report. The report should be submitted to the Police Services as soon as practicable after the vehicle is towed.

A copy of the 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).

### 502.8.2 NOTICE OF TOW

The Police Services should send a notice of tow 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 Wheaton 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.

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(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).

## 502.9 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).

### 502.9.1 TOW ROTATION LIST

The Deputy Chief of Operations 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 Deputy Chief of Operations.

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).

## 502.10 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members shall be inventoried and listed in the report.t 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

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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.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the 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 Control Policy. In the event the transfer of property to another is not recorded on the in-squad audio/video recording device, a written property receipt will be drafted indicating the transfer of property. This form should be signed by the person receiving the property. 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 police report number 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.

### 502.11 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.

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## *Vehicle Towing*

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.

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# Impaired Driving

## 503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

## 503.2 POLICY

The Wheaton Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Illinois' impaired driving laws.

## 503.3 FIELD TESTS

Standardized Field Sobriety Tests (SFSTs) will be administered in accordance with the guidelines of the National Highway Traffic Safety Administration (NHTSA).

a. Horizontal Gaze Nystagmus (HGN)/ Vertical Gaze Nystagmus (VGN)

b. Walk and Turn

c. One Leg Stand

Additional tests which may be administered to supplement the SFSTs include:

a. Lack of Convergence

b. Modified Romberg Balance Test

c. Alphabet

d. Any additional tests determined appropriate by the Investigating Officer, based on the facts and circumstances of the investigation.

e. Preliminary Breath Screening Test (PBT)

1. Only department issued PBTs are authorized for use

2. PBTs will be checked for accuracy and calibrated at least once every 93 days, as regulated by the Department of State Police

### 503.3.1 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)).

## 503.4 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).

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(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.

### 503.4.1 BREATH SAMPLES

The Operations Lieutenant 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 Operations Lieutenant.

### 503.4.2 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.

### 503.4.3 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. If the arrestee and officer are not the same sex, the officer may designate a witness of the same sex to witness the collection, preferably from the Wheaton Police Department. 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.

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503.4.4 DESIGNATION OF CHEMICAL TESTS
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)).

## 503.5 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.

503.5.1 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 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).

503.5.2 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).

503.5.3 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.

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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.

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.

## 503.6 ARREST AND INVESTIGATION

### 503.6.1 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 Department of 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).

### 503.6.2 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).

### 503.6.3 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)).

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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)).

503.6.4 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)).

503.6.5 REPORTING
The Police Services Supervisor shall ensure that the Department complies with all state reporting requirements pursuant to 20 ILCS 2630/5.

503.6.6 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).

## 503.7 POLICE SERVICES RESPONSIBILITIES
The Police Services Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

503.7.1 WARNING NOTIFICATION
The Police Services Supervisor shall forward the warning notification and sworn report in accordance with 625 ILCS 5/11-501.1, 625 ILCS 5/11-501.6, 625 ILCS 5/11-501.8, and 625 ILCS 5/11-501.9.

## 503.8 ADMINISTRATIVE HEARINGS
The Police Services 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.

## 503.9 TRAINING
The Training Officer 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 Training Officer should confer with the prosecuting attorney's office and update training topics as needed.

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# Disabled Vehicles

## 504.1 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.

## 504.2 POLICY

It is the policy of the Wheaton Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

## 504.3 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.

## 504.4 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.

### 504.4.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle.

### 504.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members 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.

### 504.4.3 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 department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

### 504.4.4 EMERGENCY ASSISTANCE

Officers should request emergency services (e.g., fire units, medical assistance, utilities) as needed and shall provide assistance until appropriate emergency services arrive.

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# Abandoned or Derelict Vehicle Violations

## 505.1 PURPOSE AND SCOPE

This policy provides guidance for the identification, recording, and storage of vehicles parked in violation of the City of Wheaton City Ordinance or state laws regulating abandoned or derelict vehicles.

### 505.1.1 DEFINITIONS

Definitions related to this policy include:

**Abandoned vehicle** - Means any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any vehicle that has been left unattended for any amount of time and is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic; or for 2 hours or more on a toll highway, interstate highway, or expressway; or on a highway in an urban district 10 hours or more; or outside of an urban district for 24 hours or more; or on private property for 7 consecutive days or more (625 ILCS 5/4-201; 625 ILCS 5/4-203).

**Derelict vehicle** - Means any inoperable, unregistered, discarded motor vehicle, regardless of title, that constitutes a danger, hazard, or blight (625 ILCS 5/4-301).

## 505.2 PROCEDURE

Vehicles suspected of being in violation of the City of Wheaton abandoned or inoperable vehicle ordinance shall be identified in an associated police report. An "abandoned/inoperable" sticker should be placed on a passenger window that is without obstruction. Any deviation from this location should be identified in the report. A photograph of the violation, as well as the sticker applied to the vehicle, should be captured and included with the case report.

If a marked vehicle has been moved or the markings have been removed during the period of observation, the vehicle shall be marked again for the 7-day abandonment period and the original report annotated with a supplement report of the activity. Unless as otherwise directed by a supervisor, the officer initiating the case shall be responsible for the follow up investigation and any subsequent citation(s).

### 505.2.1 VEHICLE STORAGE

In the event the situation requires the police to intervene with the removal of the vehicle, the actions shall be documented in the police report and the vehicle shall be towed and stored by an authorized towing service.

If the registered owner of the vehicle is not aware of the removal of the vehicle, it shall be the responsibility of the reporting officer to notify Record Services to enter the vehicle into LEADS.

### 505.2.2 PROCESSING DERELICT OR ABANDONED VEHICLES AS JUNK

If this department elects or is otherwise required to process a derelict or abandoned vehicle as a junk vehicle the department shall, within 15 days complete the following (625 ILCS 5/3-117.1):

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(a) Surrender the junk vehicle's certificate of title, salvage certificate, certificate of purchase, or a similarly acceptable out of state document of ownership to the Secretary of State along with an application for a junking certificate.

(b) Dispose of the vehicle as junk upon receipt of the junking certificate.

Vehicles or vehicle parts that have had the manufacturer's identification number removed, altered, defaced or destroyed shall be identified in compliance with 625 ILCS 5/4-107(i) before processing as junk.

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# Traffic and Parking Citations

## 506.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding, and dismissing traffic and parking citations.

## 506.2 POLICY

It is the policy of the Wheaton Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic citation, parking citation, or written warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

## 506.3 TRAFFIC CITATIONS

### 506.3.1 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a citation shall be referred to the Sergeant. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify the member's immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Operations Deputy Chief for review.

### 506.3.2 DISPOSITION

Upon separation from appointment or employment with this department, all members who were issued traffic citation books shall return any unused citations to the Police Services.

### 506.3.3 DATA COLLECTION

Officers conducting a stop regardless of whether a uniform traffic citation or warning citation is issued for an alleged violation of the Illinois Vehicle Code shall collect the data elements required by 625 ILCS 5/11-212 using the Illinois Department of Transportation standardized law enforcement data compilation form (625 ILCS 5/11-212).

The Police Services shall compile the required data and transmit the data to the Illinois Department of Transportation as required by 625 ILCS 5/11-212. (See the Bias-Based Policing Policy for additional guidance).

## 506.4 PARKING CITATION APPEALS

Parking citations may be appealed in accordance with local and state law (625 ILCS 5/11-208.3).

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# Traffic Procedures

## 507.1 PURPOSE AND SCOPE

This procedure provides guidance to members in the use of department-approved traffic management methods.

### 507.1.1 DEFINITIONS

Definitions related to this procedure include:

**High-risk traffic stop** - A traffic stop that is conducted under circumstances in which the officer is or becomes aware that any occupant poses a serious safety risk (e.g., the vehicle may contain an occupant who is known to be armed and dangerous).

**Unknown risk traffic stop** - A traffic stop that is conducted under circumstances in which the officer is not previously aware of a threat to the officer's safety posed by the vehicle's occupants (e.g., the vehicle is stopped for a traffic violation only).

## 507.2 TRAFFIC STOPS

### 507.2.1 UNKNOWN RISK TRAFFIC STOPS

While every unknown-risk traffic stop is based on a unique set of circumstances which must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting an unknown risk traffic stop include:

(a) The officer should consider existing conditions including but not limited to road design and conditions, weather, lighting, and current traffic flow, to establish a safe environment for the traffic stop.

(b) The officer should use the patrol vehicle's emergency lighting and other equipment, if necessary, to initiate the stop. Upon stopping, the patrol vehicle should be positioned in a way that affords protection to the officer and to the violator's vehicle during the stop.

(c) Generally, the violator should be directed to pull to the far-right side of the roadway to stop. However, the officer should be prepared to deal with other situations.

(d) Upon initiating a traffic stop, the officer should notify the dispatcher of the location of the stop and the vehicle's registration number. The officer should not approach the violator's vehicle until the dispatcher has acknowledged the message.

(e) The officer should approach with caution and take a position that allows effective communication with the driver, a view of any other occupant, and an avenue of tactical retreat if necessary.

(f) Upon contacting the violator, the officer should remain courteous and professional, providing the violator with verbal identification and the reason for the stop. The officer should request the motorist's documentation.

(g) The officer should provide the violator with information as to how to respond to the chosen enforcement action, if applicable.

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(h) The officer should end the contact once appropriate law enforcement action has been taken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.

(i) The officer should assist the violator in pulling safely back into traffic.

### 507.2.2 HIGH-RISK TRAFFIC STOPS

While every high-risk traffic stop is based on a unique set of circumstances which must be taken into account and may warrant reasonable deviation from the list below, general guidelines for conducting a high-risk traffic stop include:

(a) When planning a high-risk traffic stop, the officer shall notify the dispatcher and describe the nature or reason for the stop. The officer shall provide the dispatcher with relevant information (e.g., vehicle description, registration number and state, number of occupants, location and direction of travel) and request adequate assistance to conduct the stop.

(b) An officer should not individually initiate a high-risk traffic stop unless backup officers are not available in an appropriate amount of time or the urgency of the situation demands immediate action.

(c) After selecting an appropriate location for the stop and with adequate backup officers in position, the officer should signal the suspect to stop.

(d) Officers should position their vehicles at a distance behind the suspect vehicle that provides opportunities for cover. In low-light situations, positioning should allow for illumination of the suspect vehicle's interior.

(e) The officer initiating the stop, or the officer with the best view, should issue verbal commands. Only one officer should issue commands to the suspect vehicle's occupants.

(f) Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover.

(g) Proper tactics should be utilized based on the circumstances.

## 507.3 TRAFFIC DIRECTION AND CONTROL

### 507.3.1 MANUAL TRAFFIC DIRECTION

High-visibility vest should be worn in accordance with the Traffic Policy.

### 507.3.2 CRASH SCENES

Members should refer to the Traffic Crashes Policy for additional guidance.

Additional guidelines should include as appropriate:

(a) If a traffic crash results in traffic congestion, a member may request additional assistance, if available, to help with traffic control. Incidents occurring during heavy traffic periods on major streets resulting from a traffic crash and/or adverse road and weather conditions may also require the use or operation of temporary traffic control devices (e.g., barriers, cones, flares, traffic signals).

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1. Members should use uniform hand gestures for manual traffic direction to assist in the efficient and safe movement of vehicle and pedestrian traffic.
2. Members should coordinate traffic direction with other members at the scene, if appropriate.

(b) Traffic may be stopped, rerouted, or restricted as necessary to ensure the safety of members, victims, and uninvolved motorists.

### 507.3.3 CRITICAL INCIDENT SCENES

(a) Members providing traffic direction and control at critical incident scenes (e.g., fires, utility emergencies) should prevent unauthorized vehicles and pedestrians from entering the area and provide a safe arrival route for emergency vehicles.

(b) The Department should coordinate its efforts with other emergency service agencies at fires, utility emergencies, or other scenes to provide crowd control and adequate safety measures for vehicle and pedestrian traffic.

(c) Members should use temporary traffic control devices as necessary and should manually direct and control the flow of all traffic in accordance with this policy.

(d) Members should contact a supervisor if additional assistance is needed at a location for any reason.

### 507.3.4 HAZARDOUS ROAD CONDITIONS

Hazardous road conditions due to weather, road damage, or other emergencies should be addressed as soon as practicable.

(a) A member who locates or is assigned to investigate a hazardous road condition should use temporary traffic control devices if necessary to identify the hazard to the public, isolate it, and limit the public's ability to come into contact with or access the area.

(b) A member who locates or is assigned to investigate a hazardous condition should assess the condition and request through Dispatch that notifications be made to appropriate authorities responsible for correcting the hazard. The dispatcher should document the condition and all notifications that are made.

(c) If a member needs assistance with isolating a hazard, the member may request additional members to the location.

(d) If there are any questions regarding the proper isolation of a roadway hazard, members should contact their supervisor.

1. Members should only use road flares when there is no risk of fire or explosion. Road flares should not be left unattended while burning. Any remnants left after a flare has been exhausted and allowed time to cool should be collected and disposed of properly.

(e) A member should only clear from the location under one of the following circumstances:

1. The hazardous condition has been corrected.

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2. The member is relieved by an appropriate authority who will conduct the repair, and traffic direction and control services are no longer needed.
3. The member is properly relieved by another member.
4. When authorized by a supervisor.

507.3.5 MANUAL OPERATION OF TRAFFIC CONTROL DEVICES
On occasion, members may have to manually operate traffic lights or set traffic lights to flash. Only authorized members should manually operate traffic control devices with the approval of a supervisor and for the following purposes:

(a) To correct a traffic light malfunction
(b) To facilitate movement at traffic crashes or other emergencies
(c) To provide passage for a motorcade or funeral procession
(d) To alleviate congestion, particularly during planned special events

507.3.6 TEMPORARY TRAFFIC CONTROL DEVICES
Temporary traffic control devices (e.g., cones, signs, barricades) should be deployed using the procedures set forth in the most recent edition of the National Manual on Uniform Traffic Control Devices (MUTCD).

## 507.4 ESCORTS
Law enforcement escorts require the advanced approval of the Operations Lieutenant. Unless approved by the on-duty supervisor, officers shall not conduct emergency escorts.

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# Chapter 6 - Investigation Operations

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# 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 Wheaton 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 INVESTIGATIVE PROCEDURES

The Support Deputy Chief or the authorized designee is responsible for the development of investigative procedures, including:

(a) Maintain an on-call list of members assigned to investigative responsibilities.

(b) Management of criminal investigative case files.

(c) Preliminary and follow-up criminal investigation responsibilities and checklists.

(d) Multijurisdictional investigative task force roles and responsibilities.

(e) Use of polygraph examinations.

(f) Cold case investigations.

(g) Undercover, surveillance, decoy, and raid operations, including use of surveillance and undercover equipment.

(h) Collecting, processing, and preserving digital evidence.

(i) DNA collection from a known source.

(j) 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).

## 600.4 INITIAL INVESTIGATION

### 600.4.1 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.

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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 Patrol Lieutenant.
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.

## 600.5 INVESTIGATION CASE SCREENING

An investigation case screening system assists in determining if a case requires follow-up investigation and what cases are subject to early closure.

The Department shall use the resources available to measure the assigned caseload, clearance rate, and disposition of cases assigned to members for follow-up investigation.

A supervisor should screen all criminal reports for follow-up assignment to members and ensure timely investigation, or closure based upon solvability factors. The supervisor is responsible for the proper management of all cases.

### 600.5.1 INVESTIGATION CASE MANAGEMENT SYSTEM

Access to the open criminal investigation files shall be available to all investigative members, unless the confidential nature of the investigation as determined by the supervisor warrants limiting access.

Internal classification of criminal case files shall be handled as follows:

(a) Electronic records shall be maintained in the records management system (RMS) with access by password protection and sign on. Any external documents should be scanned into the RMS.

(b) All original supporting reports, notes, documents, or records obtained during the investigation shall be forwarded to the Police Services for archiving.

## 600.6 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.

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### 600.6.1 AUDIO/VIDEO RECORDINGS

All custodial interrogations at the Wheaton 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 Investigations supervisor. 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.

## 600.7 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 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.

(c) 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.

(d) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(e) 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.

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## 600.8 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. Consistent with the collection of any evidence, if it is anticipated that computers or similar equipment will be seized, officers should take reasonable steps to prepare for such seizure and use the resources that are available to preserve the integrity of said evidence.

## 600.9 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 members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using their own equipment, the member should note the dates, times, and locations of the information and report the discovery to their supervisor as soon as practicable. The member, 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).

### 600.9.1 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.

## 600.10 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).

## 600.11 MODIFICATION OF CHARGES FILED

Members 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 a Deputy Chief or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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## 600.12 CRIME VICTIM DNA SAMPLES

A profile created from a DNA sample that is collected from a crime victim in conjunction with a criminal investigation shall not be entered into any DNA database, unless otherwise permitted by law (725 ILCS 120/4) (see the Death Investigation Policy for additional guidance).

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# Asset Forfeiture

## 601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 601.1.1 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 Wheaton Police Department seizes property for forfeiture or when the Wheaton 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)

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**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.

## 601.2 POLICY

The Wheaton 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 Wheaton 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.

## 601.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

### 601.3.1 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 (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.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

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601.3.2 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)

## 601.4 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, or receipt, 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. 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.

## 601.5 MAINTAINING SEIZED PROPERTY

The submitting member 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.

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(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.

### 601.6 FORFEITURE REVIEWER

The Chief of Police will appoint the Support Deputy Chief as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

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 City financial directives.

### 601.7 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.

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.

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# Felony Investigation Discovery

## 602.1 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.

## 602.2 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.

## 602.3 COMPLIANCE

The Support Deputy Chief shall implement appropriate procedures, including 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 in a timely and efficient manner.

## 602.4 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.

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# Eyewitness Identification

## 603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (725 ILCS 5/107A-2).

### 603.1.1 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.

## 603.2 POLICY

The Wheaton 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.

## 603.3 INTERPRETIVE SERVICES

Members 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 member 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.

## 603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations supervisor 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.

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(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 Investigations supervisor shall prepare written guidelines setting forth when simultaneous lineups may be conducted rather than sequential lineups.

### 603.5 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

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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).

## 603.6 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.

### 603.6.1 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.

(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.

## 603.7 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

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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.

(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.

## 603.8 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.

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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.

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# Brady Material Disclosure

## 604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called *Brady* information) to a prosecuting attorney.

### 604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Wheaton Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

## 604.2 POLICY

The Wheaton 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 Wheaton 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.

## 604.3 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.

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### 604.4 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 Support Deputy Chief or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Working with the appropriate prosecutors' offices and the City 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.

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.

### 604.5 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

(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 Custodian of Records 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 Custodian of Records 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.

### 604.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the

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information shall be investigated and processed in accordance with the Personnel Complaints Policy.

### 604.7 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 coordinator if a person on the list is subpoenaed.

### 604.8 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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# Unmanned Aerial System

## 605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS.

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

## 605.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 605.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, especially regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.
- Developing procedures for the use of facial recognition software to evaluate information gathered by a UAS, as permitted by 725 ILCS 167/17.
- Ensuring that the department's current UAS policy is posted on the department's website (725 ILCS 167/35).

### 605.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order, or when exigent circumstances exist. In all other instances, legal counsel should be consulted.

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UAS operations should only be conducted consistent with FAA regulations.

The Department may not use the UAS to gather information except (725 ILCS 167/15):

(a) To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates there is a risk.

(b) Pursuant to a search warrant based on probable cause. The warrant must be limited to a period of 45 days, renewable by a judge upon showing good cause for subsequent periods of 45 days.

(c) Upon reasonable suspicion that under particular circumstances, swift action is needed to prevent imminent harm to life, forestall the imminent escape of a suspect, or prevent the destruction of evidence. The use of a UAS under this paragraph is limited to a period of 48 hours. Within 24 hours of UAS initiation under this paragraph, the Chief of Police must report its use, in writing, to the State's Attorney.

(d) To locate a missing person, engage in search and rescue operations, or aid a person who cannot otherwise be safely reached while not also undertaking a criminal investigation.

(e) To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. The use of the UAS under this paragraph on private property requires either a search warrant or lawful consent to search.

(f) To obtain information necessary for the determination of whether a disaster or public health emergency should be declared, to manage a disaster by monitoring weather or emergency conditions, to survey damage, or to coordinate response and recovery efforts.

(g) To conduct an inspection of the infrastructure of a designated building or structure when requested by a local government agency.

(h) To locate victims, assist with victims' immediate health or safety needs, or coordinate the response of emergency vehicles and personnel, when dispatched to an emergency.

(i) In advance of or during a routed event or special event, as defined in 725 ILCS 167/5, for those uses allowed under 725 ILCS 167/15.

    1. The notice for UAS use in these instances should be posted at a time, place, and manner as required by 725 ILCS 167/15.

### 605.5.1 PRIVATE UAS OWNERS

This policy and its restrictions apply to the department's directed use of a UAS owned by a private third party and information gathered by a UAS voluntarily submitted to the Department by a private third party (725 ILCS 167/40).

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605.5.2 FACIAL RECOGNITION WITH UAS

Facial recognition software onboard a UAS shall not be used during a flight (725 ILCS 167/17). Use of facial recognition software to evaluate information gathered by a UAS is permissible only under those circumstances described in 725 ILCS 167/17.

## 605.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized (725 ILCS 167/18).

## 605.7 RETENTION OF UAS INFORMATION

The Police Services supervisor shall destroy all information gathered by the UAS within the timeframe specified by law (725 ILCS 167/20).

Information may be retained by a department supervisor when (725 ILCS 167/20):

(a) There is reasonable suspicion that the information contains evidence of criminal activity.

(b) The information is relevant to an ongoing investigation or pending criminal trial.

(c) The information will be used exclusively for training purposes and all personally identifiable information has been removed from it.

(d) The information contains only flight path data, metadata, or telemetry information of the UAS.

## 605.8 DISCLOSURE OF UAS INFORMATION

Information gathered during an inspection of the infrastructure of a designated building or structure shall be given, as soon as practicable, to the requesting local government agency before it is destroyed (725 ILCS 167/20).

The disclosure of information gathered by the UAS is prohibited except (725 ILCS 167/25):

(a) To another government agency when there is reasonable suspicion that the information contains evidence of criminal activity or the information is relevant to an ongoing investigation or pending criminal trial.

(b) Pursuant to a court order or subpoena in connection with a criminal proceeding.

(c) In regard to a completed traffic crash investigation.

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Available records of drone usage (e.g., flight path data, metadata, telemetry information of specific flights) may be disclosed subject to the Freedom of Information Act, 5 ILCS 140/1 et seq., and rules adopted under it (725 ILCS 167/25).

### 605.9 REPORTING

The Police Services supervisor shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UASs owned by the Department and any other required information to be reported under 725 ILCS 167/35.

The report shall contain a copy of the department's current UAS policy (725 ILCS 167/35).

### 605.10 COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT

If a determination is made that a member has violated the Act, the Department shall take prompt and appropriate action (e.g., training, discipline) (725 ILCS 167/45). If a determination is made that a UAS pilot has willfully violated the Act, the Department shall promptly remove the pilot from its UAS program and take other appropriate action (see the Personnel Complaints Policy) (725 ILCS 167/45).

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# Sexual Assault Investigations

## 606.1 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.

### 606.1.1 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.

## 606.2 POLICY

It is the policy of the Wheaton 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.

### 606.2.1 WRITTEN GUIDELINES

The Investigations 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).

## 606.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

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(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.

## 606.4 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.

### 606.4.1 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

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606.4.2 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

606.4.3 JURISDICTIONAL ISSUES

If the sexual assault investigation determines that the sexual assault occurred outside the jurisdiction of City of Wheaton, the on-duty supervisor 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 on-duty supervisor 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 City of Wheaton 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.

## 606.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, 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).

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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.

## 606.6 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.

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.

### 606.6.1 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 the victim's 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 medical forensic examinations, care, and treatment, unless the victim is in custody and it is determined to be necessary for safety after consulting with the qualified medical care provider (77 Ill. Adm. Code 545.60; 77 Ill. Adm. Code 545.65)

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(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 Control Policy.

606.6.2 RELEASE PROTOCOL
The Investigations supervisor 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).

606.6.3 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 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.

## 606.7 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 Investigations supervisor.

Classification of a sexual assault case as unfounded requires the Investigations supervisor 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.

## 606.8 CASE REVIEW
The Investigations supervisor 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.

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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.

606.8.1 INVENTORY REPORT

The Investigations supervisor or the authorized designee is responsible for ensuring an annual inventory is conducted of all sexual assault cases in the custody of the Wheaton Police Department and that a written report of the findings is submitted to the local State's Attorney's office (725 ILCS 202/20).

## 606.9 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 Investigations 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.

## 606.10 CRIMINAL INVESTIGATION OF AN OFFICER

Any member uncovering or receiving a complaint of a criminal sexual assault involving an officer of the Wheaton 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).

## 606.11 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.

(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.

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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.

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# Warrant Service

### 607.1 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. Members of this department assigned to other task forces and/or multi-jurisdictional teams (ILEAS, MERIT, etc.), shall follow the guidelines and procedures of that unit, when operating in that assignment.

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.

### 607.2 POLICY

It is the policy of the Wheaton 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.

### 607.3 LIEUTENANT RESPONSIBILITY

The lieutenant from the division of the case (see the Operations Planning and Deconfliction Policy) shall review the operational plan and case background with the involved supervisor to determine the risk level of the warrant service.

That lieutenant 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.

### 607.4 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 submit the warrant affidavit to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 607.5 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 a risk assessment and review it with the appropriate supervisor and lieutenant for 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

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

### 607.6 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.

1. No-knock warrant applications shall be consistent with the requirements of state law (725 ILCS 5/108-8).

(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).

### 607.7 HIGH-RISK WARRANT SERVICE

A lieutenant 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.

(b) The warrant service, to include no-knock warrant service, is video-recorded when practicable and legal to do so under 720 ILCS 5/26-4. The warrant service may be

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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.

## 607.8 NO-KNOCK ENTRIES

Pursuant to 725 ILCS 5/108-8, all necessary and reasonable force may be used to effect an entry into any building or property or part thereof to execute a search warrant. The court issuing a warrant may authorize the officer executing the warrant to make entry without first knocking and announcing his or her office if it finds, based upon a showing of specific facts, the existence of the following exigent circumstances:

(a) That the officer reasonable believes that if notice were given a weapon would be used:

(a) Against the officer executing the search warrant; or

(b) Against another person.

(a) That if notice were given there is an imminent "danger" that evidence will be destroyed. (Source: P.A. 92-502, eff. 12-19-01.)

Prior to the issuing of a search warrant authorizing entry without first knocking and announcing, the officer must attest to the following:

(a) Prior to entering the location described in the search warrant, the on-duty supervisor will ensure that all participating members are assigned a body worn camera and are following the policies and procedures in accordance with Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act. If each participating agency of a multi-jurisdictional team has not implemented body cameras, the officer must attest that the interaction authorized by the warrant is otherwise recorded.

(a) The on-duty supervisor verified the subject address listed on the warrant for accuracy and planned for children or other vulnerable people on-site.

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(a) If an officer becomes aware the search warrant was executed at a location different from the location listed in the search warrant, the officer will immediately notify a supervisor who will ensure an internal investigation ensues.

Prior to the application of a search warrant authorizing entry without first knocking and announcing be submitted to the DuPage County State's Attorney's Office, the request for approval must be provided to members of Command Staff, up to and including the Chief of Police.

### 607.9 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 presented 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.

### 607.10 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).

### 607.11 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

A lieutenant 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 a lieutenant. That lieutenant should review and confirm the warrant, including the

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warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Wheaton Police Department are utilized appropriately. Any concerns regarding the requested use of Wheaton 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 Patrol Lieutenant should assume this role.

If officers intend to serve a warrant outside Wheaton 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 Wheaton Police Department when assisting outside agencies or serving a warrant outside Wheaton Police Department jurisdiction.

### 607.12 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.

### 607.13 TRAINING

The Training Officer should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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# Operations Planning and Deconfliction

## 608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 608.2 POLICY

It is the policy of the Wheaton Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 608.3 RISK ASSESSMENT

### 608.3.1 RISK ASSESSMENT REVIEW

Officers will present relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and a Lieutenant.

The supervisor and Lieutenant shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

### 608.3.2 HIGH-RISK OPERATIONS

If the Lieutenant, after consultation with the involved supervisor, determines that the operation is high risk, the Lieutenant should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
    (a) Additional personnel
    (b) Outside agency assistance
    (c) Special equipment
    (d) Medical personnel
    (e) Persons trained in negotiation
    (f) Additional surveillance

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(g) SWAT and/or Canines

(h) Forensic specialists

(i) Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

## 608.4 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

## 608.5 OPERATIONS PLAN

A Lieutenant should ensure that a written operations plan is developed for all warrants. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

(a) The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

(b) The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

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(c) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

(d) Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Participants and their roles.

(d) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(e) Identification of all communications channels and call-signs.

(f) Use of force issues.

(g) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(h) Plans for detaining people who are not under arrest.

(i) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

## 608.6 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable.. Any items to be seized should be identified at the briefing.

(c) The Lieutenant shall ensure that all participants are visually identifiable as law enforcement officers.

(a) Exceptions may be made by the Lieutenant for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

## 608.7 MEDIA ACCESS

No advance information regarding planned 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.

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### 608.8 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

### 608.9 TRAINING

The Training Officer should ensure officers who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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# Forensic Genetic Genealogy

## 609.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

### 609.1.1 DEFINITIONS

Definitions related to this policy include:

**Combined DNA Index System (CODIS)** - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

**DNA typing laboratory** - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

**Extracted DNA** - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

**Forensic genetic genealogy (FGG)** - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

**Genetic genealogist** - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

**Genetic genealogy site** - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

**Short tandem repeat (STR) DNA profile** - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

**Single nucleotide polymorphism (SNP) DNA profile** - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

## 609.2 POLICY

The Wheaton Police Department's use of FGG will be in coordination with prosecutors, the Coroner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the

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integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

### 609.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

(a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:

1. The perpetrator of an unsolved violent felony.
2. The unidentified human remains of a suspected homicide victim.

(b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).

(c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

### 609.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Coroner.

### 609.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or

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genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

### 609.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

(a) Eliminate an individual as a potential suspect in the case.

(b) Link an individual to the case as a potential suspect.

(c) Identify human remains.

### 609.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

### 609.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

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(a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.

(b) If applicable, consult with the Coroner for an amendment to a certificate of death.

## 609.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

## 609.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the property control officer and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Control Policy for guidelines regarding biological evidence, including DNA samples.

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# Chapter 7 - Equipment

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# 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. Employees 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

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee'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) Employees 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 employee 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 shall be made in accordance with the Collective Bargaining Agreements through the chain-of-command and approved by the Chief of Police and forwarded to the Finance Department for reimbursement.

### 700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

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### 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 employee 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 employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee 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 employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee 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 appropriate Deputy Chief.

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# Personal Communication Devices

## 701.1 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.

## 701.2 POLICY

The Wheaton 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- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, 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.

## 701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD 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. This includes records of all keystrokes or web-browsing history made on the PCD. 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 PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

## 701.4 DEPARTMENTOFFICE-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-

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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.

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 be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace. Unless the PCD is a required piece of equipment for the position/assignment that includes an on-call component (Command Staff and Detectives). For these positions, the employee shall remain in possession of the PCD.

### 701.5 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 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) or as otherwise authorized by department procedures.

1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

(e) The device shall not be utilized to record or disclose any department 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 or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) 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, and other public records created or received on a member's personally owned PCD should be transferred to

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the Wheaton 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.

### 701.6 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 radio communications 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, 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 requires the express authorization of the Chief of Police or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.

(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.

### 701.7 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.
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.

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### 701.8 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.

### 701.9 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.

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# Vehicle Maintenance

## 702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

## 702.2 POLICY

The Wheaton Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

## 702.3 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.

## 702.4 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.

### 702.4.1 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.

### 702.4.2 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.

### 702.4.3 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.

## 702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles. Those items are identified on the Patrol Squad / Equipment Inspection List.

### 702.5.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that it contains all the necessary equipment.

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### 702.5.2 UNMARKED VEHICLES
Members driving unmarked department vehicles shall ensure that it contains all the necessary equipment.

### 702.5.3 EMERGENCY EQUIPMENT
Patrol vehicles used in general patrol service shall be conspicuously marked and:

(a) Be equipped with a siren, in operational order.

(b) Be equipped with emergency lights, in operational order.

(c) The operator shall have constant communications with Dispatch.

Unmarked vehicles used for patrol shall require the same equipment.

## 702.6 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, patrol vehicles shall not placed into service with less than one-quarter tank of fuel. Patrol vehicles shall only be refueled at the authorized location.

## 702.7 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.

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.

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# Vehicle Use

## 703.1 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 City of Wheaton to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

## 703.2 POLICY

The Wheaton 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.

## 703.3 USE OF VEHICLES

### 703.3.1 SHIFT ASSIGNED VEHICLES

The Patrol Lieutenant shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and 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 roster.

### 703.3.2 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 Patrol Lieutenant. 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.

### 703.3.3 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.

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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.

### 703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times, unless when parked in the employee only lot at the police department. 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). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

### 703.3.5 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 Dispatch. Use of the MDC is governed by the Mobile Data Computer Use Policy.

### 703.3.6 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 Deputy Chief approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

### 703.3.7 KEYS

Members approved to operate marked patrol vehicles should utilize the department keys for the squad and return them at the completion of their shift/assignment.. 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.

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### 703.3.8 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City 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.

### 703.3.9 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.

### 703.3.10 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.

## 703.4 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 their regular assignment.

### 703.4.1 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.

### 703.4.2 ENFORCEMENT ACTIONS
When driving a take-home vehicle to and from work outside of the jurisdiction of the Wheaton 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).

### 703.4.3 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.

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(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.

(e) When leaving the vehicle at the maintenance facility, the member will complete a work order 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.

### 703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

### 703.6 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 Crashes 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 Patrol Lieutenant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

### 703.7 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 City for any toll fees incurred in the course of official business.

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# Cash Handling, Security and Management

## 704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence Control and Informants policies.

## 704.2 POLICY

It is the policy of the Wheaton Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

## 704.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

## 704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

## 704.5 PETTY CASH AUDITS

The fund manager shall perform a quarterly audit and cash review of all cash accounts for accuracy. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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### 704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Investigations supervisor duties shall discharge those duties in accordance with the Property and Evidence Control and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

### 704.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Control Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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# Personal Protective Equipment

## 705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 705.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 705.2 POLICY

The Wheaton Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR 1910.95, 820 ILCS 219/25 and 56 Ill. Adm. Code 350.700.

## 705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 29 CFR 1910.133, 820 ILCS 219/25 and 56 Ill. Adm. Code 350.700.

## 705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

## 705.7 RESPIRATORY PROTECTION

Respiratory protection will be selected and based on the hazards and risks associated with the officer's assignment. Officers assigned to specialized units (e.g. SWAT, Weapons of Mass Destruction Team, and Mobile Field Force) will be guided by the policy and procedures associated with the team. The Support Deputy Chief is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

### 705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member’s assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member’s degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

### 705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

### 705.7.3 GAS MASK

If issued, full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Sworn personnel who are issued respiratory protection masks shall ensure their gas mask filters are replaced whenever:

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(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

### 705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

### 705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

### 705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

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### 705.8 RECORDS

The Training Officer is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020, 820 ILCS 219/25 and 56 Ill. Adm. Code 350.700.

For those officers assigned to a specialty team (SWAT, WMD, MFF, etc), the aforementioned training records shall be maintained with that respective team.

### 705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700).

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# Chapter 8 - Support Services

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# Property and Evidence Control

### 800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. It is intended to guarantee the property rights of owners, provide for the proper identification of evidence, define guidelines for the security of evidence and property, and protect the integrity of the Department.

### 800.2 DEFINITIONS

**Chain of Custody:** A record of persons having charge, control, or possession of evidence from the time it is received until disposed of.

**Evidence:** Property which may be related to a criminal or quasi-criminal offense or which may implicate or clear a person of a criminal charge.

**Property:** Anything that is held in police custody which has been lost, abandoned, or held for safe keeping, and is not believed to be connected to or part of a criminal or quasi- criminal offense.

### 800.3 PROCEDURE

#### 800.3.1 CUSTODY

All property must be inventoried into the Barcoded Evidence Analysis, Statistics and Tracking System (BEAST) prior to the employee going off-duty unless otherwise approved by a supervisor. Evidence and/or recovered property that is approved to be submitted during the officer's next duty day shall be secured within an evidence locker. The associated dry erase board shall be completed, indicating the report number, officer/detective name and date the items were placed into the temporary locker. The locker key will be tagged and stored within the watch commander's key lock box. Under no circumstances will evidence or recovered property be subject to personal use or stored in employees' personal desks, lockers, vehicles, homes, or other places that would permit the interruption of the chain of custody. For School Liaison Officers, any evidence or recovered property that is to be entered into the BEAST shall be secured within the locker in their respective school office. The evidence/property will remain secured until the School Liaison Officer transports said item(s) to the police department and those items can be inventoried into the BEAST. Care shall be taken to maintain the chain of custody for all evidence.

#### 800.3.2 INVENTORY PROCEDURE

Accurately complete the BEAST data entry fields describing each item of property separately, including dates, times, offense information, location of collection, packaging types, purpose for collection, information for victims, suspects, owners and other persons (as appropriate), serial numbers, along with an accurate description of the item.

The smallest package suitable for the evidence should be selected.

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Print, sign, and date a BEAST label and attach it to each package or envelope in which the property is stored. If the property item is too large to be packaged, the label shall be affixed to a tag which is then attached to the item.

Each package shall be sealed with tamper-indicating tape to prevent loss, cross-transfer of evidence or evidence samples, harmful change or degradation resulting from exposure to air or other conditions and render the package "tamper evident," making it impossible to access the interior of the package without causing obvious damage to it.

Finalize the entry by providing an electronic signature.

Packaged items shall then be secured in a locker, with the associated key dropped in the designated secure area for the Property Control Officer.

Bicycles that are tagged can be placed in the bike impound.

### 800.3.3 SPECIAL CONSIDERATIONS

Certain property items require special handling. The following items shall be processed in the described manner:

(a) Items contaminated with bodily fluids such as blood or semen stains shall be air dried prior to inventory. A Biohazard label shall be affixed to the outside of the packaging.

(b) All currency must be packaged in a designated currency envelope unless the volume of the currency is such that using an envelope is impractical. Currency shall be counted in the presence of another department member and the envelope signed by the inventorying officer and the other member. A supervisor shall be contacted for cash in excess of $1,000.

(c) Sexual assault evidence is required by state law to be submitted to the crime lab within 10 days of receipt (725 ILCS 202/10). Members conducting a sexual assault investigation must advise the property control officer of the nature of the evidence to assure the 10-day submission requirement is met.

(d) Property Belonging to Retail Establishments and Other Releasable Property:

    (a) Illinois Compiled Statutes provides exemptions to the evidence rules, allowing that a law enforcement agency holding evidential property from incidents of theft, retail theft, deceptive practice, robbery, armed robbery, burglary, or residential burglary may photograph and return that property, under certain circumstances, to its owner(s) in lieu of holding it for court proceedings (725 ILCS 5/115-9). Officers shall consult and receive direction from the DuPage County State's Attorney's Office or City Prosecutor prior to acting on this statute and returning any evidence to a victim.

(e) Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor. The DCSO 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. Explosive items shall never be brought into the facility. Gasoline, flammable materials, and fireworks shall be entered into the BEAST and stored in the yellow flammable cabinet located in the bike pound.

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For complete instructions on packaging, inventory procedure and special considerations,See attachment: WPD Packaging Guidelines.pdf

800.3.4 EVIDENCE REVIEW
Any time an officer/detective requests evidence, a formal request shall be made to the Property Control Officer (PCO). To maintain the integrity of the chain of custody, the PCO will indicate the date, transfer of custody and purpose in the BEAST entry for the requested item.

## 800.4 PHYSICAL SECURITY OF STORED PROPERTY

The primary location for the storage of property is the Evidence and Recovered Property Room. Security for all property storage areas shall be maintained through the use of restricted key card access. As authorized by the Chief of Police, key card access to this area is limited to the Chief of Police, Property Control Officer, and any other employee designated by the Chief of Police. Authorization for unlimited and unescorted access to this area is limited to the Property Control Officer and, in his/her absence, any employee designated by the Chief of Police to the duties and responsibilities of the position. No other member of this department is allowed unescorted access into the Evidence and Recovered Property Section. Any member of this department entering this restricted area must be escorted by the aforementioned personnel and will be entered into a logbook upon entry/exit. The logbook will be maintained by the Property Control Officer and include the name, date, and time of entry/exit. Absent a court order, no member of the general public will be allowed at any time into the Evidence and Recovered Property Room.

## 800.5 OBTAINING EVIDENCE FOR COURT

Officers needing evidence for court must request the items from the property control officer and sign for the custody transfer once the item is received. Officers are encouraged to notify the Property Control Officer via e-mail in advance of the court date that they will need an item. The Property Control Officer shall provide a copy of the custody receipt to the officer in the event the prosecutor retains the evidence for court purposes. If the item has been turned over to the court, the officer shall have the prosecutor sign their name on the custody receipt with a note that the item(s) were retained for trial purposes. The officer shall return the custody receipt to the Property Control Officer. If an item is returned from court, the officer will re-enter the item into evidence and indicate the actions in the BEAST.

## 800.6 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Members inventorying items that need crime lab submission shall identify the item by the required packaging. The Property officer or designee shall use the BEAST system to generate Lab Submission forms requesting the appropriate lab analysis for items submitted. Items shall be transferred to the crime lab in a timely manner following any additional guidelines set forth in the Property and Evidence Packaging Manual. The Property Control Officer 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.

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### 800.7 DISPOSITION OF PROPERTY

In order to maintain an orderly and safe storage facility, the Property Control Officer shall be responsible for periodic review of items stored to determine their eligibility for disposal.

The Property Officer may use the following methods to determine disposal eligibility.

(a) Property Disposition Tracer sent to recovering member.

(b) Direct case research to determine investigation or arrest status.

(c) Written authorization from the inventorying member.

(d) Written authorization from the property owner.

(e) Periodic review of non-evidence items stored.

(f) Any court order authorizing disposal of items.

Prior to the disposal of any property where the owner is known and is eligible to have the property returned, the Property Officer or their designee shall attempt to notify the owner of the property status by certified mail.

Prior to disposal the Property Control Officer shall verify that any specific legal requirements for retention of property/evidence and/or return to owner have been met. Specific requirements under various state and local laws include

(a) Abandoned, lost, stolen or unclaimed property (765 ILCS 1030/1; 765 ILCS 1030/2; 765 ILCS 1025/17; 765 ILCS 1025/8.1

(b) Drug paraphernalia (720 ILCS 600/5)

(c) Found & Safekeeping Property (765 ILCS 1030)

(d) Firearms (720 ILCS 5/24, 750 ILCS 60/304(c), 725 ILCS 165/2

(e) Gambling devices (720 ILCS 5/28-5)

(f) Preservation of evidence for forensic testing (725 ILCS 5/116-4)

(g) Unclaimed monies (765 ILCS 1030/0.01 et seq.)

(h) Vehicles, vessels, aircraft, or component parts (stolen, converted, recovered and unclaimed) (625 ILCS 5/4-107)

(i) Video recordings made by the police (720 ILCS 5/14-3 (h-15)

Property eligible for disposal may be purged from property storage using any of the following methods in accordance with state and local laws.

(a) Return to owner

(b) Destruction to render the item unusable

(c) Public auction (765 ILCS 1030).

(d) Donation (765 ILCS 1030).

(e) Retained for department use

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(f) Transfer to lab for disposal (street drugs)

(g) Transfer to another agency for disposal (DEA / EPA / County Bomb Squad)

(h) Transfer to another public agency as authorized by law

(i) Transfer to the city as authorized by law (unclaimed monies)

### 800.7.1 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:

- 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

### 800.7.2 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 City of Wheaton. 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 City (765 ILCS 1030/0.01 et seq.).

### 800.7.3 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.

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### 800.7.4 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)).

## 800.8 DISPOSITION OF BIOLOGICAL EVIDENCE

The Property and Evidence Control 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)).

### 800.8.1 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 Control supervisor, or the expiration of any sentence imposed related to the evidence, whichever time period is greater

### 800.8.2 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.

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(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.

## 800.9 RETURN OF PROPERTY TO THE OWNER

Any property held that is not needed as evidence in a civil or criminal proceeding shall be returned to the owner upon request and reasonable satisfactory proof of ownership or right of possession providing that all legal requirements for any mandatory holding period have been met.

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.

### 800.9.1 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 or detective 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 control 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 on the property control card, the card shall be forwarded to the Police Services for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Control. Upon release, the proper entry shall be documented in the Property Log.

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### 800.9.2 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).

### 800.9.3 RELEASE OF FIREARMS

Any firearm held for safekeeping shall be returned to the person from whom it was obtained, the lawful owner, or a designee as allowed by law 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 (430 ILCS 65/2).

Firearms seized as evidence shall only be returned when approved by the Support supervisor 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 card or concealed carry license, provided the person is lawfully entitled to possess the firearm (430 ILCS 65/2).

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 card is not revoked or suspended and is not surrendered (20 ILCS 2605/2605-304).

### 800.9.4 REVOKED AND SURRENDERED FOID CARDS

The property control 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.

### 800.9.5 DOMESTIC VIOLENCE AND CONCEALED CARRY INVESTIGATIONS

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)).

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800.9.6 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, unless the court orders otherwise. Items not returned shall be disposed of as provided in 430 ILCS 67/35 or 430 ILCS 67/40.

800.9.7 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).

800.9.8 CRIMINAL 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. A stolen weapon seized and confiscated pursuant to court order should be returned to the person entitled to possess it when it is no longer needed as evidence and as allowed by law (720 ILCS 5/24-6).

800.9.9 ASSAULT WEAPONS AND RELATED ITEMS
The Department shall maintain possession of any assault weapon and related item surrendered to it by the owner as required by law (720 ILCS 5/24-1.9; 720 ILCS 5/24-1.10; 20 Ill. Adm. Code 1230.10; 20 Ill. Adm. Code 1230 App. A). If the owner is allowed by law to repossess a surrendered item, the Department should return it to them in the same condition as when it was surrendered. If the owner is not allowed by law to repossess a surrendered item, the Department, at the owner's request, may transfer it to a person or business with a federal firearms license specified by the owner (20 Ill. Adm. Code 1230.10). A surrendered item may be destroyed only as allowed by law (20 Ill. Adm. Code 1230.15; 20 Ill. Adm. Code 1230.50; 20 Ill. Adm. Code 1230.65).

Before an assault weapon or related item is returned to the owner who surrendered it or transferred to another person, the Investigations will confirm the person's identity and eligibility to possess it. The Investigations supervisor or authorized designee will document that information on the property control card (20 Ill. Adm. Code 1230.65).

800.9.10 DOMESTIC VIOLENCE ORDERS OF PROTECTION
Any firearm or firearm parts surrendered by or seized from the respondent subject to a domestic violence order of protection shall be returned upon the expiration of the period of safekeeping and within 14 days of the respondent's request to return the items, unless the court orders otherwise. Items not returned or transferred pursuant to a court order should be disposed of as allowed by law (725 ILCS 5/112A-14; 750 ILCS 60/214).

## 800.10 CLAIMING OF FOUND PROPERTY BY A PRIVATE CITIZEN
In the event of found money or property, officers will handle such calls for service by following the standard operating procedure for completing an incident report and entering the found money or

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property into the BEAST. Officers shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to the possession thereof, and shall return the property after such person provides reasonable and satisfactory proof of his/her ownership or right to possession (765 ILCS 1030/2(a)).

If the private citizens seeks claim in the found property, and the value of said property exceeds $100.00 in value, the citizen must comply with 765 ILCS 1020/27 of the Illinois Compiled Statues. The following are the instructions for the private citizen:

(a) Within five (5) days after such finding of the property, file an Affidavit of Description (Estray & Lost Property Act) with the Circuit Court Clerk. The affidavit shall contain:
    (a) Description of the property.
    (b) Time and place found.
    (c) A statement that no alteration to the appearance of the property has been made.
    (d) A statement that the name of the owner is unknown to the finder and that the finder has not secreted, withheld, or disposed of any part of the property.
    (e) A prayer that the court enter an order stating the value of the described property as near the court can ascertain.

(b) A certified copy of the order and the affidavit of the finder shall, within 10 days after the order was entered, be transmitted to the County Clerk to be recorded in his/her estray book, and filed in the office of the County Clerk. Upon request, the Office of the Clerk of the Circuit Court will provide the finder with one (1) certified copy of each, the order and affidavit, for this purpose. No additional fee to the finder will be charged for these copies.

(c) The County Clerk, within twenty (20) days after receiving the certified copy of the Court's order shall cause a notice to be published for the three (3) consecutive weeks in a newspaper.

(d) If, after one (1) year from the date of publication by the County Clerk as required pursuant to 765 ILCS 1020/28, the owner does not appear and file a claim to the property, upon further order of the court, the ownership of such property shall vest in the finder.

If the property found does not exceed $100.00 in value, the private citizen must comply with 765 ILCS 1020/28 of the Illinois Compiled Statutes. The following are the instructions for the private citizen:

(a) The finder must advertise a notice of finding at the courthouse by means of preparing and delivering an announcement, which describes the property and its value, to the office of the Chief Judge.

(a) If, after six (6) months from the date of advertisement, the owner does not appear and file a claim to the property, upon further order of court, the ownership of such property shall vest in the finder.

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### 800.11 PROPERTY CONTROL OFFICER CHANGE

A documented inventory of property will occur whenever there is a personnel change in the Property Control Officer position. The inventory will be conducted jointly by the newly designated property and evidence officer to ensure that records are correct and properly annotated. This shall be completed prior to the responsibility being formally transferred to the new Property Officer.

### 800.12 ANNUAL AUDIT

The Lieutenant of Support, or other designated supervisor, will conduct a documented annual audit of property and evidence held by the department. The yearly deadline for completion is January 31.

The annual audit should cover a sufficient representative sampling of property including high-risk items, including but not limited to money, precious metals, jewelry, firearms, and drugs. The audit to ensure the integrity of the system and accountability of the property.

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# Police Services

## 801.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedure for the receipt and documentation of complaints, calls for service, initiation and completion of reports, and the administrative processing of all records/reports.

The Wheaton Police Department Services Division is guided by the mission, vision, and values of our agency. The dedicated efforts of the services division is to provide the highest quality service to the community, which is essential to the overall success of the police department. Often times, the services division is the initial point of contact representing the agency and it is of paramount importance to demonstrate the guiding principles of the Wheaton Police Department during these interactions.

## 801.2 POLICY

It is the policy of the Wheaton Police Department to administer and maintain a police records system which efficiently, effectively, and accurately records reported complaints/calls and which provides a functional database for the investigation of crimes, planning of selective enforcement and preventive patrol, and information for decisions regarding department staffing levels and other departmental resources.

It is the policy of the Wheaton Police Department that all reported complaints or requests for police service are accurately documented. To this end, all complaints and/or reports will be reviewed by a supervisor to ensure the appropriate report is completed, that it is accurate, follows the proper format, and reflects a thorough and complete investigation of the reported incident. In addition, all complaint reports will be reviewed / audited by selected police service representatives to ensure all incidents and offenses reported to the Wheaton Police Department are properly classified and coded.

## 801.3 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 the DuPage County's Records Management System accessible only to authorized personnel.

Wheaton Police Department employees 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.

## 801.4 COURT FILES

Unless as otherwise directed by a member of the Command Staff, the Administrative Coordinator 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

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a subpoena is issued for an original document, a copy of the subpoena shall be maintained with the Administrative Coordinator.

### 801.5 DEPARTMENTAL ASSISTANCE

With the approval of the on-duty supervisor, records personnel may assist other departmental divisions with tasks related to duties and responsibilities beyond their typical assignment. These functions include, but are not limited to, being a witness during the collection of photographic evidence and the searching of arrestees during intake procedures

The booking area shall be monitored with undivided attention whenever an arrestee is unsecured. This includes within the sally port, processing area, or being escorted to an interview room from a cell. In addition to visual observations on the surveillance monitor, the audio will be activated. In the event an officer needs assistance, appropriate action shall be taken. This includes allowing access to the area for responding officers, making proper notifications to DuComm and alerting the on-duty supervisor of the incident.

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# Records Maintenance and Release

## 802.1 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.

## 802.2 POLICY

The Wheaton 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.).

## 802.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records and Freedom of Information Officer who may be, but are not required to be, the same person. 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 Department division 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 City government. This information also needs to be available on the department or City 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.

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(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 Chief of Police 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 Chief of Police 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).

(t) Submitting a report to the ISP regarding verified incidents involving firearms or drugs in a school or on property controlled by a school (105 ILCS 5/10-27.1A; 105 ILCS 5/10-27.1B).

## 802.4 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).

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### 802.4.1 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).

(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)).

### 802.4.2 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 SupportDeputy Chief prior to issuing a denial.

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(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)).

802.4.3 FEES

Fees shall be collected prior to the release of records. Fees may be waived by the Support Deputy Chief if it is determined by the supervisor that the issuance of the record is in the public interest (5 ILCS 140/6).

802.4.4 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 Deputy Chief 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.

## 802.5 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).

1. Analysis and conclusions of investigating officers (5 ILCS 140/7(1)(f)).

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(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).

(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).

(r) Any report or information received under the Student Confidential Reporting Act program (5 ILCS 140/7).

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(s) Information contained in an affidavit or application for an endorsement as provided in the Protect Illinois Communities Act (5 ILCS 140/7.5; 720 ILCS 5/24-1.9).

(t) Automated license plate reader (ALPR) information requested for the purpose of enforcing laws restricting access to reproductive health care services or laws that permit the detention or investigation of a person due to immigration status (5 ILCS 140/7; 625 ILCS 5/2-130).

(u) Information related to lawful health care (e.g., location information, health records) under the Lawful Health Care Activity Act (5 ILCS 140/7.5; 735 ILCS 40/28-10; 735 ILCS 40/28-11).

## 802.6 ARREST RECORDS

Arrest report information that identifies an individual, any charges, time and location of arrest, name of the investigating agency, and, if the individual is incarcerated, the time and date the individual was transferred from department custody shall be furnished as soon as practicable but in no event later than 72 hours after arrest (5 ILCS 140/2.15; 110 ILCS 12/15).

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, City 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.

### 802.6.1 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).

## 802.7 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 Attorney, City 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.

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## 802.8 SECURITY BREACHES

Members who become aware that any Wheaton 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.

(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.

## 802.9 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).

### 802.9.1 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).

### 802.9.2 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.

### 802.9.3 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.

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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).

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).

## 802.10 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).

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# Protected Information

## 803.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Wheaton 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.

### 803.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Wheaton 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.

## 803.2 POLICY

Members of the Wheaton Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

## 803.3 RESPONSIBILITIES

The Chief of Police shall select a member 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 member 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. See the Wheaton Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.

(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.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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## 803.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Wheaton Police Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (20 Ill. Adm. Code 1240.50).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution (20 ILCS 2630/7; 20 Ill. Adm. Code 1240.50). See the CJIS Access, Maintenance, and Security Policy for additional guidance.

### 803.4.1 PENALTIES FOR NON-COMPLIANCE OR MISUSE OF RECORDS

The Department of 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 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).

## 803.5 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).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Police Services Supervisor 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 Police Services 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 members 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 members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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## 803.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

(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 computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

### 803.6.1 MEMBER RESPONSIBILITIES

Members 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).

### 803.6.2 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)).

### 803.6.3 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).

## 803.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies

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authorized access and use of protected information, as well as its proper handling and dissemination.

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# Animal Control

### 804.1 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.

### 804.2 POLICY

It is the policy of the Wheaton 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.

### 804.3 COMMUNITY SERVICES OFFICERS RESPONSIBILITIES

Animal control services are generally the primary responsibility of Community Services Officers and include the following:

(a) Animal-related matters during periods when Community Services Officers is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Community Services Officers is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

### 804.4 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.

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(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.

### 804.5 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).

### 804.6 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.

### 804.7 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).

### 804.8 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.

### 804.9 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.

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## 804.10 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.

### 804.10.1 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).

## 804.11 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.

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# Jeanne Clery Campus Safety Act

## 805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Campus Safety Act (Clery Act).

## 805.2 POLICY

The Wheaton Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Wheaton Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Wheaton Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Wheaton Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

## 805.3 POLICY, PROCEDURE, AND PROGRAM DEVELOPMENT

The Chief of Police shall:

(a) Ensure that the Wheaton Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into agreements as appropriate with local law enforcement agencies to:

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
4. Notify the Wheaton Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
5. Notify the Wheaton Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such

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disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and what to do if an offense occurs, including but not limited to who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for in 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

(g) Appoint a designee to assist in the development of prevention and awareness programs related to hazing as defined by the institution, including but not limited to the procedures for reporting and investigating incidents; information on local, state, and tribal laws on hazing; and hazing prevention strategies (20 USC § 1092 (f)(1)(K); 20 USC § 1092 (f)(1)(L)).

## 805.4 RECORDS COLLECTION AND RETENTION

The Police Services Supervisor is responsible for maintaining Wheaton Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter

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8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
10. Dating violence, domestic violence, and stalking
11. Hazing

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity, or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(13); 34 CFR 668.46(c)(5)):

1. On campus.
2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus residential or student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the Wheaton Police Department (34 CFR 668.46(c)(3)).

(e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

(h) Hazing incident statistics shall be compiled using the definitions in the Stop Campus Hazing Act (20 USC § 1092 (f)(6)(A)(vi)). The statistics shall be compiled for each single incident and as required by 20 USC § 1092(f)(7).

### 805.4.1 CRIME LOG

The Police Services Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

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(a) The daily crime log will record all crimes reported to the Wheaton Police Department, including the nature, date, time, and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Department.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

### 805.5 INFORMATION DISSEMINATION

It is the responsibility of the Support Deputy Chiefto ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault, and stalking awareness and prevention programs, including:

    (a) Procedures victims should follow.

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(b) Procedures for protecting the confidentiality of victims and other necessary parties.

5. Policies and incident prevention and awareness programs concerning hazing, including:
   (a) Procedures for reporting incidents.
   (b) Procedures for investigating incidents.
   (c) Information on applicable local, state, and tribal laws on hazing.
   (d) Primary prevention strategies (e.g., bystander intervention, ethical leadership, building group cohesion without hazing).
6. Enforcement policies related to alcohol and illegal drugs.
7. Locations where the campus community can obtain information about registered sex offenders.
8. Emergency response and evacuation procedures.
9. Missing student notification procedures.
10. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

(d) Information necessary for the institution to prepare the Campus Hazing Transparency Report (CHTR) (20 USC § 1092(f)(9))..

## 805.6 STATE REQUIREMENTS

The Support Deputy Chief shall ensure that the institution's administration is assisted in meeting the Illinois Campus Security Enhancement Act requirements, including the development of (110 ILCS 12/20):

(a) A National Incident Management System-compliant, all hazards, emergency response plan and training exercises, in partnership with the institution's county or major municipal emergency management official.

(b) An interdisciplinary and multijurisdictional campus violence prevention plan, including development and implementation of a campus violence prevention committee and a campus threat assessment team.

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# CJIS Access, Maintenance, and Security

## 806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access Criminal Justice Information.

### 806.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal Justice Information (CJI)** - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

**Security incident** - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

## 806.2 POLICY

It is the policy of the Wheaton Police Department to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

## 806.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Wheaton Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

### 806.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

(a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the Illinois State Police (ISP).

(b) Managing member accounts with access to CJI, including:

1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:

1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
4. Maintaining records for all system maintenance and diagnostic activities.

(d) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.

(e) Providing for the security of hardware that includes provisions for the following:

1. How hardware is to be brought into and taken out of department facilities
2. Physical security of hardware within department facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(f) Implementing and carrying out the department Incident Response Plan, including:

1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
4. Providing information on security incidents to any third-party software developers or vendors as appropriate.

(g) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

(h) Developing and updating department information security and privacy literacy training and incident response training as required by policy.

(i) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

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(j) Managing the development, documentation, and dissemination of procedures for the following:

1. Awareness and training
2. Incident response
3. Audit and accountability
4. Access control
5. Identification and authentication
6. Configuration management
7. Media protection
8. Physical and environmental protection
9. System and communications protection
10. System and information integrity
11. Maintenance
12. Security and privacy planning
13. Contingency planning
14. Risk assessment

(k) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

## 806.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions and/or discovery in accordance with the Incident Response Plan as soon as practicable.

**If a member suspects the computer is infected with malware, the member should disconnect the computer from the network and make supervisory notification.**

**The member should notify their supervisor and contact a member of the Information Technology Department as soon as possible if:**

- **The member become aware of a security breach**
- **Suspect someone else is using a member's account**
- **Receive a phishing email or phone call**
- **Lose a City phone, tablet, or laptop**
- **or lose a disk or paper report containing sensitive data**

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**Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.**

## 806.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

## 806.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled as soon as practicable for any of the following:

(a) The account has expired.

(b) The account is no longer associated with a member.

(c) The account is found to be in violation of this policy.

(d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account immediately upon being made aware of the discovery..

### 806.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

(a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.

(b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.

(c) Non-privileged members shall not be allowed to execute privileged functions.

### 806.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

## 806.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

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Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall be documented.

#### 806.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

### 806.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

(a) Flaw remediation.

(b) System monitoring.

(c) Security alerts, advisories, and directives.

(d) Software, firmware, and information integrity controls.

(e) Spam protection.

### 806.9 INCIDENT RESPONSE PLAN

See attachment: Incident Response Standard.pdf

See attachment: Data Breach Notification Guidelines.pdf

### 806.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities.Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and/or as assigned by the CJIS Coordinator..

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

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The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

### 806.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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# Chapter 9 - Custody

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# Temporary Custody of Adults

## 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Wheaton 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.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

### 900.1.1 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 a member of the Department.

**Safety checks** - Direct, visual observation by a member 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 Wheaton Police Department prior to being released or transported to a housing or other type of facility.

## 900.2 POLICY

The Wheaton 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.

## 900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than 48 hours except when detention occurs at the beginning of a weekend or holiday (20 Ill. Adm. Code 720.30).

### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Wheaton 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.

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(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.

(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. A subject who has submitted a breath sample revealing a BrAC greater than 0.30, shall be evaluated by a qualified medical professional for medical clearance for incarceration.

(g) Any individual who has exhibited extremely violent or continuously violent behavior. A supervisor may direct a member to directly transport the individual to the county jail instead of the department's lockup.

(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.

### 900.3.2 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 the member's 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, reasonable accommodations shall be provided (see the Communications with Persons with Disabilities Policy) (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.60).

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When feasable, 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).

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.

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

### 900.3.3 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 on-duty supervisor.

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.

### 900.3.4 INTERVIEW ROOMS

Any room used to interview a person in custody shall be searched before and after any interviews. Members shall be in close proximity to the room to intervene on behalf of the person in custody or other members present.

Keys or other access devices shall be kept secured and under the control of the member utilizing the room or as assigned by the Operations Deputy Chief.

## 900.4 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 County jail or the appropriate mental health facility.

The officer should promptly notify the on-duty supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The on-duty supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or another facility.

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### 900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the on-duty supervisor 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.

(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.

### 900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Deputy Chief 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.

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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.

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.

## 900.5 SAFETY, HEALTH, AND OTHER PROVISIONS

### 900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Wheaton 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 Wheaton Police Department.

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The on-duty supervisor 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 on-duty supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

### 900.5.2 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.

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.

### 900.5.3 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 at least one officer.

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Those who require medication while in temporary custody should not be at the Wheaton Police Department. They should be released or transferred to another facility as appropriate.

### 900.5.4 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 on-duty supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

### 900.5.5 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 5/103-3.5; 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 5/103-3.5).

(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 5/103-3.5).

(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).

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(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 5/103-3.5).

(g) The three hours requirement shall not apply while the person is asleep, unconscious, or otherwise incapacitated and is renewed upon transfer to another facility (725 ILCS 5/103-3.5).

### 900.5.6 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.

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.

### 900.5.7 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.

### 900.5.8 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.

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### 900.5.9 VISITORS

Consistent with safety and security, visitors should be allowed during normal working and evening hours.

Any open or contact visits must be closely supervised. The visitor and the person in custody shall be searched before and after the visit (20 Ill. Adm. Code 720.70).

A sign notifying visitors that they are subject to search must be conspicuously posted (20 Ill. Adm. Code 720.70).

### 900.5.10 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).

### 900.5.11 HYGIENE

Individuals in custody shall be supplied with personal hygiene items as needed (20 Ill. Adm. Code 720.60).

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).

### 900.5.12 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) Individuals shall be served in their cells. Eating utensils shall be removed from cells after each meal (20 Ill. Adm. Code 720.70).

### 900.5.13 NONDISCRIMINATION

The Wheaton 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

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existence of an immigration detainer or civil immigration warrant, except as required by law (5 ILCS 805/15).

## 900.6 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 Wheaton 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.

### 900.6.1 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.
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.

### 900.6.2 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

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### 900.7 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 Patrol Lieutenant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Patrol Lieutenant shall attempt to prove or disprove the claim.

### 900.8 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.

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. 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).

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(g) Cells shall be cleaned daily (20 Ill. Adm. Code 720.90).

## 900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Operations Deputy Chief will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Wheaton Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Patrol Lieutenant, Chief of Police, and Support Deputy Chief.

(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 City Attorney.

(f) Notification of the Coroner.

(g) Evidence preservation.

## 900.10 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 property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Wheaton 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 the individual is being sent to another facility.

(h) 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 the person's personal needs as reasonable.

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900.10.1 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).

900.10.2 ESCAPE DURING CUSTODY
The Operations Deputy Chief will ensure procedures are in place to address any escape of an individual while in custody of the Department (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110). The procedures should include:

(a) Actions to be taken by the officers to include:
    1. Notifying Dispatch.
    2. Securing any additional persons in custody.
(b) Supervisor responsibilities.
(c) Re-capture planning.
(d) Persons to be notified of the escape to include:
    1. Patrol Lieutenant.
    2. Officers in the immediate area.
(e) Written reports by officers.

## 900.11 ASSIGNED ADMINISTRATOR

The Operations Deputy Chief 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) Evacuation plans
(f) Fire- and life-safety (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.100; 20 Ill. Adm. Code 720.110)
(g) Disaster plans (20 Ill. Adm. Code 720.110)
(h) Building and safety code compliance
(i) Riots (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
(j) Hostage situations (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
(k) Major disturbances including bomb threats (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
(l) Battery on members or individuals in custody (20 Ill. Adm. Code 720.110)

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(m) Severe weather and natural disasters (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)

(n) Civil disasters (20 Ill. Adm. Code 720.110)

(o) Vermin and pest control (20 Ill. Adm. Code 720.90)

(p) Contagious disease control (20 Ill. Adm. Code 720.110)

900.11.1 OTHER RESPONSIBILITIES
The Operations Deputy Chief 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.

## 900.12 RECORDS

The on-duty supervisor 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
- 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

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- 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

## 900.13 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 Wheaton 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.
- Use and security of interview rooms.

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# Custodial Searches

## 901.1 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 Wheaton 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.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 901.1.1 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.

## 901.2 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.

## 901.3 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.

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## 901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Wheaton 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.

### 901.4.1 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 Control 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 Wheaton Police Department identification number, and information regarding how and when the property may be released.

### 901.4.2 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 their 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.

## 901.5 STRIP SEARCHES

No individual in temporary custody at any Wheaton 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:

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(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).

### 901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Wheaton Police Department facilities shall be conducted as follows (28 CFR 115.115; 725 ILCS 5/103-1):

(a) Written authorization from the Patrol Lieutenant 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.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Patrol Lieutenant.
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.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Patrol Lieutenant 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 Patrol Lieutenant authorization does not need to be in writing.

## 901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (725 ILCS 5/103-1):

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(a) No individual shall be subjected to a physical body cavity search without written approval of the Patrol Lieutenant 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 Patrol Lieutenant'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.

## 901.7 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

Subject to available resources, safety and security, if an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise. The Lieutenant shall be advised any time an individual is subject to a strip search or physical body cavity search.

## 901.8 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances

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(b) Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

(c) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

### 901.9 TRAINING

The Training Officer 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.

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# Prison Rape Elimination

## 902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Wheaton Police Department Temporary Holding Facilities (28 CFR 115.111).

### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

## 902.2 POLICY

The Wheaton Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Wheaton Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

## 902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Wheaton Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Wheaton Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

## 902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

### 902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Patrol Lieutenant any knowledge, suspicion or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

### 902.4.2 PATROL LIEUTENANT RESPONSIBILITIES

The Patrol Lieutenant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Patrol Lieutenant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Patrol Lieutenant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Patrol Lieutenant shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

## 902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

### 902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

### 902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Wheaton Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

### 902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

### 902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

## 902.6 RETALIATION PROHIBITED

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Patrol Lieutenant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Patrol Lieutenant or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

## 902.7 REVIEWS AND AUDITS

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### 902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

### 902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year’s data and corrective actions with those from prior years.

(e) An assessment of the department’s progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Wheaton Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

### 902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

### 902.9 TRAINING

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Officer shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department’s zero-tolerance policy and prisoners’ right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Officer shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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# Transporting Persons in Custody

## 903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Wheaton Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

## 903.2 POLICY

It is the policy of the Wheaton Police Department to provide safe, secure, and humane transportation for all persons in custody.

## 903.3 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

(a) Search all areas of the vehicle accessible to a person in custody before and after each transport.

(b) Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.

1. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.

(c) Provide Dispatch with any required notifications (e.g., mileage).

(d) Properly secure all property.

(e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio/Video and Body-Worn Cameras policies for additional guidance).

(f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

(g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

(h) Provide sufficient visual observation and audio communication during the transport of:

1. Individuals in auxiliary restraints.
2. Individuals in leg restraints.
3. Individuals wearing a spit hood.
4. Individuals who are a suspected suicide risk.

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(i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.

(j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):

## 903.4 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

Should not transport persons in custody together. Persons in custody should be transported individually when practicable, unless supervisor approval is received based on unusual circumstances.

## 903.5 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

## 903.6 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

An officer should accompany any person in custody during transport in an ambulance.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

## 903.7 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, 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 themself or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation. For additional restrictions

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related to transporting persons who are known to be pregnant, in labor, or postpartum to a medical facility for treatment see the Medical Aid and Response Policy.

### 903.8 CIVIL COMMITMENT TRANSPORTS

When transporting any individual for a civil commitment, the transporting officer should request that Dispatch 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.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, the approval of a supervisor is required before transport commences.

See the Civil Commitments Policy for additional guidance.

### 903.9 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify Dispatch and request an appropriate response.

### 903.10 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

### 903.11 PROHIBITIONS

When transporting a person in custody, officers should not:

(a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).

(b) Handcuff a person to any part of a vehicle.

(c) Leave the vehicle unattended with the person in custody in the vehicle.

(d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.

(e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.

(f) Stop to conduct any personal activities.

(g) Engage in a pursuit.

### 903.12 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer should immediately advise Dispatch and other units of the escape, provide a description of the escapee, notify the Patrol Lieutenant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

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The Patrol Lieutenant should notify the Chief of Police or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Wheaton Police Department, the Patrol Lieutenant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

### 903.13 DOCUMENTATION

If a person is injured during transportation, officers shall make notification to their supervisor as soon as practicable and document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

### 903.14 NOTIFICATIONS

Officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

### 903.15 TRAINING

The Training Officer should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

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# Chapter 10 - Personnel

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# 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 Wheaton Police Department and that are promulgated and maintained by the Department of Human Resources.

## 1000.2 POLICY

In conjunction with the Wheaton Board of Fire and Police Commissioners, it is the policy of the Wheaton Police Department to be a fair and equal opportunity employment agency. Applicants shall be considered only on the basis of their qualification relative to experience, physical and mental and psychological fitness, abilities, skills, knowledge and their personal character and integrity as they relate to the performance of duties as a member of the Police Department for the City of Wheaton. No discrimination shall be exercised in any manner by any Official, Agent or employee of the City against or in favor of any applicant or employee because of political or religious opinions, sex, age, race, ethnic background, or any other status protected by law.

The Wheaton Police Department maintains an efficient, effective, and unbiased employee selection process. The objective of the selection process is to acquire those individuals who have the quality of character and best possess the skills, knowledge, and abilities necessary for success in the field of law enforcement. The components and procedures utilized in the selection process shall comply with both ordinance and statutory requirements. They shall also adhere to job-related, non-discriminatory practices to ensure the professional standards of validity.

## 1000.3 HIRING AND SELECTION

The Wheaton Police Department, in conjunction with the Board of Fire and Police Commissioners, shall maintain an efficient, effective, and impartial selection process for the position of Police Officer. The components and procedures shall comply with all City of Wheaton local ordinances, the City of Wheaton Employee Manual and the Rules and Regulations of the Wheaton Fire and Police Commissioners.

The qualifications, requirements and selection process are located in the Rules and Regulations of the Wheaton Fire and Police Commissioners.

## 1000.4 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 and those legally authorized to work in the United States under federal law if they are authorized to possess firearms under federal law, with specified limitations as to residency, age, health, habits, and moral character (55 ILCS 5/3-6033; 55 ILCS 5/3-8010; 55 ILCS 5/3-7008; 65 ILCS 5/10-2.1-6; 65 ILCS 5/10-1-7).

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Minimally, the Department shall 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. Candidates shall not be screened, requested, or required to disclose wage or salary history as a condition of employment (820 ILCS 112/10).

(b) Driving record

(c) Personal and professional 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

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(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

(k) Relevant national and state decertification records, if available, including the National Decertification Index

### 1000.4.1 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.

### 1000.4.2 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).

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## 1000.5 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 Wheaton Police Department (50 ILCS 705/10.2).

### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

### 1000.5.2 REVIEW OF PERSONAL ONLINE ACCOUNTS

Due to the potential for accessing unsubstantiated, private or protected information, the Support Deputy Chief 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).

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 Support Deputy Chief 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 Support Deputy Chief should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### 1000.5.3 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 in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

### 1000.5.4 RECORDS RETENTION

The background report, all supporting documentation, and testing results shall be maintained in accordance with the established records retention schedule and Illinois Compiled Statutes.

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## 1000.6 DISQUALIFICATION GUIDELINES

Disqualification of a candidate shall be conducted in accordance with the Rules and Regulations of the Fire and Police Commission and all applicable laws surrounding police officer certification.

## 1000.7 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 Department of Human Resources should maintain validated standards for all positions.

### 1000.7.1 STANDARDS FOR OFFICERS

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).

## 1000.8 ILLINOIS POLICE TRAINING ACT (50 ILCS 705/)

In 2020 and 2021, the Illinois Legislature amended the Police Training Act to: (i) provide certain requirements for hiring and retaining police officers; and (ii) the process for reporting and investigating instances of misconduct under the decertification process. Pursuant to 50 ILCS 705/, the following subsections are a summary of the amendments to the Illinois Police Training Act that are relevant to the employment of law enforcement officers.

### 1000.8.1 THE HIRING PROCESS

In addition to the selection process outlined in the preceding sections of this order, the Chief, or his/her designee, must check with the Officer Professional Conduct Database maintained by the Illinois Training and Standards Board to determine whether that are any reported acts of misconduct that would affect the candidate's viability for employment as a law enforcement officer. The background investigation must also include contact with each of the applicant's previous law enforcement employers and kept for a minimum of five years after the officer's termination, retirement, resignation, or separation with the Wheaton Police Department. The purpose of this requirement is to ensure that officers who have engaged in misconduct with one agency are not hired by another agency without the appropriate consideration of the misconduct through a thorough background investigation and evaluation of previous performance.

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### 1000.8.2 REPORTING REQUIREMENTS

The Wheaton Police Department must notify the Illinois Law Enforcement Training and Standards Board of any final determination of willful violation by an officer of department policy, official misconduct, or a violation of law when the conduct concerns:

(a) A determination that leads to a suspension of at law enforcement officer of at least 10 days;

(a) Any infraction that would trigger an official or formal investigation under agency policy;

(a) There is an allegation of misconduct regarding truthfulness as to a material fact, bias, or integrity; or

(a) The officer resigns or retires during the course of an investigation and the officer has been served notice that the officer is under investigation.

In addition, and in compliance with 50 ILCS 705/9.2, the Wheaton Police Department may report to the Board any other conduct that the agency believes should be included regarding a law enforcement officer's conduct or performance and is appropriate to disseminate to another law enforcement agency regarding the law enforcement officer who is the subject of the report. The report must be made within 10 days after a final determination and final exhaustion of any administrative appeal, or the officer's resignation or retirement, and shall provide information regarding the nature of the violation. This notification to the Board does not necessarily trigger certification review (50 ILCS 705/9.2(a)). The law enforcement officer that is the subject of the complaint will receive notification from the Board of the report. The law enforcement officer has the right to provide a statement regarding the reported violation and has 14 days from receipt of the notice to provide a written objection contesting information included in the law enforcement agency's report. The objection must be filed with the Board on a form prescribed by the Board and a copy must be served on the law enforcement agency. The law enforcement officer's objection to the report will remain in the database with the reported violation (50 ILCS 705/9.2(b)). A law enforcement agency is immune from liability for providing information to the Board that is consistent with the reporting criteria set forth in Section 2(a) unless that disclosure is an intentional misrepresentation of the information, or the law enforcement agency engaged in gross negligence in reporting the information. Setting aside the immunity provision, the reporting obligation has serious implications for the law enforcement officer that is the subject of the report. Therefore, to preserve the integrity of the Professional Conduct Database, the officer's reputation, and the immunity provision of this statute, a law enforcement agency should take steps to ensure that the information reported is true and accurate and reported after it is no longer appealable 50 ILCS 705/9.2(a).

### 1000.8.3 THE DISCRETIONARY DECERTIFICATION PROCESS

The Illinois Law Enforcement Training and Standards Board has the discretionary authority to decertify a full-time or a part-time law enforcement officer upon a determination by the Board that the LEO has:

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(a) committed an act that would constitute a felony or misdemeanor which could serve as basis for automatic decertification, regardless of whether the LEO was criminally prosecuted or terminated from their employment;

(a) exercised excessive use of force;

(a) failed to comply with the officer's duty to intervene, including through acts or omissions;

(a) tampered with a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera or directed another to tamper with or turn off a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera for the purpose of concealing, destroying, or altering potential evidence;

(a) engaged in the following conduct relating to the reporting, investigation, or prosecution of a crime: committed perjury, made a false statement, or knowingly tampered with or fabricated evidence; and

(a) engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer.

1000.8.4 REPORTING OBLIGATION

The Wheaton Police Department, the Executive Director of the Illinois Law Enforcement Training and Standards Board, or the State's Attorney's office is responsible for notifying the Board within 7 days after becoming aware of any violation of Section 6.3(b). The individuals who are responsible for notifying the Board include, but are not limited to, a civilian review board, an inspector general, and legal counsel for a law enforcement agency (LEA). The legal obligation of "becoming aware" of a reportable incident or information does not include information received by LEA's lawyers from the LEA when the LEA is seeking legal advice from its lawyers. In other words, a privileged conversation between a LEA and its attorney will not trigger a legal obligation to report to the Board information the attorney received during the conversation with the LEA. Further, the Illinois Attorney General's office is excluded from this obligation when functioning in its capacity as legal representation to a law enforcement officer under the State Employee Indemnification Act.

1000.8.5 WRITTEN POLICY REGARDING REPORTING

This subsection of the policy satisfies the requirement regarding the investigation of conduct that may result in discretionary decertification under Subsection 6.3 (a). Every law enforcement officer employed by the Wheaton Police Department shall report conduct described in Section 6.3(b) (as identified in section 10.9.4.3 of this order) to a supervising officer. Nothing in 50 ILCS 705/ prohibits the Wheaton Police Department from conducting an internal investigation for purposes of enforcement of agency rules and regulations and for purposes of internal discipline (50 ILCS 705/6.3(f)(6)).

## 1000.9 PROBATIONARY PERIODS

Shall be in accordance with the Rules and Regulations of the Fire and Police Commission and any applicable collective bargaining agreement.

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### 1000.10 TRAINING

All steps involved in the recruitment and selection process (e.g., recruitment techniques, polygraph examinations, medical examinations) shall be conducted by trained personnel.

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# Evaluation of Employees

## 1001.1 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.

## 1001.2 POLICY

The Wheaton 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 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.

## 1001.3 EVALUATION PROCESS

Evaluation 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.

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.

## 1001.4 EVALUATION GUIDELINES

Factor areas include five areas of focus that encompass the job functions of employees. Each factor encompasses many job functions that may vary by assignment. These lists are not all-

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inclusive. They are designed to assist in understanding the job functions that relate to the factor area. Supervisors and their work groups may choose to identify additional job functions specific to particular assignments.

### 1001.4.1 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:

**Exceptional-** Represents actual performance well beyond that required for the position. It is outstandingperformance, definitely superior or extraordinary. Numerical value of 5.

**Exceeds Standards -** Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant exceptional. Numerical value of 4.

**Meets Standards** - Represents performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position. Numerical value of 3.

**Needs Improvement -** Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee. Numerical value of 2.

**Unacceptable**- Represents performance that is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated. Numerical value of 1.

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.

### 1001.4.2 EXPLANATION OF RATINGS SECTION

The baseline assumption shall be that each employee MEETS STANDARDS unless he/she demonstrates an above or below standard performance in an area. Scores may move up or down based only upon documented performance during the rating period.

(a) Individual incidents should only be brought up in one topic area.

1. Documentation of the same incident in more than one category shall require explanation and justification in the comments section.

(b) The evaluation shall consider the employee's tenure in the assignment.

1. For example, an inexperienced employee may receive a rating of MEETS STANDARDS for a level of performance, which would receive NEEDS IMPROVEMENT if the employee had more time in the assignment.

(c) The evaluation shall be based upon the job description, standards of the employee's assignment, and the department's expectations.

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(d) The evaluation shall not be based upon person-to-person comparison between employees.

(e) The evaluation must provide an accurate record of the individual's overall performance for the evaluation period.

(f) An evaluator must have supporting rationale or documentation for any below or above standard score.

(g) Consideration shall be given to the frequency of conduct or behavior in conjunction with the importance of the conduct or behavior (either positive or negative).

1. The frequency and importance concept is a way for an evaluator to determine how an incident(s) should affect the overall rating in a topic area. This, in conjunction with a program of regular counseling, is the backbone of the evaluation system.
2. Frequency: How often a conduct/behavior impacts upon the organizational function.
3. Importance: How significant the impact of the conduct/behavior is upon the organizational function.
4. Example: a single important incident may be weighted similarly to a frequent but insignificant conduct; infrequent and insignificant incidents may not impact the rating at all; frequent and significant incidents may have a greater influence on a rating.

1001.4.3 COMMENTS SECTION

Comments for UNACCEPTABLE and NEEDS IMPROVEMENT ratings must be supported by documentation showing that the employee was made aware of and counseled about the performance.

(a) Ideally the documentation should have been generated and presented to the employee in a timely manner proximate to the deficient performance giving rise to such ratings.

Goals to achieve in order to overcome substandard performance shall be included in the comments section of any topic area with a rating of UNACCEPTABLE or NEEDS IMPROVEMENT.

(a) A Performance Improvement Plan (PIP) shall be created when necessary to help identify problem areas and create a plan for bringing the employee's performance to an acceptable level.

## 1001.5 EVALUATION REVIEW

When the supervisor has completed and submitted the evaluation, the evaluation shall be forwarded through the chain of command, up to and including the Chief of Police. Each reviewing supervisor shall review the evaluation for fairness, impartiality, uniformity, and consistency and place any comments needed on the evaluation. Once all required signatures are included, the evaluation will be provided to the employee for review. Additionally, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the

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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, and resubmit the evaluation through the chain of command for approval. Any such changes should be thoroughly explained, to include how the supervisor was made aware of the circumstance(s) and why the revision is necessary. Areas needing improvement and goals for the upcoming evaluation period should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. To finalize this step, the employee will provide their signature on the evaluation and notify their supervisor that the evaluation is ready for final processing.

### 1001.6 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

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# Reporting of Arrests, Convictions, and Court Orders

## 1002.1 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 Wheaton 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.

## 1002.2 POLICY

The Wheaton 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.

## 1002.3 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).

## 1002.4 OTHER CRIMINAL CONVICTIONS

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

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

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.

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## 1002.5 REPORTING PROCEDURE

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

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

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

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

### 1002.5.1 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.

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(f) Engaging in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public.

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

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# Sick Leave

## 1003.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) or the Illinois Employee Sick Leave Act (820 ILCS 191/1 et seq.).

## 1003.2 POLICY

It is the policy of the Wheaton Police Department to provide eligible employees with a sick leave benefit.

## 1003.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

### 1003.3.1 NOTIFICATION

All members should notify the Patrol Lieutenant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than ninety minutes before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

## 1003.4 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

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(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(d) Referring eligible members to an available employee assistance program when appropriate.

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# Communicable Diseases

## 1004.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1004.1.1 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 Wheaton Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1004.2 POLICY

The Wheaton 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.

## 1004.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign the Training Officer to 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).

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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 Training Officer should also act as the liaison with the Illinois Department of Labor (IDOL) and may request voluntary compliance inspections. The Training Officer should periodically review and update the exposure control plan and review implementation of the plan.

## 1004.4 EXPOSURE PREVENTION AND MITIGATION

### 1004.4.1 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.

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(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.

1004.4.2 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).

## 1004.5 POST EXPOSURE

1004.5.1 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.

1004.5.2 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).

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1004.5.3 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.

1004.5.4 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).

1004.5.5 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 City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

## 1004.6 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).

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Test results from persons who may have been the source of an exposure are to be kept confidential as well.

### 1004.7 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.

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# Personnel Complaints

## 1005.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Wheaton 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.

## 1005.2 POLICY

The Wheaton 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.

## 1005.3 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.

### 1005.3.1 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.

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## 1005.4 DOCUMENTATION

Supervisors shall ensure that all complaints are documented on a complaint form. If the complainant is unable to or unwilling to complete the form, the person taking the complaint shall obtain the necessary details from the complainant and make a written report, utilizing the 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.

## 1005.5 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

### 1005.5.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel or discrimination/ harassment 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 Patrol Lieutenant 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 Lieutenant or Deputy Chief ~~or the~~ , 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 Patrol Lieutenant.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Patrol Lieutenant and Chief of Police are notified via the chain of command as soon as practicable.

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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 shall take steps to notify the Illinois Law Enforcement Training and Standards Board (ILETSB) within seven days of the Department becoming aware of the allegations. After preliminary review by ILETSB, an investigation should be conducted, if necessary (50 ILCS 705/6.3).

(e) Promptly contacting the Department of Human Resources and the Patrol Lieutenant 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 Patrol Lieutenant, 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.

(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.

### 1005.5.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Command Staff, 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 Wheaton 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).

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(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 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.

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(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).

(o) These provisions apply only to the extent that there is no collective bargaining agreement currently in effect dealing with the subject matter of these provisions (50 ILCS 725/6).

### 1005.5.3 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.

**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.

### 1005.5.4 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.

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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.

1005.5.5 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.

1005.5.6 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.

## 1005.6 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation.

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.

## 1005.7 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.

## 1005.8 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 Wheaton Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction.

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No disciplinary action should be taken until an independent administrative investigation is conducted.

## 1005.9 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.

### 1005.9.1 DEPUTY CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Deputy Chief of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Deputy Chief 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 Deputy Chief 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 Deputy Chief 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.

### 1005.9.2 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 Deputy Chief 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

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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.

1005.9.3 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.

## 1005.10 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:

(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.

## 1005.11 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.

## 1005.12 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).

## 1005.13 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.

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### 1005.14 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 705/6.2; 50 ILCS 705/9.2):

(a) Any final determination of willful violation of Wheaton Police Department policy, official misconduct, or violation of law results in:

1. Discharge or dismissal.
2. A suspension of at least 10 days, or
3. An official investigation pursuant to Wheaton 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.

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# Seat Belts

## 1006.1 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.

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

### 1006.1.1 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.

## 1006.2 POLICY

It is the policy of the Wheaton Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle crash.

## 1006.3 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.

## 1006.4 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.

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### 1006.5 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.

### 1006.6 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.

### 1006.7 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.

### 1006.8 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.

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# Body Armor

## 1007.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

## 1007.2 POLICY

It is the policy of the Wheaton 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.

## 1007.3 ISSUANCE OF BODY ARMOR

The Deputy Chief of Operations shall ensure that body armor is issued to all officers when the officer begins service at the Wheaton 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 Deputy Chief of Operations 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.

### 1007.3.1 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 anytime 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 or taking part in Department range training.

(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.

### 1007.3.2 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 an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

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1007.3.3 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.

1007.3.4 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).

## 1007.4 TRAINING OFFICER RESPONSIBILITIES
The Training Officer 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.

## 1007.5 FUNDING
The Deputy Chief of Operations should coordinate with other City of Wheaton officials as appropriate to ensure grant funding is sought as appropriate (50 ILCS 712/10). The Deputy Chief of Operations should also ensure that Department procedures are not in conflict with the terms of any applicable grant.

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# Personnel Records

### 1008.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 1008.2 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).

### 1008.3 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.

### 1008.3 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.

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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 City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

#### 1008.3.1 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.

#### 1008.3.2 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.

### 1008.4 MEMBER ACCESS TO OWN PERSONNEL RECORDS

Any member may make a written request to access and inspect, copy, and receive their 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. Within seven working days of the receipt of the request, the Department shall provide access to or mail or email a copy of any responsive records. If the member has access to a requested record, the Department will instruct the member how to access it (820 ILCS 40/2).

Any member seeking the removal or correction of any item from their 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).

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

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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 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 planning, including matters relating to Department development, expansion, or operational goals, where the materials relate to more than one member

(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

## 1008.5 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(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).

### 1008.5.1 SPECIFIC RETENTION REQUIREMENTS

Unless provided otherwise in this policy, the following records shall be maintained (820 ILCS 112/20; 56 Ill. Adm. Code 320.140):

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(a) Member payroll records, including name, address, occupation, wages, records of wages and other forms of compensation, pay scale and benefits, the job posting for each position, 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.

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# Commendations and Awards

## 1009.1 PURPOSE AND SCOPE

This policy provides general guidelines for establishing a Uniform Awards Program for the Wheaton Police Department.

## 1009.2 CATEGORIES

### 1009.2.1 COMMENDATIONS

**Minor Commendations** - Minor commendatory acts (i.e., superior handling of a difficult situation, alertness resulting in the apprehension of a suspect) are recognized through the supervisor's completion of a Commendation and Recognition form.

**Major Commendations** - Outstanding performance of duty or an act involving commendatory bravery shall be recognized through the issuance of a major commendation by a Division Commander. Such performance may also be recognized by a department medal or unit citation.

### 1009.2.2 AWARDS FOR BRAVERY

Awards for bravery shall be in recognition of a single action performed by a department employee.

1. Medal of Valor
    (a) The Medal of Valor is the department's highest award. It is awarded to employees who distinguish themselves by conspicuous bravery or heroism above and beyond the normal demands of police service.
    (b) To qualify for a Medal of Valor an employee shall have performed an act displaying extreme courage while consciously facing imminent peril.
2. Police Star
    (a) The Police Star is awarded to employees who distinguish themselves by bravery or heroism above and beyond the normal demands of duty, but to a lesser degree than required for the Medal of Valor.
    (b) The Police Star is also awarded to employees who distinguish themselves by performing in stressful situations with exceptional tactics or judgment.
    (c) The award consists of a medal and ribbon.
3. Lifesaving Award
    (a) The department Lifesaving Award is awarded to employees directly responsible for the saving of a human life.
    (b) If an employee's action(s) led to the prolonging of life to the extent that the victim was released to medical authorities, he/she is eligible to receive this award even though the victim may expire at a later date.
    (c) The award consists of a medal and ribbon.
4. Distinguished Service Medal

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(a) The department's highest award for service, the Distinguished Service Medal is awarded to employees who distinguish themselves by performing exceptional service in a duty of great responsibility or of critical importance to law enforcement.

(b) The award consists of a medal and ribbon.

5. Unit Citation

(a) A Unit Citation for outstanding performance may be conferred upon an organizational unit of the department. The commendatory accomplishment must be the result of a combined effort by members of the unit.

(b) The citation shall be posted prominently in the Police Facility or area that houses the cited unit. A copy of the citation shall be given to each unit member involved.

(c) The award consists of a ribbon.

6. Citizen's Commendation

(a) Recommendations for commendation of a private person may be initiated by any member of the department who becomes aware of an act of exceptional assistance provided to the department.

(b) Such recommendation shall be recorded on a memorandum and forwarded through the chain of command to the affected Division Commander.

(c) The award consists of a citation and/or appropriate plaque dependent upon the nature of the assistance.

7. Special Category

(a) The Ronald E. Borg Award is awarded in memory of department personnel who die from injuries sustained in the line of duty.

(b) The award consists of the officer's badge formally mounted, recognizing the sacrifice made. The award is presented by the Chief of Police to a member of the officer's family.

## 1009.3 RECOMMENDATIONS

Any department supervisor may recommend award presentations for bravery, distinguished service, unit citations or special category by submitting a written report of recommendation through the chain of command for review.

## 1009.4 UNIFORM WEAR

Employees may wear the ribbon on either the long sleeve or short sleeve uniform shirt. The ribbon is worn horizontally below the badge and above the top seam of the breast pocket. Additional ribbons continue horizontally to the edge of the pocket then return under the badge to create a second row, if necessary.

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# Fitness for Duty

## 1010.1 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.

## 1010.2 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 the member's 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 the employee's duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform the employee's duties, such observations and/or belief shall be promptly reported to a supervisor.

## 1010.3 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 Patrol Lieutenant or employee’s available Deputy Chief, 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.

## 1010.4 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.

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### 1010.5 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 Patrol Lieutenant or unit supervisor and concurrence of a Deputy Chief, 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.

### 1010.6 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 Department of Human Resources 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.

#### 1010.6.1 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS EXPENSE

If an employee is required to undergo a physical and/or psychological examination pursuant to this policy, it shall be at no cost to the employee.

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## 1010.7 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).

### 1010.7.1 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).

## 1010.8 APPEALS

An employee 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.

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# Lactation Breaks

## 1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

## 1011.2 POLICY

It is the policy of the Wheaton Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; 820 ILCS 260/10; 820 ILCS 260/15).

## 1011.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). 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 dispatcher or a supervisor prior to taking such a break. 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.

## 1011.4 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. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; 820 ILCS 260/15).

Members occupying such private areas shall either secure the door or otherwise make it clear to others 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.

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### 1011.5 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's shift ends.

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# Occupational Disease and Work-Related Injury Reporting

## 1012.1 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.

### 1012.1.1 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)).

## 1012.2 POLICY

The Wheaton 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.).

## 1012.3 RESPONSIBILITIES

### 1012.3.1 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)).

### 1012.3.2 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 Citywide 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.

### 1012.3.3 LIEUTENANT RESPONSIBILITIES

The Lieutenant 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 through the chain of command 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 PreventionPolicy.

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#### 1012.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member’s confidential medical file.

## 1012.4 OTHER DISEASE OR INJURY

Those injuries and illnesses not requiring medical attention shall be brought to the attention of the officers' immediate supervisor. Based on the nature of the injury and/or illness, the supervisor will reevaluate the facts and circumstances causing the injury, as well as the injury itself, and determine the appropriate course of action.

## 1012.5 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.

#### 1012.5.1 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 City to determine whether the offered settlement will affect any claim the City 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 City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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# Personal Appearance Standards

## 1013.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Wheaton Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniform Regulations Policy.

## 1013.2 POLICY

Wheaton Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to members of the Department.

## 1013.3 GROOMING

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignment would deem them not applicable, and where the Chief of Police has granted exception.

### 1013.3.1 HAIR

Hair shall be clean, neatly trimmed or arranged to promote a professional appearance.

### 1013.3.2 FACIAL HAIR

Facial hair other than sideburns, mustaches, and eyebrows is prohibited, unless authorized by the Chief of Police or the authorized designee.

### 1013.3.3 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

### 1013.3.4 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor, and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

## 1013.4 APPEARANCE

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### 1013.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

### 1013.4.2 TATTOOS

At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

### 1013.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Wheaton Police Department in any official capacity, that is a deviation from normal anatomical features and that is not medically required, is prohibited unless authorized by the Chief of Police. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).

(c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).

(d) Branding, scarification, or burning to create a design or pattern.

### 1013.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Wheaton Police Department in any official capacity. Such ornamentation includes, but is not limited to:

(a) Objects that are bonded to front teeth.

(b) Gold, platinum or other veneers or caps used for decorative purposes.

(c) Orthodontic appliances that are colored for decorative purposes.

### 1013.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Wheaton Police Department in any official capacity.

### 1013.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

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### 1013.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members 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 Chief of Police should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

### 1013.6 STATE LAW EXEMPTIONS

Members who seek an exemption to this policy protected by law (e.g., culturally protective hairstyles) should generally be accommodated (775 ILCS 5/1-102; 775 ILCS 5/1-103; 775 ILCS 5/2-102). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with an exemption is denied an assignment based on a safety or security risk.

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# Uniform Regulations

## 1014.1 PURPOSE AND SCOPE

The uniform policy of the Wheaton 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. Employees should also refer to the following associated Policy Manual sections:

- Department Owned and Personal Property
- Body Armor
- Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Wheaton Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency as determined by the Chief of Police or as agreed upon in the respective employee group's collective bargaining agreement.

## 1014.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees 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) Personnel 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) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) 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.

(g) Employees are not to purchase or drink alcoholic beverages while wearing any identifiable part of the department uniform.

(h) 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.

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2. Wedding ring(s), class ring, or other ring of tasteful design.
3. Medical alert bracelet.

1014.2.1 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees 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, employees 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 their Deputy Chief.

## 1014.3 UNIFORM CLASSES

1014.3.1 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 following :

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(b) A navy blue or black crew neck t-shirt must be worn with the uniform.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Police uniform pants, as approved by the Chief of Police.

(e) Approved all black unpolished shoes may be worn.

1014.3.2 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.

1014.3.3 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as, SWAT, Bicycle Patrol, and other specialized assignments.

1014.3.4 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

## 1014.4 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

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an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) A name plate with the employee's last name or embroidered last name shall be displayed on the employee's uniform shirt. 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.

(c) 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.

(d) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(e) Flag Pin - A flag pin may be worn, centered above the nameplate.

(f) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(g) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

#### 1014.4.1 MOURNING BADGE

Uniformed employees shall 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.

### 1014.5 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 employees 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.

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(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 employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Wheaton Police Department or the morale of the employees.

### 1014.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Wheaton Police Department employees 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 employee, or identify himself/herself as an employee of the Wheaton 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.

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# Nepotism and Conflicting Relationships

## 1015.1 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 members 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.

### 1015.1.1 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 employee'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 a department 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 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.

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**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

## 1015.2 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) Assignments that place a supervisor in the chain of command over a relative or other where a relationship exists must be approved by the Chief of Police.

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. The Department 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) Employees are prohibited from participating in or contributing to any supervisory review, internal investigation, complaint and/or disciplinary action of an employee who is a relative, or with whom they are involved in a personal or business relationship. Notification shall be made to the employee's direct Lieutenant who will assign the appropriate personnel for handling.

(d) Whenever possible or if an evaluation component is required, FTOs and other trainers will not be assigned to train relatives, or with whom they are involved in a personal or business relationship. 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.

(e) To avoid actual or perceived conflicts of interest, members 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.

(f) Except as required in the performance of official duties or, in the case of immediate relatives, employees 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.

### 1015.2.1 EMPLOYEE'S RESPONSIBILITY

In the event members of the department are involved in a supervisor/subordinate relationship or enter a relationship which gives rise to an actual, perceived or potential conflict of interest between

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professional duties and the relationship, they shall notify their immediate supervisor in person as soon as possible. The supervisor being notified shall make notification to the Chief of Police.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. I. In the event that no uninvolved supervisor is immediately available, the employee shall promptly make notification to the next supervisory level to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

### 1015.2.2 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, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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# Department Badges

## 1016.1 PURPOSE AND SCOPE

The Wheaton Police Department badge and uniform patch as well as the likeness of these items and the name of the Wheaton Police Department are property of the Department and their use shall be restricted as set forth in this policy.

## 1016.2 POLICY

The uniform badge shall be issued to department members 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 members while on duty or otherwise acting in an official or authorized capacity.

### 1016.2.1 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) 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.

(b) An honorably retired officer may keep his/her flat badge upon retirement.

(c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

### 1016.2.2 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 or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

## 1016.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, 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 employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name

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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.

Employees 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.

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# Employee Speech, Expression and Social Networking

## 1017.1 PURPOSE AND SCOPE

The purpose of this department order is to delineate policy about personal use of electronic media and social media networks by sworn and civilian personnel of the Wheaton Police Department. To this extent, social networking includes postings on Facebook™, Google+™, Instagram™, LinkedIn™, Pinterest™, Tumblr™, Twitter™ and similar sites, or in comments employees make online either publicly or by electronic mail.

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.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1017.1.1 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.

## 1017.2 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 employees 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 Wheaton 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 employees' speech and expression.

## 1017.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety

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of the Wheaton Police Department employees, such as posting personal information in a public forum, can result in compromising an employee'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 employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and 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.

### 1017.4 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 (for example, an employee 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 Wheaton 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 Wheaton Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Wheaton 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 employee 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 employees 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 employees by informing criminals of details that could facilitate an escape or attempted escape.

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(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Wheaton 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 Wheaton 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 web sites 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.

Employees 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 employee (e.g., social or personal website).

### 1017.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Wheaton Police Department or identify themselves in any way that could be reasonably perceived as representing the Wheaton 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, cause or religion.

(c) Endorse, support or 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 web site.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this

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department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Wheaton Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502)).

## 1017.5 PRIVACY EXPECTATION

Members forfeit 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 the Information Technology Use Policy for additional guidance).

### 1017.5.1 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.

## 1017.6 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 members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member'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.

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### 1017.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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# Line-of-Duty Deaths

## 1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Wheaton Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

### 1018.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

## 1018.2 POLICY

It is the policy of the Wheaton Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

## 1018.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Patrol Lieutenant and Dispatch.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Patrol Lieutenant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Patrol Lieutenant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

### 1018.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Patrol Lieutenant, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers. Whenever the health of the immediate survivors is a concern, emergency medical services personnel shall be requested to stand by.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

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(h) Assist the survivors with meeting child care or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Wheaton Police Department members may be apprised that survivor notifications are complete.

#### 1018.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation and lodging arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

### 1018.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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## 1018.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Funeral Liaison.

(d) Mutual Aid Coordinator,

(e) Benefits Liaison.

(f) Family Support Advocate

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

In addition, the Chief of Police or his designee will:

(a) Make additional personnel assignments to assist in handling incoming phone calls and inquiries and to direct the public to appropriate personnel;

(b) Ensure that the City Human Resources is contacted to assist surviving family members; and,

(c) Ensure other employees are provided the opportunity to participate in critical incident stress debriefings and status reports on the employee's condition or circumstances of his/her death.

### 1018.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Deputy Chief or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

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(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements to include the honor guard, pallbeares, traffic control and liaison with visiting law enforcement agencies.

(f) Making necessary contacts for authorization to display flags at half-staff.

(g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.The Deputy Chief of Support shall liaison with the media to include coordination of any statements and press conference.

(h) Assisting family members in dealing with and screening general media inquiring and informing them of limitations on what specific statement(s) they should make to the media.

(i) Coordinating security checks of the member's residence as necessary and reasonable.

(j) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

### 1018.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Wheaton Police Department members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

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(h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

### 1018.6.3 FUNERAL LIAISON

The Funeral Liaison acts as a facilitator between the decedent employee's family and the department during the wake and funeral. The Funeral Liaison's responsibilities include but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

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### 1018.6.4 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Wheaton Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

### 1018.6.5 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Line of Duty Compensation Act (820 ILCS 315/1 et seq.)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

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1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1018.6.6 FAMILY SUPPORT ADVOCATE

The Family Support Advocate will serve in a long-term liaison and support capacity for the surviving family. The duties of this individual include:

a. Providing contact with surviving family members in order to keep them abreast of criminal proceedings relating to the death of their family member;

b. Accompanying surviving family members to criminal proceedings, explaining the nature of the proceedings and introducing them to prosecutors and other persons as required;

c. Identifying all support services available to family members and working on their behalf to secure any services necessary;

d. Maintaining routine contact with family members to provide companionship and emotional support and maintain an ongoing relationship between the department and the immediate family; and

e. Relaying the concerns and needs of the family to those individuals or organizations that may provide assistance, and encouraging others to visit and help as necessary.

## 1018.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Instruct department members to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

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(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

### 1018.8 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

### 1018.9 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

### 1018.10 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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# Wellness Program

## 1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

### 1019.1.1 DEFINITIONS

Definitions related to this policy include (5 ILCS 840/5):

**Critical incident** – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

**Critical Incident Stress Debriefing (CISD)** – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

**Peer support** – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

**Peer support advisor** – A department-approved member, trained in counseling, who voluntarily provides confidential support and assistance to fellow members experiencing personal or professional problems.

**Peer support counseling program** – A department-established program to train members to serve as peer support advisors to conduct peer support counseling sessions.

**Peer support counseling session** – Communication with a department-designated peer support advisor who may listen, assess, assist with problem-solving, make necessary referrals to a professional, and conduct follow-up as needed.

## 1019.2 POLICY

It is the policy of the Wheaton Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

## 1019.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisors (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

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(a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

(b) Developing management and operational procedures for department peer support advisors, such as:

1. Peer support advisor selection and retention.
2. Training and applicable certification requirements.
3. Deployment.
4. Managing potential conflicts between peer support advisors and those seeking service.
5. Monitoring and mitigating peer support advisor emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate (5 ILCS 840/10).

(c) Verifying members have access to mental health resources, including peer support, counselors, or licensed psychotherapist support (55 ILCS 5/3-6012.2; 65 ILCS 5/11-1-14).

(d) Establishing procedures for CISDs, including:

1. Defining the types of incidents that may initiate debriefings.
2. Steps for organizing debriefings.

(e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

(f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:

1. Obtaining a written description of the program services.
2. Providing for the methods to obtain program services.
3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.

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5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

(g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).

1. The coordinator should work with appropriate Department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

## 1019.4 DEPARTMENT PEER SUPPORT

### 1019.4.1 PEER SUPPORT ADVISOR SELECTION CRITERIA

The selection of a department peer support advisor will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support advisor.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support advisors.

### 1019.4.2 PEER SUPPORT ADVISOR RESPONSIBILITIES

The responsibilities of department peer support advisors include:

(a) Providing pre- and post-critical incident support.

(b) Presenting department members with periodic training on wellness topics, including but not limited to:

1. Stress management.
2. Suicide prevention.
3. How to access support resources.

(c) Providing referrals to licensed psychotherapists and other resources, where appropriate.

1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support advisor's training.

### 1019.4.3 PEER SUPPORT ADVISOR TRAINING

The Department shall provide appropriate training in counseling to its peer support advisors, prior to being assigned, so that they may conduct peer support counseling sessions and provide emotional and moral support (5 ILCS 840/5; 5 ILCS 840/10).

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### 1019.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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 should only include peer support advisors and those directly involved in the incident.

### 1019.6 PEER SUPPORT COMMUNICATIONS

Communications made by a member or peer support advisor in a peer support counseling session and any oral or written information conveyed in the session are confidential and may only be disclosed in accordance with 5 ILCS 840/20. Any communications relating to a peer support counseling session made between peer support advisors and the supervisors or staff of a peer support counseling program are confidential and may only be disclosed in accordance with 5 ILCS 840/20.

All communications, notes, records, and reports arising out of a peer support counseling session are not subject to disclosure under section 7.5 of the Freedom of Information Act (5 ILCS 840/20(e)).

A department with an established peer support counseling program shall discipline a peer support advisor who violates the confidentiality of the peer support counseling program by sharing information from a peer support counseling session with members who are not supervisors or staff of the peer support counseling program unless otherwise allowed by 5 ILCS 840/20 (5 ILCS 840/20(e-5)).

### 1019.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

(a) Voluntary participation by members

(b) Allowable physical fitness activities

(c) Permitted times and locations for physical fitness activities

(d) Acceptable use of department-provided physical fitness facilities and equipment

(e) Individual health screening and fitness assessment

(f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting

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(g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.

(h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)

(i) Ongoing support and evaluation

### 1019.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

### 1019.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Officer to provide all members with annual training on topics related to member wellness, including but not limited to (50 ILCS 705/7):

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Officer as appropriate for inclusion in training records.

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# Mental Health Screening Program

### 1020.1 PURPOSE

The Wheaton Police Department is committed to the well-being of all its law enforcement personnel. One component of this is a program designed to offer mental health screenings for all sworn personnel. This policy provides Wheaton Police Department employees with information regarding the function of the Mental Health Screening Program, and the guidelines for its operations.

### 1020.2 POLICY

The Wheaton Police Department will provide all sworn personnel with an opportunity to receive mental health screenings through the Mental Health Screening Program. A cornerstone value of the Mental Health Screening Program will be strict confidentiality.

Pursuant to Public Act 101-653, the Illinois Law Enforcement Training and Standards Board established statewide standards for regular mental health screenings for probationary and permanent police officers. The Wheaton Police Department Mental Health Screening Program will be constructed in accordance with these standards.

The Wheaton Police Department will comply with the dictates of Illinois State Statutes (50 ILCS 705/6-f) and ensure that all counseling sessions and screenings remain confidential.

### 1020.3 MENTAL HEALTH SCREENING PROGRAM

The Mental Health Screening Program will be managed by the Deputy Chief of Operations. The Mental Health Screening Program will focus on annual mental health screenings for all sworn personnel conducted by a contracted service provider.

### 1020.4 OFFICER SCREENING

The Wheaton Police Department will screen all officers at least once annually to evaluate the overall mental health of the agency. These annual screenings should be general and brief but allow for more detailed questions to be asked if certain metrics are displayed, such as a majority or substantial number of responses indicating the negative impact of lateral trauma, signs of depression/PTSD, or other negative outcomes related to the officer's career

### 1020.5 PROCEDURES

1) Mental health screening sessions shall be scheduled and attended by sworn personnel with respect to their current assignment within the Wheaton Police Department.

> a. Sworn personnel assigned to support, an administrative position, or a dedicated day shift operational team shall attend mental health screenings on a pre-selected and supervisory approved rotational duty day. The mental health screening shall be scheduled at least one hour prior to the end of their respective shift and no earlier than three hours before their respective shift is scheduled to conclude to account for travel time and provide decompression time prior to the screening.

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b. Sworn personnel assigned to a dedicated night shift operational team shall attend mental health screenings on a rotational day off. It is preferable for the members to have a sleep cycle prior to the screening when coming off of a duty day. Sworn personnel attending mental health screenings on a rotational day off will receive compensation in the form of a 3-hour call back.

2) Sworn personnel will attend the mental health screening session at a location determined by the contracted service provider. Sworn personnel's duty day will be concluded upon the completion of their mental health screening.

3) Sworn personnel may attend the mental health screening session in civilian clothing or full police uniform, whichever they prefer.

4) Sworn personnel may take their personal vehicle or a police department fleet vehicle to their mental health screening session. When taking a police department fleet vehicle, arrangements must be made with their immediate supervisor.

### 1020.6 ATTENDANCE

All sworn personnel scheduled to attend a mental health screening session shall be required to attend as scheduled unless previously excused by their immediate supervisor. Should a scheduled member not be able to attend their appointment, prompt notification should be made to the contracted service provider and the employee's immediate supervisor. Sworn personnel shall attend a mental health screening session on an annual basis.

### 1020.7 CONFIDENTIALITY

Any screening mechanisms utilized are of a confidential nature. During any mental health screening, confidentiality is to remain paramount. Responses to all screening questions shall remain anonymous/confidential with the contracted service provider and will not be reported back to the Wheaton Police Department or City Administration. These screenings will not be used for any fitness or promotional matters.

### 1020.8 MANDATORY REPORTING

The contracted service provider may be required to notify the appropriate agency in accordance with Illinois Law and the Health Insurance Portability and Accountability Act (HIPAA) if the screening of any single member reveals:

a) A member is deemed an immediate threat to themselves or another.

b) A member discloses that they are abusing a child, elderly, or disabled person.

### 1020.9 REPORTING

The Deputy Chief of Operations shall provide an annual report to the Chief of Police on the activities of the Mental Health Screening Program. The report shall include a summary of screenings completed and other debriefing or educational activities.

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# Attachments

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# Childrens Center Guidelines.PNG

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# Petition for involuntary admission.pdf

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State of Illinois
Department of Human Services - Division of Mental Health

# PETITION FOR INVOLUNTARY/JUDICIAL ADMISSION

## PETITION FOR INVOLUNTARY/JUDICIAL ADMISSION

STATE OF ILLINOIS

CIRCUIT COURT FOR THE _____ JUDICIAL CIRCUIT

_____COUNTY

IN THE MATTER OF

)
)
)
)
)
)

Docket No. _____

_____
(name of respondent)

Who is asserted to be a person subject to _____ In-patient admission to a facility and for whom
(judicial/involuntary)

this petition is being initiated by reason of: (Select one or more, if applicable)

☐ Emergency inpatient admission by certificate; (405 ILCS 5/3-600). The Respondent is currently detained in a mental health facility or hospital; name of facility where detained: _____ .

☐ Inpatient admission by court order; (405 ILCS 5/3-700).

☐ Voluntary admittee submitted written notice of desire to be discharged and two Certificates are attached to/submitted with this petition; (405 ILCS 5/3-403).

☐ Voluntary admittee failed to reaffirm a desire to continue treatment and two Certificates are attached to/submitted with this petition; (405 ILCS 5/3-404).

☐ Person continues to be subject to involuntary admission on an inpatient basis; (405 ILCS 5/3-813).

☐ Emergency admission of the developmentally disabled; (405 ILCS 5/4-400).

☐ Judicial admission of the developmentally disabled; (405 ILCS 5/4-500).

☐ Developmentally disabled person or an interested person on behalf of a person submitted written objection to admission; (405 ILCS 5/4-306).

☐ Administrative person; (or person who executed application) failed to authorize continued residence; (405 ILCS 5/4-310).

☐ Person continues to meet standard for judicial admission; (405 ILCS 5/4-611).

State of Illinois
Department of Human Services - Division of Mental Health

# PETITION FOR INVOLUNTARY/JUDICIAL ADMISSION

I assert that _____ is: (check all that apply)

☐ a person with mental illness who: because of his or her illness is reasonably expected, unless treated on an inpatient basis, to engage in conduct placing such person or another in physical harm or in reasonable expectation of being physically harmed;

☐ a person with mental illness who: because of his or her illness is unable to provide for his or her basic physical needs so as to guard himself or herself from serious harm without the assistance of family or others, unless treated on an inpatient basis;

☐ a person with mental illness who: refuses treatment or is not adhering adequately to prescribed treatment; because of the nature of his or her illness is unable to understand his or her need for treatment; and if not treated on an inpatient basis, is reasonably expected based on his or her behavioral history, to suffer mental or emotional deterioration and is reasonably expected, after such deterioration, to meet the criteria of either paragraph one or paragraph two above.

☐ an individual who: is developmentally disabled and unless treated on an in-patient basis is reasonably expected to inflict serious physical harm upon himself or herself or others in the near future, and/or

☐ in need of immediate hospitalization for the prevention of such harm.

I base the foregoing assertion on the following (State in detail the signs and symptoms of mental illness displayed by the Respondent. Include prior diagnosis, treatment and hospitalizations. Describe any threats, behavior or pattern of behavior which support your complaint. Include personal observations that lead to your belief the Respondent is subject to involuntary admission): If additional space needed please attach a separate page or pages.

Below is a list of all witnesses by whom the facts asserted may be proven (include addresses and phone numbers):

Listed below are the names and addresses of the spouse, parent, guardian, or substitute decision maker, if any, and close relative or, if none, a friend of the respondent whom I have reason to believe may know or have any of the other names and addresses. If names and addresses are not listed below, I made a diligent inquiry to identify and locate these individuals and the following describes the specific steps taken by me in making this inquiry (additional pages may be attached as necessary):

☐ I do ☐ I do not have a legal interest in this matter.

☐ I do ☐ I do not have a financial interest in this matter.

☐ I am ☐ I am not involved in litigation with the respondent.

☐ Although I have indicated that I have a legal or financial interest in this matter or that I am involved in litigation with the respondent, I believe it would not be practicable or possible for someone else to be the petitioner for the following reasons:

# PETITION FOR INVOLUNTARY/JUDICIAL ADMISSION

☐ No certificate was attached with this petition because no physician, qualified examiner or clinical psychologist was immediately available or it was impossible after diligent effort to obtain a certificate. However: I believe, as a result of my personal observation, that the respondent is subject to Involuntary inpatient admission. A diligent effort was made to obtain a certificate; but no physician, qualified examiner or clinical psychologist could be found who has examined or could examine the respondent; and
a diligent effort has been made to convince the respondent to appear voluntarily for examination by a physician, qualified examiner or clinical psychologist, or I reasonably believe that effort would impose a risk of harm to the respondent or others.

☐ One Certificate of Examination is attached.

☐ Two Certificates of Examination are attached.

Did a peace officer detain respondent, take him/her into custody, and/or transport him/her to the mental health facility?

☐ No ☐ Yes; If yes, the peace officer **MAY** complete the petition or if the petition IS NOT COMPLETED by the peace officer transporting the person, the following information MUST be entered:

Transporting Officer's Name: _____ Badge Number: _____

Employer: _____

The petitioner can request to be notified if the facility director approves the recipients's request for voluntary or informal admission prior to adjudication. The petitioner may also request to be notified of the recipient's discharge under section 3-902 (d) of the Mental Health and Developmental Disabilities Code. Failure to indicate a choice will be treated as a decision NOT to be notified.

☐ if the individual requests and is approved for voluntary or informal admission prior to adjudication, I wish to be notified using the contact information supplied below. (Hospital staff use form IL462-2203 for notification purposes).

☐ if the individual is committed or discharged by court, I wish to be notified using the contact information supplied below. (Hospital staff use form IL462-2208M for notification purposes).

☐ I do not wish to be notified in either of the two situations described above.

The petitioner has made a good faith attempt to determine whether the recipient has executed a power of attorney for health care under the Powers of Attorney for Health Care Law or a declaration for mental health treatment under the Mental Health Treatment Preference Declaration Act and to obtain copies of these instruments if they exist.
I have read and understood this petition and affirm that the statements made by me are true to the best of my knowledge.
I further understand that knowingly making a false statement on this Petition is a Class A Misdemeanor.

_____ _____
Date Signed

_____ _____
Time Printed Name

_____
Relationship to Respondent

Address

_____
Telephone Number

State of Illinois
Department of Human Services - Division of Mental Health

# PETITION FOR INVOLUNTARY/JUDICIAL ADMISSION

Within 12 hours of admission to the facility under this status and/or completion of a new petition, I gave the respondent a copy of this Petition (IL462-2005). I have explained the Rights of Admittee to the respondent and have provided him or her with a copy of it. I have also provided him or her with a copy of Rights of Individuals Receiving Mental Health and Developmental Services (IL462-2001) and explained those rights to him or her (405 ILCS 5/3-609).

Date/Time of Admission _____ Signed: _____

To Mental Health Facility/Psychiatric Unit

Printed Name: _____

Date/Time
Petition Completed: _____ Title: _____

RIGHTS OF ADMITTEE

1. If you have been brought to this facility on the basis of this petition alone, you will not be immediately admitted, but will be detained for examination. You must be examined by a qualified professional within 24 hours or be released.

2. When you are first examined by a physician, clinical psychologist, qualified examiner, or psychiatrist, you do not have to talk to the examiner. Anything you say may be related by the examiner in court on the issue of whether you are subject to involuntary or judicial admission.

3. At the time that you have been certified you will be admitted to the facility and a copy of the petition and certificate will be filed with the court. A copy of the petition shall also be given to you.

4A. If you are alleged to be subject to involuntary admission (mentally ill) you must also be examined within 24 hours excluding Saturdays, Sundays, and holidays by a psychiatrist (different from the first examiner) or be released. If you are alleged to be subject to involuntary admission the court will set the matter for a hearing.

4B. If you are alleged to be subject to judicial admission (developmentally disabled) the court will set a hearing upon receipt of the diagnostic evaluation which is required to be completed within 7 days.

5A. If you are alleged to be subject to involuntary admission (mentally ill) and if the facility director approves, you may be admitted to the facility as a voluntary admittee upon your request any time prior to the court hearing.

The court may require proof that voluntary admission is in your best interest and in the public interest.

5B. If you are alleged to be subject to judicial admission (developmentally disabled) and if the facility director approves, you may decide that you prefer to admit yourself to the facility rather than have the court decide whether you ought to be admitted. You may make the request for administrative admission at any time prior to the hearing. The court may require proof that administrative admission is in your best interest and the public interest.

6. You have the right to request a jury.

7. You have the right to request an examination by an independent physician, psychiatrist, clinical psychologist, or qualified examiner of your choice. If you are unable to obtain an examination, the court may appoint an examiner for you upon your request.

8. You have the right to be represented by an attorney. If you do not have funds or are unable to obtain an attorney, the court will appoint an attorney for you.

9. You have the right to be present at your court hearing.

10. As a general rule, you do not lose any of your legal rights, benefits, or privileges simply because you have been admitted to a mental health facility (see your copy of the "Rights of Individuals"). However, you should know that persons admitted to mental health facilities will be disqualified from obtaining Firearm Owner's Identification Cards, or may lose such cards obtained prior to admission.

11. Information about the health care services you receive at a mental health or developmental disabilities facility is protected by privacy regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (P.O. 104-191) at 45 CFR 160 and 164. Your personally identifiable health information will only be used and/or released in accordance with HIPAA and the Illinois Mental Health and Development Disabilities Confidentiality Act [740 ILCS 110].

# PETITION FOR INVOLUNTARY/JUDICIAL ADMISSION

I certify that I provided respondent with a copy of this form. (pages 1-5) on _____

☐ English ☐ Spanish ☐ Other Specify language: _____ Time: _____

Signature: _____

Title: _____

Printed Name: _____

A Guardianship and Advocacy Commission has been created which consists of three divisions: Legal Advocacy Services, Human Rights Authority and the Office of the State Guardian. The Commission is located at:

**Chicago Regional Office**
160 N. La Salle Street
Suite S500
Chicago, IL 60601
Phone: (312) 793-5900
Fax: (312) 793-4311
TTY: (866) 333-3362

**Springfield Regional Office**
830 S. Spring Street
Springfield, IL 62704
Phone: (217) 785-1540
Fax: (217)524-0088
TTY: (866) 333-3362

Equip for Equality, Inc. is an independent, not-for-profit organization that administers the federal protection and advocacy system to people with disabilities in Illinois. Equip for Equality, Inc., provides self-advocacy assistance, legal services, education, public policy advocacy, and abuse investigations. The office is located at: **Website:** www.equipforequality.org

**Main/Chicago Office**
20 N. Michigan, Ste 300
Chicago, Illinois 60602
(800) 537-2632 or
(312) 341-0022
TTY: (800) 610-2779
Fax: (312) 800-0912

The information you provide on this form is protected by privacy regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) ([PL 104-191] at 45 CFR 160 and 164). Your personally identifiable health Information will only be used and/or released in accordance with HIPAA and the Illinois Mental Health and Developmental Disabilities Confidentiality Act.

I have explained these rights to the individual (or the guardian of the individual, if applicable) and have provided him or her a copy of it. A copy of this form has been filed in the individual's clinical record.

_____
Staff signature

_____
Staff Name and Title

_____
Date and Time

_____
Signature of Individual Receiving Services

☐ Check here if individual refuses to sign

_____
Witness' Name (required only if individual refuses to sign)

_____
Witness' Signature (required only if individual refuses to sign)

# Incident Response Standard.pdf

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# Incident Response Standard

| Department: | Information Technology | **Effective Date:** | 12/5/2016 |
|---|---|---|---|
| | | **Last Review Date:** | 9/27/16 |
| | | **Last Reviewer:** | |

## Purpose

The City of Wheaton ("the City" or "Wheaton") has adopted this standard to:

- prepare for effective and efficient detection, communication, containment, eradication, and recovery from, of an information service interruption or security incident
- reduce the:
  - impact of an incident
  - probability of future, similar incidents
- comply with legal and regulatory requirements, including, but not limited to:
  - City of Wheaton's Information Security Policy
  - CJIS
  - PCI-DSS
  - Illinois Personal Information Protection Act
  - HIPAA
- For notification timeline, see the Send Notices section of the Incident Timeline Matrix

## Scope

Service interruptions and security incidents for all information systems operated by, or on behalf of, the City. All City full-time and part-time employees, interns, volunteers, vendors, contractors, elected officials, and the public who are authorized and granted access to use City devices, software, networks, or data ("Users"). All Service Providers.

## Related Documents

- U.S. Government Computer Security Incident Guide [http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-61r2.pdf]

- NIST SP 800-84 [Guide to Test, Training, and Exercise Programs for IT Plans and Capabilities]

## Incident Severity Matrix

| Incident Severity | Description | Roles and Responsibilities | | | | |
|---|---|---|---|---|---|---|
| | | User | IT Staff | IT Director | Incident Team | City Manager |
| **1 - Low** | Incident with minor risk<br><br>Virus or malware is found on computers with no evidence of data breach<br><br>Service interruption expected to be resolved within 4 hours | Reports suspicious event / incident<br><br>Confirms Resolution | Captures incident information in Lucity change log<br><br>Works incident<br><br>Requests help from IT Director if needed or required<br><br>Closes incident | Reviews incident information periodically<br><br>Works incident if needed | Not involved | Not involved |
| **2 - Medium** | Incident with unclear but potentially high risk<br><br>Unlikely that Protected Data is compromised<br><br>Service interruption expected to affect users for more than 4 hours and less than one business day<br><br>Low priority incidents that repeat | Reports suspicious event / incident<br><br>Confirms Resolution | Captures incident information in Lucity change log<br><br>Informs IT Director<br><br>Works incident<br><br>Closes incident | Evaluates incident<br><br>Manages internal information flow<br><br>Gathers Incident Response Team if needed or required<br><br>Works incident<br><br>Lessons learned | Works incident<br><br>Engages additional resources as needed, e.g. MS-ISAC | Is made aware |

| | | | | | | |
|---|---|---|---|---|---|---|
| **3 - High** | Likely that Protected data is compromised<br><br>Severe service interruption expected to affect users for more than one business day | Reports suspicious event / incident<br><br>Confirms Resolution | Captures incident information in Lucity change log<br><br>Works incident<br><br>Requests help from IT Director if needed or required<br><br>Closes incident | Evaluates incident<br><br>Informs City Manager<br><br>Manages internal information flow<br><br>Gathers Incident Response Team<br><br>Works incident<br><br>Lessons learned | Works incident<br><br>Engages additional resources as needed, e.g. law enforcement, MS-ISAC, Cyber Insurance Provider<br><br>Coordinates with Attorneys, e.g. Data Breach Notification | Manages external information flow<br><br>Approves additional resources if needed or required<br><br>Declares a disaster if warranted |

## Incident Timeline Matrix

| **Steps within first 24 hours – as soon as possible**<br><br>**If the Incident Severity appears to be Critical consult City Manager and Legal immediately for guidance.** | | |
|---|---|---|
| Gather and notify the Incident Response Team | Incident Severity:<br><br>Low – no need for Response Team<br><br>Medium – IT Director gathers Incident Response team if needed or required<br><br>High – IT Director gathers Incident Response team and may assign Incident Owner(s) from the relevant departments to lead the department teams | |
| Begin evaluating the scope of the Incident and whether a | Scope of the Incident:<br><br>Has data been lost or stolen?<br><br>Is data in the physical possession or control of | Identify what data (or systems/networks) are involved:<br><br>Is this City's own data or customer data maintained by the City? |

| | | |
|---|---|---|
| breach may have occurred | an unauthorized person?<br><br>Has data been downloaded or copied by, or made available to unauthorized persons?<br><br>Has data been accessed or used by an unauthorized third party (evidence of system access/data exfiltration, reports of ID theft/fraud; unauthorized purchases or transfers)?<br><br>Have systems/networks been accessed or compromised such that unauthorized access to Personal Data or customer data is reasonably expected or cannot be disproven? | What type of Personal Data (or systems) are involved (PCI, HR, individual / consumer, business, other)?<br><br>What is the volume of records, accounts, or Personal Data within scope of review?<br><br>What are the potential countries, states, provinces, and/or territories associated with such records (e.g., state of residency, place of business)?<br><br>Is a vendor or customer involved? If so, who? |
| Take immediate actions to start containing the Incident/Breach. Refer to Response and Mitigation sections in the Incident Response Standard. | | |
| **Steps within first 24-48 hours** | | |
| Convene the Core Incident Response Team | Meet and discuss what the Team has been able to determine so far, including:<br><br>Scope of Incident;<br><br>Type(s) of data involved;<br><br>What steps have been taken to contain the Incident; | |

| | |
|---|---|
| | What type of harm to the individuals may result from the Incident;<br>What steps have been taken to reduce/eliminate the harm to the individuals;<br>Whether to hire a third-party forensic vendor to assist in investigation/verification of containment; and<br>Whether to notify law enforcement. |
| Determine whether customer, individual, or regulator notification is required, and whether online credentials should be reset and for whom | The Legal Team should work in conjunction with possible outside counsel to determine:<br>Whether an Incident and/or Breach may have occurred;<br>If the Incident / Breach involves online credentials, whether a prompt credential reset should occur urgently;<br>Whether customer, individual, or regulator notification is required in the applicable jurisdictions or pursuant to contract;<br>Whether there is a contractual obligation to notify (e.g., insurance carrier; vendors; payment card brands / processors); and<br>Whether the City will provide free ID theft/credit monitoring services;<br>Whether a litigation hold should be issued at the City to preserve records and pause any automatic destruction of documents under a documentation retention program. |
| Notify law enforcement, if applicable | If the City reasonably believes that a Breach has occurred, determine whether to report the Breach to appropriate law enforcement agencies (separate from any regulator notice requirement). Considerations for notifying law enforcement include:<br>If a physical intrusion is involved;<br>Attack involves known actor (rogue employee / known third party) and the City may bring legal action; |

| | |
|---|---|
| | Type of attack / forensic evidence indicates presence of a nation/state attack; or<br><br>Type of attack / forensic evidence indicates presence of sophisticated criminal activity. Document such communications. Decision to notify law enforcement may extend beyond initial 48 hours as facts of the Breach develop. |
| **Steps within first 48-72 hours** | |
| Contact City's insurance (if applicable) | Determine whether an existing insurance policy may provide coverage for the Incident / Breach. Insurance policies may require notice within a specified period of time (even if the facts of the Incident / Breach are still developing) in order to make a claim. Provide only the information required to put the insurance carrier on notice of a potential claim. |
| Contact applicable business partners | This may include, as applicable:<br><br>Vendors to support incident response (call center, PR, ID Theft/Monitoring);<br><br>Impacted customer(s);<br><br>Merchant/Acquiring Bank;<br><br>Payment processor/gateway;<br><br>Payment card brands (often through bank/processor).<br><br>Notification obligations may vary depending on contract obligations and customer relationships. |
| Consider whether to contact PR/crisis | Depending on the number of individuals affected and the type of Personal Data (or customer data) at issue, the City may consider hiring a PR/crisis management firm to assist |

| | |
|---|---|
| management firm | |
| **Over the following week** | |
| Draft notice documents | If there are obligations to notify affected individuals, and/or regulators, the City may, with outside counsel support and (if applicable) the PR/crisis management firm, draft the following documents required by law:<br>Individual notice;<br>Regulator notice (if applicable);<br>Customer or insurance carrier written notice (initial/supplemental). |
| Draft other public Documents | Consider whether it is necessary to draft other documents including any individual FAQs, website statement, media FAQs, holding and reactive statements, and/or business partner/vendor FAQs. |
| Order ID Theft/credit monitoring package | Whether ID Theft/credit monitoring is necessary will depend on the type of Personal Information subject to the Breach. |
| Establish call center support | Even if the City does not need to hire external call support, it should provide internal/external training regardless to handle calls concerning the Incident/Breach, and to document appropriately number of/escalation/resolution of such calls. |

| | |
|---|---|
| **Send Notices** | |
| Notices (if required) | When it is determined that a Breach has occurred, the City's obligation to notify will vary based on whether the City is the data owner (i.e., it is the City's own data) or a the City customer is the data owner (i.e., the City maintains the data because the City is providing services to the customer).<br><br>City of Wheaton's Information Security Policy – notify affected entities as soon as possible<br><br>CJIS – promptly report incident information to appropriate authorities<br><br>PCI-DSS - report any suspected or confirmed cardholder data breach to their payment card brand within 24 hours<br><br>Illinois Personal Information Protection Act - notice should be sent in most expedient time possible and/or without unreasonable delay; as soon/quickly as possible<br><br>HIPAA – the City currently does not store any HIPAA information |
| **After notices are sent** | |
| Recordkeeping | Document the Breach or Incident, including providing a written record of the facts relating to the Breach or Incident, its effects and the remedial action taken. |

## Preparation

Preparation involves the steps that are taken before an incident occurs. This includes training, defining policies and procedures, gathering tools and necessary software, procuring necessary hardware, etc.

- Maintain the Information Security Program, Policies, and Standards.
- Maintain Employee and IT Security Awareness, e.g. training.
- Maintain threat prevention and detection systems, e.g. content filtering, malware protection, intrusion prevention/detection, network traffic monitoring, log capture and review.
- Maintain network traffic and health monitoring systems.
- Subscribe to threat notification services, and act on applicable threats, e.g. MS-ISAC and CIS.
- Perform regular vulnerability scans and penetration tests; and act to mitigate detected issues.
- Manage information service providers and vendors (see Vendor Management Guidelines).
- Maintain the information services disaster recovery plan, e.g. offline backups.
- Maintain business continuity plans.
- Inventory and classify data.
- Practice incident response [tabletop - Refer to NIST SP 800-84].

## Detection and Identification

This is the phase in which events are analyzed to determine if a service interruption or security incident has occurred. It involves automated and manual processes to surface system events and put them into a meaningful context.

- User report
  - an unusual error on a Device
  - unusual Device behavior, e.g. very slow performance, repeated lockups, suspicious pop-ups, adware
  - suspicious email with no obvious phishing tell-tales and with user targeted elements, e.g. the user's name, a place they do business, an account number, etc.
  - lost or stolen Device or media

  - suspicious login, password change, or account lockout history
  - intruder discovered in an office area
- 3rd party report, e.g. a Service Provider, vendor, customer, or law enforcement agency
- IT inbox messages (malware, data loss, suspicious IPs, unusual errors, large or long running backups, off schedule jobs)
- network monitor alarms (see PRTG)
- unusual activity (see Daily Log Review Procedure, Azure Log Analytics, and Splunk)
- high broadband network use (see carrier invoice)

## Response

The first priority is to stop the attack and limit the scope and magnitude of the incident.

- do not login to affected systems with domain administrator credentials
- disconnect the affected systems from the network
- if credentials may have been compromised, disable the affected accounts or change passwords from a clean system
- If the severity is medium or high, consider:
  - shutting down the affected systems (this could result in the loss of evidence)
  - disconnecting the City from the Internet or modifying firewall rules or content filters to block the attack
  - preserving existing backups (ensure that they are kept offline)
  - assembling an Incident Team
    - IT Staff
    - stakeholders, e.g. management of affected departments
    - City attorney
    - 3rd party specialists, e.g. the MS-ISAC, the City Attorney, Cyber Insurance Provider
    - law enforcement, e.g. FBI, DHS, Secret Service, State Police, etc.
  - preserving evidence, including
    - documenting the chain of custody (continuous timeline of who, what, when, where, and why)
    - secure physical Devices
    - protect logs (copy to tamper resistant media)
    - save photos, screenshots, and sample files

    - record all activities performed and document all conversations related to the incident -- work with a partner when possible, so that all actions are witnessed and documented
    - make special backups of the affected systems
- capture all incident information in the Lucity change log
    - Keep a record of all activities performed (who, what, when, why).
    - Keep a record of all conversations related to the incident.

## Mitigation

The second priority is to remove the cause of the incident.

- If the severity is high, consider engaging outside experts to perform a forensic analysis.
- Remove malware and malignant artifacts.

## Reporting

Informal reporting occurs throughout the entire lifecycle of the incident, e.g. IT Staff notifying IT Director, IT Director notifying City Manager, IT Staff updating users, City Manager notifying law enforcement, etc.

If the severity is medium or high, formal reporting begins in the Recovery phase and continues to the end of the incident.

- IT Staff will report to City Users.
- The IT Director, or a designated member of the IT Department, will report to the City's security consultants, e.g. MS-ISAC.
- The IT Director, or a designated member of the Incident Team, will report to the City Manager.
- The Incident Team will report to regulatory agencies, e.g. CIJIS reporting.
- The City Manager will manage all external communications. Unless designated by the City Manager, nobody has the authority to discuss an incident with the public.
- The City Attorney will manage data breach notifications.

## Recovery

In this phase, affected systems are restored and returned to full operations. Close monitoring is necessary to detect recurrence or spread of the threat.

- Modify firewall, filtering, malware, and data loss rules as necessary to achieve containment.
- Implement new tools to ensure similar attacks cannot succeed, e.g. file integrity monitoring.
- Increase monitoring of network, server, and workstations – determine what to look for and for how long.
- Restore from a trusted backup or from clean installation media.
- Eliminate identified vulnerabilities.
    - patch systems
    - harden systems
- Test and confirm containment.
- Evaluate data loss and determine how lost data will be dealt with, e.g. manually entered.
- Return affected systems to normal operating status.

## Remediation

Remediation starts in the Mitigation phase, where obvious vulnerabilities are found and fixed. In this phase the scope broadens. If the severity is medium or high, a root-cause analysis should be performed. A root-cause analysis identifies issues that could cause similar incidents to occur on the same, or other, systems.

- Review incident documentation.
- Perform additional research, testing, and analysis.
- Interview Users, stakeholders, outside experts, etc.
- Implement additional mitigations, e.g. patching.

## Lessons Learned

“Lessons Learned” is a post-incident phase that can bring positive changes to the overall security of the City. The goal of this phase is to prepare a final report on the incident and deliver it to the City Manager, along with suggested improvements to avoid recurrence. A “Lessons Learned” review should be performed for every incident that needed an Incident Team.

The Incident Team should meet within one week of the closing of the incident. The purpose of the meeting is to share and document details about the incident and review existing policies and procedures (written and unwritten). Items to consider during these meetings include, but are not limited to:

- how could the threat have been identified faster
- was the incident response appropriate -- how could the response have been faster
- were the appropriate people informed in a timely manner
- what organizational shortcomings contributed to the incident
    - do any of the City's existing policies, procedures, standards, or guidelines need revision
    - if a policy, procedure, standard, or guideline was not followed, what could be changed to ensure that it is followed in the future
- have the necessary changes been made to prevent a recurrence of the incident, e.g. systems are patched, systems are hardened, passwords are changed, malware protection is updated, policies are revised, etc.

## Testing

The City is committed to ensuring that this Incident Response Standard is functional. This Standard should be tested at least once every three years. The IT Director will define the kind of test to be done, and which areas, systems, or people will be involved.

- Walkthroughs- Team members verbally go through the specific steps as documented in the plan to confirm effectiveness, identify gaps, bottlenecks or other weaknesses. This test provides the opportunity to review the plan with a larger subset of people, allowing the IT Director to draw upon a correspondingly increased pool of knowledge and experiences.
- Simulations- An incident is simulated so normal operations will not be interrupted. Hardware, software, personnel, communications, procedures, supplies and forms, documentation, should be thoroughly tested in a simulation test. However, validated checklists can provide a reasonable level of assurance for many of these scenarios. Analyze the output of the previous tests carefully before the proposed simulation to ensure the lessons learned during the previous phases of the cycle have been applied.
- Full-Interruption Testing- A full-interruption test activates Incident Response Standard. The test is likely to be costly and could disrupt normal operations, and therefore should be approached with caution.

## Revision History

| Revision Date | Description of Changes | Changes Made by |
|---|---|---|
| 12/5/2016 | Created standard | |
| 8/22/2024 | Added references to Cyber Insurance Provider (2 places) | Pat Keegan |
| 10/07/2024 | Added Incident Timeline Matrix | Kinga Konkel |
| 10/31/2024 | Added detailed information on when to send notices | Kinga |

# Data Breach Notification Guidelines.pdf

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# Data Breach Notification Guidelines

| | | | |
|---|---|---|---|
| **Department:** | Information Technology | **Effective Date:** | 12/5/2016 |
| | | **Last Review Date:** | |
| | | **Last Reviewer:** | Pat Keegan |

## Purpose

The City of Wheaton ("the City" or "Wheaton") has documented a data breach notification guideline with the following objectives:

- Define the conditions that trigger Data Breach Notification [DBN] procedures
- Serve as a logical/conceptual triage/framework for addressing data breach notifications, including the procedures to be performed for each type of sensitive data, and thus aligning Wheaton's DBN guideline with applicable state privacy statutes and regulatory compliance mandates
- Serve as the basis for Data Breach Notification procedures defined below in this document.

## Scope

- Legal and Regulatory Scope:
  - This policy applies to the loss or potential loss of any sensitive data which requires notification according to laws or regulatory compliance, specifically:
    - CJI [criminal justice information]
    - PHI [protected health information]
    - CHD [(payment) cardholder data]
    - PII [personal identifiable information]

- Relevant States of Sensitive Data:
  - All sensitive data, breached while:
    - Stored on any machine in Wheaton's IT environment
    - Being Processed in any Wheaton system

- Relevant Forms of Sensitve Data:

- Electronic
- Paper [data state does not apply]

## Policy Statement

A Data Breach is defined as the loss of unencrypted sensitive data or a loss of encrypted sensitive data along with the encryption key(s). When a data breach has been confirmed, but scope of records cannot be confirmed, all potentially lost records are handled as breached for Data Breach Notification purposes.

The City of Wheaton is committed to Data Breach Notification compliance for each type of sensitive data, as applicable to the following laws and regulatory requirements:

| **Sensitive Data Type** | **Regulatory Body** | **Compliance** |
|---|---|---|
| PII<br>personal identifiable information | State of Illinois | 815 ILCS 530/5 Illinois Personal Information Protection Act [PIPA] |
| CJI<br>criminal justice information | U.S. Department of Justice<br>Illinois Criminal Justice Information Authority [ICJIA] | FBI CJIS Policy |
| PHI<br>protected health information | Office of Civil Rights, U.S. Department of Health and Human Services | HIPAA Breach Notification Rule, 45 CFR §§ 164.400-414 |
| CHD<br>credit cardholder data | PCI Security Standards Council | PCI-DSS 3.2 |

Data Breach Notification [DBN] compliance by sensitive data type:

- Breaches involving CHD must be compliant to PCI-DSS DBN requirements from a cardholder data perspective plus PIPA requirements from a PII perspective.
- Breaches involving PHI must be compliant to HIPAA/HITECH DBN requirements from both a personal health information perspective and a PII perspective.
- Breaches involving CJI must be compliant to CJIS requirements from a criminal justice information perspective plus PIPA requirements from a PII perspective.

DBNs shall be delivered to the following recipients, as required by the applicable law or regulatory requirement:

| Sensitive Data Type | DBN Recipient |
|---|---|
| PII<br>personal identifiable information | Individual |
| CJI<br>criminal justice information | Illinois Criminal Justice Information Authority [ICJIA] |
| PHI<br>protected health information | Individual |
| | DHS OCR Secretary |
| | Illinois Attorney General |
| | Media [conditionally, based on breach volume] |
| CHD<br>credit cardholder data | American Express |
| | Discover |
| | Mastercard |
| | Visa |

Data Breach Notifications to Individuals: Recommended Content

- The scope of the individual's personal data associated with the breach.
- The approximate date of the breach.
- The nature of the breach.
- The steps taken, or planned, related to the breach.

Data Breach Notifications to Individuals: Required Content

PII per PIPA:
The disclosure notification to an Illinois resident shall include, but need not be limited to, information as follows:

- That a breach of the security of the resident's personal data has occurred, the toll-free numbers and addresses for consumer reporting agencies; the toll-free number, address, and website address for the Federal Trade Commission; and a statement that the individual can obtain information from these sources about fraud alerts and security freezes.
- The notification shall NOT, however, include information concerning the number of Illinois residents affected by the breach
- [Conditionally, if the breached data includes user names or email addresses] Notice to the Individual to promptly change his or her user name or password and security question or answer, as applicable, or to take other steps appropriate to protect all online accounts for which the resident uses the same user name or email address, and password, or security question and answer.

PHI per HIPAA/HITECH:

- Data Breach Notifications to Individuals must include, to the extent possible, a brief description of the breach, a description of the types of information that were involved in the breach, the steps affected individuals should take to protect themselves from potential harm, a brief description of what The City is doing to investigate the breach, mitigate the harm, and prevent further breaches, as well as contact information for the Individual to contact The City.

## Data Breach Notification Procedures

- Once a Data Breach is formally declared, and only when a Data Breach is formally declared, are these DBN procedures to be activated
- The IT Director is responsible and authorized to activate the DBN procedures. The IT Director may assign a member of the IT Staff to perform the procedures
- Procedures:
  - Confirm the specific sensitive data type(s) which have been breached.
  - Confirm the scope of the data breach. Scope determination shall be included in all Data Breach Incident Response plans.
  - Notify insurance company
    - By Email Attn: Coalition Claims claims@thecoalition.com
    - By Phone 1.833.866.1337
    - By Mail Attn: Coalition Claims 55 2nd St, Suite 2500 San Francisco, CA 94105
    - The current list of Available Panel Providers is available at **coalitioninc.com/panel**
  - Contact MS-ISAC if needed
    - 24x7 Security Operations Center
      - Email: SOC@cisecurity.org
      - Phone: 866.787.4722
  - Contact CISA to report incidents, phishing attempts, malware, and vulnerabilities
    - Online: https://myservices.cisa.gov/irf
    - Phone: 1-844-Say-CISA
    - Email: SayCISA@cisa.dhs.gov
  - All confirmations are the responsibility of the IT Director, designated as decision maker in the IR plans.

Following are the procedures to be followed for each type of sensitive data breach:

## CJI Data Breach:

- Report the breach [as any other computer security incident] to the [ICJIA] Illinois Criminal Justice Information Authority (312) 793-8550. Report the breach promptly, allowing timely corrective action. No specific timeline is mandatory.

**Commented [PK1]:** Check this number

**Commented [PK2R1]:** This was the wrong number, it was the fund granting agency

- For each individual determined to be affected by the data breach, refer to the PII Data Breach procedure below.

## Cardholder Data Breach:

- Notify American Express, Discovery, and Visa immediately upon confirming a data breach. Notify MasterCard within 24 hours of confirming a data breach.
  - American Express: 1-888-732-3750
  - Discover: 1-800-347-3083
  - Visa: 650-432-2978
  - Mastercard: (636) 722-6220
- For each individual determined to be in scope of the data breach, refer to the PII Data Breach procedure below

## PHI Data Breach:

Individual Notices

- For each individual determined to be in scope of the data breach, complete a DBN using the PHI DBN template
- Deliver the DBN using a DHS OCR HIPAA authorized channel:
  - Written form by first-class mail
  - E-mail [requires authorization by the individual]
- Individual notifications must be provided without unreasonable delay and in no case later than 60 days following the discovery of a breach
- Case: insufficient or out-of-date contact information for 10 or more individuals
  - Provide substitute individual notice by either posting the notice on the City's home page of its web site for at least 90 days or
  - Providing the notice in major print or broadcast media where the affected individuals likely reside.
  - Notice must include a toll-free phone number that remains active for at ***least 90 days*** where individuals can learn if their information was involved in the breach.
- Case: insufficient or out-of-date contact information for less than 10 individuals
  - Substitute delivery channels are authorized, including alternative forms of written notice, by telephone, or other means.

**Commented [PK3]:** See what current requirement are

- In order to satisfy HIPAA"s "Burden of Proof" requirement, document the following DBN information:
  - List of individuals receiving notifications
  - Delivery date
  - Delivery method / channel
  - DBN content

Notice to the Secretary

- Covered entities must notify the Secretary using the web portal accessible from the DHS OCR website, by completing the Breach Report form and electronically submitting the form.
- Notification timelines:
  - If a breach of unsecured protected health information affects 500 or more individuals, a covered entity must notify the Secretary of the breach without unreasonable delay and in no case later than 60 calendar days from the discovery of the breach.
  - If a breach of unsecured protected health information affects fewer than 500 individuals, a covered entity must notify the Secretary of the breach within 60 days of the end of the calendar year in which the breach was discovered. (A covered entity is not required to wait until the end of the calendar year to report breaches affecting fewer than 500 individuals; a covered entity may report such breaches at the time they are discovered.)

Notice to Illinois Attorney General

- Notification must be performed within five days of notification to the OCR DHS Secretary

Media Notice

- Conditional: The media is notified only when a sensitive data breach affects more than 500 Wheaton residents
- Wheaton will provide this notification in the form of a press release to media outlets whose scope includes the City of Wheaton
- Media notification must be provided without unreasonable delay and in no case later than 60 days following the discovery of a breach

## PII Data Breach:

- For each individual determined to be in scope of the data breach, complete a DBN using the PII DBN template
- Deliver the DBN using a PIPA authorized channel:
  - Written notice
  - Electronic notice
    - Requirements:
      - Consistent with the provisions regarding electronic records and signatures for notices legally required to be in writing as set forth in Section 7001 of Title 15 of the United States Code
- The disclosure notification shall be made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the data system.

**Commented [PK4]:** What are timeline requirements?

## Related Documents and Links

State of Illinois Personal Information Protection Act 815 ILCS 530
Refer to: http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2702

HIPAA

Refer to: http://www.hhs.gov/hipaa/for-professionals/breach-notification/breach-reporting/index.html

Refer to:
http://www.hhs.gov/hipaa/for-professionals/breach-notification/index.html

Refer to:
http://www.hhs.gov/hipaa/for-professionals/breach-notification/guidance/index.html

CJIS

Refer to: https://www.fbi.gov/about-us/cjis/cjis-security-policy-resource-center

PCI:

Refer to:
https://www.pcisecuritystandards.org/documents/PCI_SSC_PFI_Guidance.pdf?agreement=true&time=1467857212689

## Roles & Responsibilities

IT Director responsibilities:

- ensuring the requirements of the State's Personal Information Protection Act 815 ILCS 530 are met by the City
- declaring the scope of a data breach
- communication with the City Manager
  - internally declaring whether a personal data breach occurred or did not occur
- development and maintenance of a Data Breach Notification Template, which may be delegated to IT Staff

vCISO responsibilities:

- available to the City to provide insight and recommendations regarding a known, probable or potential breach of personal data
- providing security engineer resources upon request of the IT Director

City Manager responsibilities:

- approving or rejecting IT Director's recommendation to proceed with data breach notifications
- timing of notification delivery
- external communication regarding a data breach
  - To authorities:
    - state of Illinois
    - FBI [depending on volume of records potentially affected by the breach]
  - To the public

## Glossary of Terms

CJI criminal justice information
PHI protected health information
PCI payment card industry
CHD credit cardholder data
GLBA Gramm-Leach-Bliley Act
PIPA Personal Information Protection Act
PII personal identifiable information
DHS Department of Health and Human Services
OCR Office of Civil Rights
Sensitive data / protected data Defined in Wheaton's Data Classification Policy

## Revision History

| Revision Date | Description of Changes | Changes Made by |
|---|---|---|
| 12/5/2016 | Created standard | |
| 10/31/2024 | Updated Data Breach Notification Procedures section with contact information for insurance, MS-ISAC, and CISA. | Kinga |

# Application by an adult for admission of a minor.pdf

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Ref.:405 ILCS 5/3-503 and 3-504

# APPLICATION BY AN ADULT FOR ADMISSION OF A MINOR

Printed Name of Minor: _____ Date of Birth: _____

Minor's Complete Address: _____

Name of Parent, Guardian or Person in Loco Parentis: _____

Applicant's Complete Address: _____

Telephone: _____

Name of Center: _____

I hereby request that this center admit and provide inpatient services to: _____
(Printed Name of Minor)

Signature: _____ Date: _____

Relationship to Minor: _____

If the applicant is NOT the parent, guardian or person in loco parentis of the minor he or she must certify, by signing below, that he or she believes that the minor is in such condition that immediate hospitalization is necessary and has made diligent but unsuccessful effort to locate the minor's parent, guardian, or person in loco parentis, or the parents or guardian refused to sign the application.

Signature: _____

The minor was:

☐ admitted; or

☐ denied admission

on _____ (date - month/day), _____ (year) at _____ (time)

Printed Name and Title: _____

Signed: _____ for Center Director: _____

I have explained the rights contained on the back of this form to the person executing this application and to the minor (if age 12 or older), and have given each copy of this form in:

☐ English ☐ Spanish ☐ Other (specify): _____

I have also provided the applicant and the minor (if age 12 or older) with a copy of the "Rights of Individuals" and explained those rights to them.

Printed Name and Title: _____

Signed: _____ Date: _____

## APPLICATION BY AN ADULT FOR ADMISSION OF A MINOR

If you are age 12 or older you have the right to object to your admission to the center at any time; or any interested person over age 18 may object to your admission. Your objection must be in writing. When an objection is made, you should be discharged at the earliest appropriate time, but not longer than 15 days, excluding Saturdays, Sundays and holidays, unless:

1. You withdraw the objection in writing; or
2. The center files a petition and two certificates with the court for the review of your admission. You will then have an attorney appointed to represent you and the court will decide if you should be discharged.

If your parent or guardian or a person in loco parentis requests your discharge, you shall be discharged at the earliest possible time not to exceed 5 days to the custody of the person who requested your discharge unless:

1. You are 12 years of age or older and object to your discharge; or
2. The center files a petition and two certificates with the court for the review of your discharge. You will then have an attorney appointed to represent you and the court will decide if you should be discharged.

If you are still hospitalized 30 days after the date of your admission, the center director or designee will review your record. If he or she determines you need further hospitalization, he or she will talk to the person who signed your admission form. That person must agree to have you stay in the center or it will be considered as a request for discharge (see above). Every 60 days, until you are discharged, the center director will review your record and talk to the person who signed the admission form.

A Guardianship and Advocacy Commission is a state agency consisting of three divisions: Legal Advocacy Services, Human Rights Authority and the Office of the State Guardian. The Commission is located at the following addresses:

**East Central Regional Office**
2125 S. First Street
Champaign, IL 61820
Phone: (217) 278-5577
Fax: (217) 278-5588
TTY: (866) 333-3362

**Peoria Regional Office**
401 N. Main Street, Suite 620
Peoria, IL 61602
Phone: (309) 671-3030
Fax: (309) 671-3060
TTY: (866) 333-3362

**Rockford Regional Office**
4302 N. Main Street, Suite 108
Rockford, IL 61103
Phone: (815) 987-7657
Fax: (815) 987-7227
TTY: (866) 333-3362

**Egyptian Regional Office**
#7 Cottage Drive
Anna, Illinois 62906-1669
Phone: (618) 833-4897
Fax: (618) 833-5219
TTY: (866) 333-3362

**West Suburban Regional Office**
Madden Mental Health Center
1200 S. First Avenue, P.O. Box 7009
Hines, IL 60141
Phone: (708) 338-7500
Fax: (708) 338-7505
TTY: (866) 333-3362

**Metro East Regional Office**
Holly Bldg., 4500 College
Suite 100
Alton, IL 62002
Phone: (618) 474-5503
Fax: (618) 474-5517
TTY: (866) 333-3362

**North Suburban Regional Office**
9511 Harrison Avenue
Des Plaines, Illinois 60016
Phone: (847) 294-4264
Fax: (847) 294-4263
TTY: (866) 333-3362

**Chicago Regional Office**
160 N. La Salle Street
Suite S500
Chicago, IL 60601
Phone: (312) 793-5900
Fax: (312) 793-4311
TTY: (866) 333-3362

**Springfield Regional Office**
521 Stratton Building
401 S. Spring Street
Springfield, IL 62706
Phone: (217) 785-1540
Fax: (217) 524-0088
TTY: (866) 333-3362

Equip for Equality, Inc. is an independent, not-for-profit organization that administers the federal protection and advocacy system to people with disabilities in Illinois. Equip for Equality, Inc., provides self-advocacy assistance, legal services, education, public policy advocacy, and abuse investigations. The offices are located at:

**Main/Chicago Office**
20 N. Michigan, Ste 300
Chicago, Illinois 60602
(800) 537-2632 or
(312) 341-0022
TTY: (800) 610-2779
Fax: (312) 541-7544

**Central Illinois**
1 West Old Capitol Plaza, Suite 816
Springfield, IL 62701
(217) 544-0464
(800) 758-0464
TTY: (800) 610-2779
Fax: (217) 523-0720

**Northwestern Illinois**
1515 Fifth Avenue, Suite 420
Moline, IL 61265
(309) 786-6868
(800) 758-6869
TTY: (800) 610-2779
Fax: (309) 797-8710

**Southern Illinois**
300 E. Main Street, Suite 18
Carbondale, IL 62901
(618) 457-7930
(800) 758-0559
TTY: (800) 610-2779
Fax: (618) 457-7985

Website: www.equipforequality.org

# Range Use and Inspection.pdf

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# RANGE USE AND INSPECTION REPORT

Before the range can be used by any employee or organization, it must be inspected by a Wheaton Police Department supervisor or range officer. The inspecting individual must complete the below pre-use inspection. Employees may utilize the range on/off-duty with the approval of a supervisor. Use of the range by non-employees must be approved by the Chief of Police. Once use of the range has been completed and the range has been cleaned, it must be inspected by a Wheaton Police Department supervisor or range officer. The inspecting individual must complete the below post-use section.

## Pre-Use Inspection

| | |
|---|---|
| Date: | Inspection Completed by: |
| Range Condition (circle one): Acceptable Unacceptable | |
| If Unacceptable Explain Why: | |
| | |
| | |
| | |

## Range Use

| | |
|---|---|
| Date: | Watch, Employee or Organization: |
| Approved by: | |
| Range Master or Safety Officer: | |
| Time In: | Time Out: |
| Unusual Occurrences: | |
| | |
| | |
| | |

## Post-Use Inspection

| | |
|---|---|
| Date: | Inspection Completed by: |
| Range Condition (circle one): Acceptable Unacceptable | |
| If Unacceptable Explain Why: | |
| | |
| | |
| | |

This completed form must be submitted to an on-duty supervisor who shall forward it through the chain of command. Attach any Hold Harmless/Liability Waiver forms from quests.

Supervisor Date

# 115-97B HOLD HARMLESS AGREEMENT - RANGE (Individual Person).pdf

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WHEATON
POLICE DEPARTMENT

900 W LIBERTY DRIVE, WHEATON, IL, 60187
630.260.2161 | www.wheaton.il.us

# HOLD HARMLESS AGREEMENT

I, the undersigned, in consideration of permission granted by the Police Department, Wheaton, Illinois, to use the range facilities, hereby agree for ourselves, successors, and assignees, by operation of law or otherwise, except as hereinafter provided, to hold harmless the City of Wheaton and to assume full responsibility for and to defend, pay or otherwise settle any and all claims, demands, actions, or causes of action of every nature and character whatsoever in law of equity for loss, damage, or injury to any and all persons or property arising out of such use by myself. I further agree to release and discharge the City of Wheaton (including any department or agency thereof), its agents and any and all civilian and contract personnel, their heirs, successors, executors, administrators or assignees from any and all liabilities, claims, demands, actions or cause of action of every nature whatsoever arising out of such use by myself and to indemnify and hold harmless the City of Wheaton (including any department or agency thereof), its agents and any and all civilian and contract personnel, their heirs, successors, executors, administrators or assignees from loss or damage.

It is understood and agreed that the City of Wheaton (including any department or agency thereof) assumes no responsibility for the condition of the range, or any other facilities at the Police Department, or for the security of or damage to any personal property on land owned or controlled by the City of Wheaton.

NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

TELEPHONE: _____ OCCUPATION: _____

DATE OF BIRTH: _____

SIGNATURE: _____

Dated at Wheaton, DuPage County, Illinois this _____ day of

_____, 20_____, at _____ o'clock _____ M.

WITNESS: _____
Name Title

115-97B
Wheaton PD

# WPD Packaging Guidelines.pdf

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# Wheaton Police Department




# Property and Evidence Packaging Manual

# Submitting Officer Responsibilities

- Enter all pertinent information into the Beast, including case information, people, property details, making sure to identify the owners of property.
- Within reason, each item should be packaged and submitted separately. Property which all has the same owner and will likely have the same chain of custody through disposal may be packaged together. (Five bottles of perfume taken in a retail theft from the same store may be packaged together, but if each bottle was stolen from a different store they should be packaged separately)
- All property shall be submitted in the appropriate packaging container
    - Flat items should be packaged in envelopes and bulkier items should be packaged in boxes
    - Large bulky items that do not lend themselves to packaging may be submitted without packaging if contamination, degradation, or evidence alteration is not a concern.
    - Select the smallest suitable package for each item to protect the item from loss or damage and allow for a proper seal.
- Each box shall be sealed with heavy duty tape to prevent:
    - Loss of evidence
    - Cross-transfer of evidence or evidence samples
    - Harmful change or degradation resulting from exposure to air or other conditions




- Render each envelope tamper evident by using evidence tape making it impossible to access the interior of the package without causing obvious damage to it

- Handwrite initials and date across the tape and onto the surface of the package to identify the person who created the seal and the dated it was sealed
- After each barcode label is printed, the submitting officer will sign the label and attach it to the package. Labeling guidelines must be followed for proper storage and retrieval
- All Bio-Hazard evidence shall have a Bio-Hazard sticker attached to the outside of packaging prior to submission
- Packaged items shall be secured in a locker, with the associated key dropped in the designated secure area

# General Labeling and Packaging Guidelines

**Red Evidence tape is used ONLY for items that need lab testing**
**Blue Evidence tape is used for all other property/evidence**

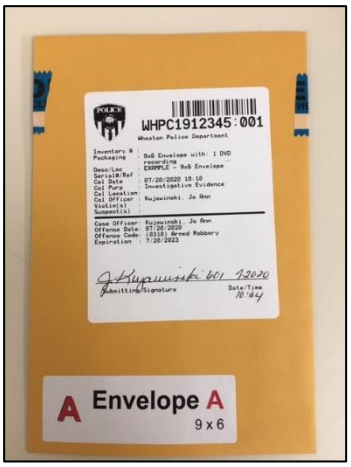
## Preserving Minute Evidence

Small pieces of evidence, such as fingernail scrapings, hair, paint scrapings, etc., shall be placed in a smaller envelope prior to being placed into the submitting envelope

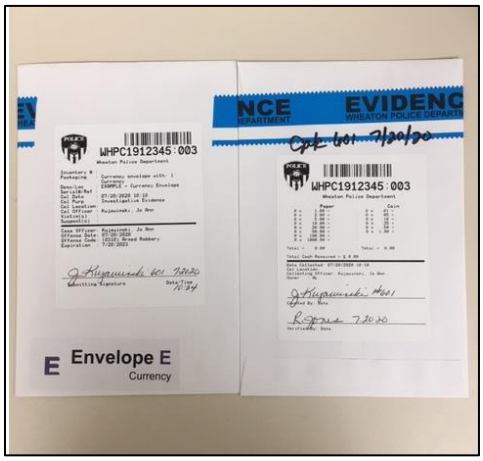
## Labels

All containers of property or evidence shall have a label attached. Attach labels to envelopes as shown:

9x6 – Env A




Currency – Env E



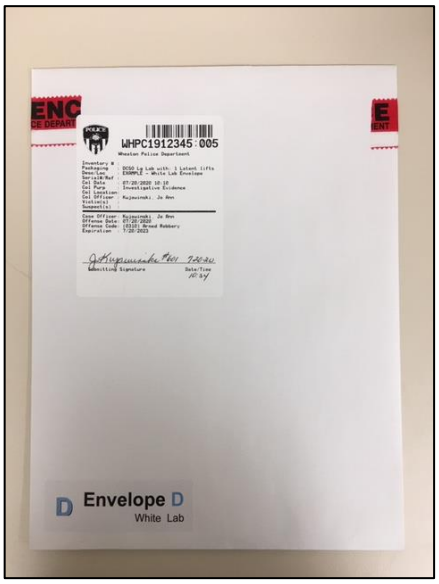

Blue Lab – Env K



9x12 – Env B




White Lab – Env D




# Attach labels to boxes as shown:

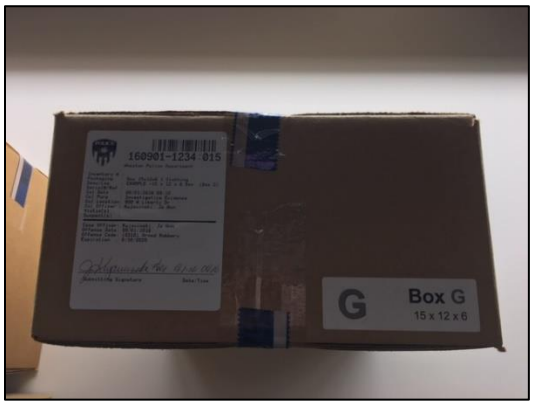
24x24x18 – Box C




24x16x12 – Box B




15x12x6 - Box G




12x7x5 – Box M



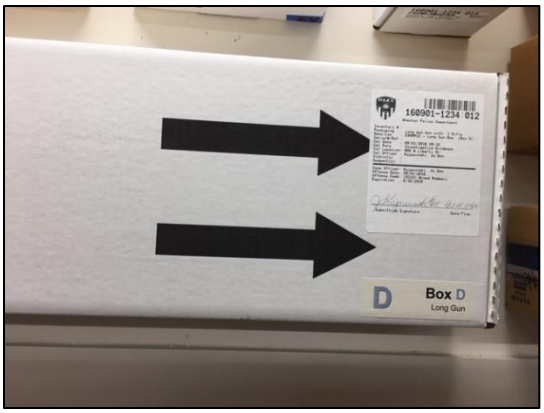
15x11.5x2 – Box N



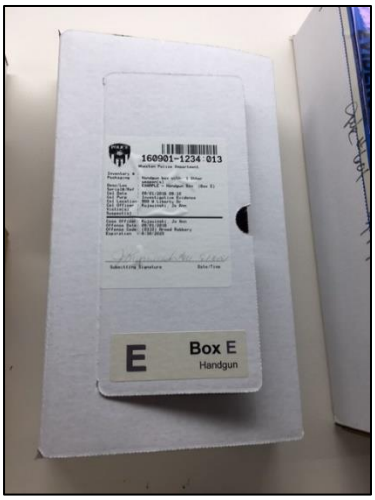

10x7x1.5 – Box L




Long Gun – Box D



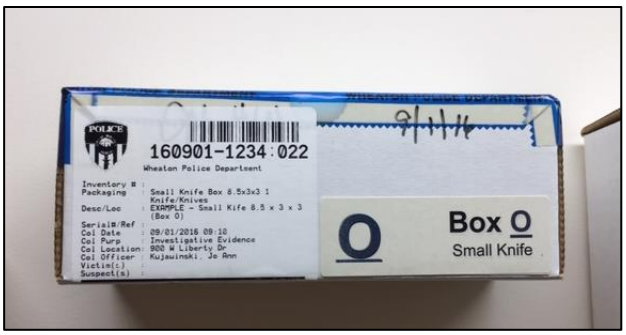

Handgun – Box E



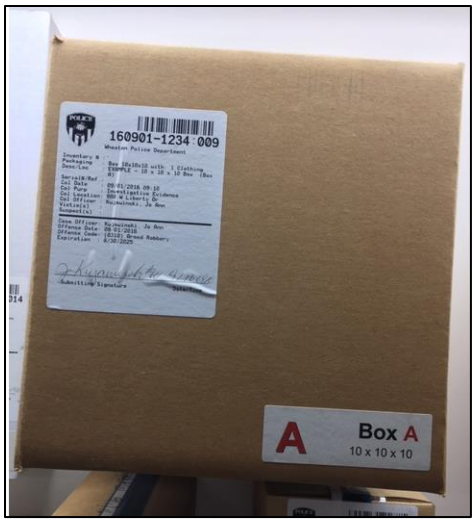

Knife – Box F




Small Knife – Box O



10x10x10 – Box A




Tubes – Box P




6x4x4 – Box H




6x5x5 – Box K




## Special Considerations

Firearms

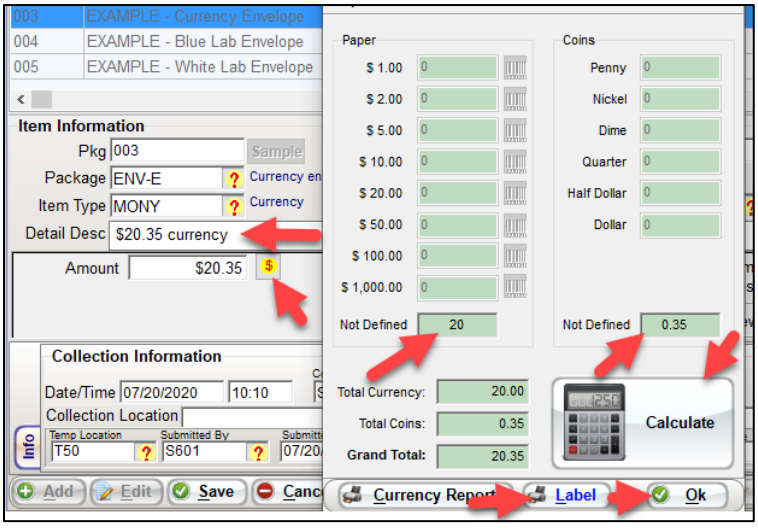
- All firearms will be made safe by ensuring they are NOT LOADED prior to entering the evidence packaging area
- Ammunition will be packaged separately from the weapon
- Weapons turned in for destruction WILL NOT be packaged in a gun box.
- The weapon will be entered into the Beast, the officer will indicate in the comments field that the weapon is for destruction.




- The label will be attached directly to the weapon
- Imitation labels will be attached to the package when appropriate

## Currency

- All currency shall be packaged and submitted in a currency envelope
- Currency shall be counted and verified by another officer or supervisor
- In the Beast, note in the Detail Desc the total amount
- Click on the Amount tab and in the Paper column enter the total of paper currency in the Not Defined box at the bottom. Do the same in the Coins column.
- Click Calculate to get the grand total
- Click OK
- Re-open the Amount tab
- Click Label and attach it to the back of the currency envelope (see example in the Labels section)
- The label must have the officer and the verifying officer/supervisor's signature



Alcohol

- Open alcohol SHALL NOT be entered into evidence
- The officer shall photograph the open alcohol in its container
- A small amount of alcohol shall be poured into a plastic liquid container and secured tightly.
- The empty container and the sample shall be packaged and entered into the Beast as one item
- After photographing and securing a sample of alcohol from a keg or barrel of alcohol, the keg or barrel shall be placed in bike pound with the evidence label attached
- The sample and keg shall be entered as separate items in the Beast
- In misdemeanor cases, the officer has the discretion to return the remaining alcohol to the lawful owner or destroy after photos and a sample is secured

Explosives and Flammable Items

- Suspected explosives, powders, liquids etc. shall NEVER be brought into the facility
- They should be rendered safe prior to submission to the Beast and stored in the temporary flammable cabinet in the bike pound
- Arson debris evidence and clothing shall be packaged in paint cans to prevent evaporative loss of flammable liquid evidence

Tool Marks

- Suspect tools shall be packaged so that the working surfaces or edges of the tool are protected from impact or damage

Bulk Items

- If a vehicle is taken in a felony case, the vehicle shall be secured in the sallyport
- Items such as bicycles, tires and large car parts shall be entered into the Beast, labeled, and then placed into the temporary bike pound

Photos, Video and Digital Media Submissions

- All evidentiary photos/images/videos regardless of having been generated by police, victims, witnesses, etc., shall be:
  - Written to a CD/DVD
  - Identified with an adhesive disc label
  - Marked as Original
  - Submitted to the Beast
- If the case is a locally prosecuted DUI:
  - Three copies of all disks shall be created
  - Each identified with an adhesive label
  - The copies shall be marked as Original, City Attorney and Defense
  - Submit the Original copy to the Beast
  - The remaining copies shall be given to Services for delivery to the city attorney's office

Laboratory Submissions

- All items for Lab submissions will be packaged in either a large white lab envelope or small blue lab envelope and sealed with RED evidence tape
- DUI Kits will be entered into the Beast
- The label shall be attached to the DUI Kit as shown below




- If the case is for a DUI or DUI-Drugs, the kit shall be placed into the temporary refrigerator, locked and the key placed in the supervisor's lock box

- If the case is from a DUI-Drug case that **needs to be tested for THC levels**, the type of test should be indicated on the AFTL Billing Information sheet. The billing sheet and the kit should be placed into the temporary refrigerator, locked and the key placed in the supervisor's lock box
- The officer shall email the PCO when the kit is ready to be sent for testing

Controlled Substances and Cannabis

- Drugs and paraphernalia should be packaged separately
- Cannabis should only be submitted in a dry state.
    - If the plants are found growing, the root system is to remain intact.
    - The plant is to be removed from any dirt containers.
    - Only the plants, not dirt shall be submitted into evidence.
    - Plants may need to air dry in a temporary locker
- Syringes and needles are not accepted by the crime lab
- Liquid substances, such as found in a needle will not be accepted by the lab.
- Leak proof containers should always be utilized for submission
- LSD must be sealed in a plastic bag before being placed in an evidence envelope to ensure the substance does not penetrate the envelope

DNA Evidence

- Criminal **S**exual **A**ssault **K**its:
    - Shall be entered into the Beast
    - Attach the Beast label to the SAK
    - Initial across the package seal
    - The Patient Consent Form must accompany the SAK
    - Place the SAK & form in the temporary refrigerator
- All DNA must have a Bio-Hazard sticker affixed to the item
- A DNA form must be filled out and taken with the item to the lab for testing

Fingerprints

- All fingerprint submissions to the lab should be sent with elimination prints when possible
- Each set of latent and elimination prints must be packaged separately
- Suspect SID or FBI numbers should be included with the lab submissions when applicable

# WPD Packaging Guidelines Updated.pdf

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# Wheaton Police Department




# Property and Evidence Packaging Manual

# Submitting Officer Responsibilities

- Enter all pertinent information into the BEAST, including case information, people and property details. When known, the identity and contact information for the owners of property must also be entered.
- Within reason, each item should be packaged and submitted separately. However, if multiple items are involved in the same case, have the same owner, and will likely have the same chain of custody through disposal, these items may be packaged together (i.e. five bottles of perfume taken in a retail theft from the same store may be packaged together. If each bottle recovered was stolen from a different store, each bottle should be entered as a separate item and packaged separately. This will assist in returning the items to the owner at the conclusion of the case/case proceedings).
- All property shall be submitted in the appropriate packaging container:
    - Flat items should be packaged in envelopes and bulkier items should be packaged in boxes.
    - Select the smallest suitable package for each item to protect the item from loss or damage and allow for a proper seal.
    - Large bulky items that do not lend themselves to packaging may be submitted without packaging if contamination, degradation, or evidence alteration is not a concern.
- Each box shall be sealed with heavy duty tape to prevent:
    - Loss of evidence.
    - Cross-transfer of evidence or evidence samples.
    - Harmful change or degradation resulting from exposure to air or other conditions.




- Each item shall be packaged with evidence tape (blue or red) to demonstrate the integrity of the submission.
- Handwrite initials and the date across the tape and onto the surface of the package to identify the person who completed the packaging and the date it was sealed.
- After each barcode label is printed, the submitting officer will sign the label and attach it to the package. Labeling guidelines must be followed for proper storage and retrieval.
- All Bio-Hazard evidence shall have a Bio-Hazard sticker attached to the outside of packaging prior to submission.
- Packaged items shall be secured in the appropriate locker. If the packaging requirements are completed and the item is ready for submission into the vault, place items in push button lock lockers. If the item(s) requires temporary storage, the completion of the packaging requirements will be finalized at a later time, and the officer obtained supervisory approval, utilize the digital lockers. When utilizing temporary lockers, the officer must provide the requested information on the dry erase board (See locker SOP).

# General Labeling and Packaging Guidelines

**Red Evidence tape is used ONLY for items that need lab testing**
**Blue Evidence tape is used for all other property/evidence.**

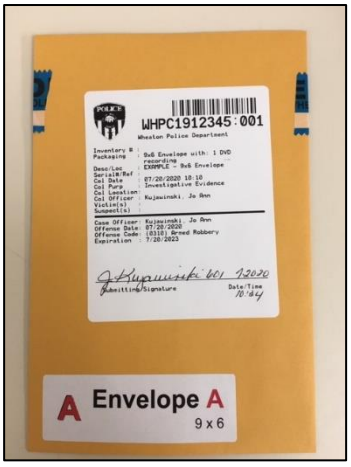
## Preserving Minute Evidence

Small pieces of evidence, such as fingernail clippings, hair, paint scrapings, etc., shall be placed in a smaller container, baggie or envelope prior to being placed into the submitting envelope.

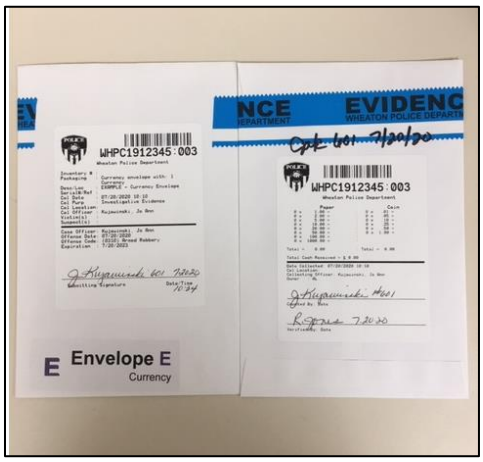
## Labels

All envelopes and boxes containing property or evidence shall have a label attached. Please see the images below for the placement of the label:

9x6 – Env A




Currency – Env E




Blue Lab – Env K




9x12 – Env B




White Lab – Env D



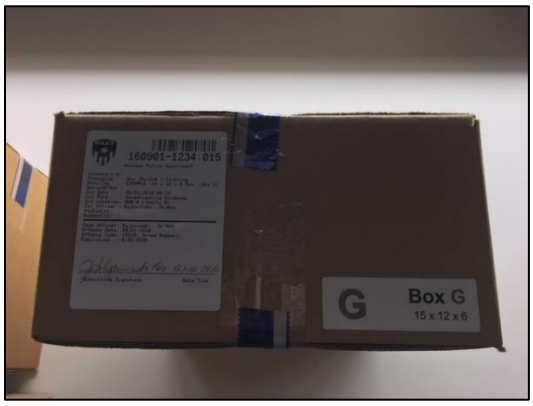
24x24x18 – Box C




24x16x12 – Box B




15x12x6 - Box G




12x7x5 – Box M



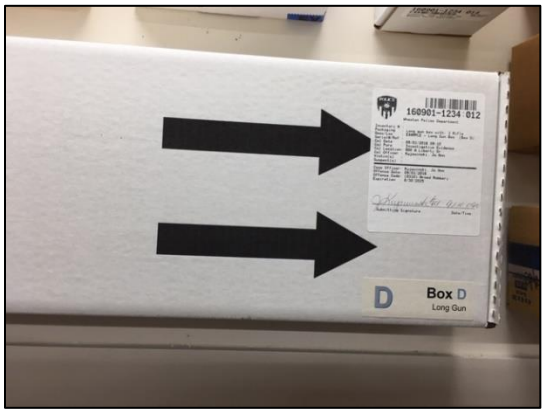

15x11.5x2 – Box N



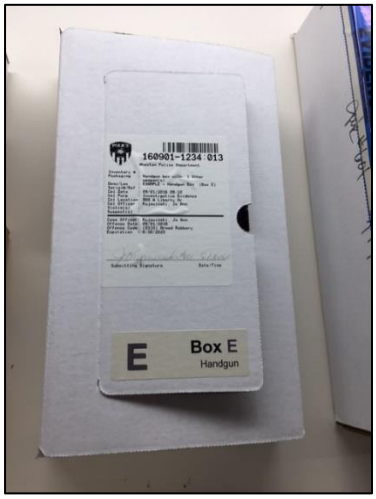

10x7x1.5 – Box L



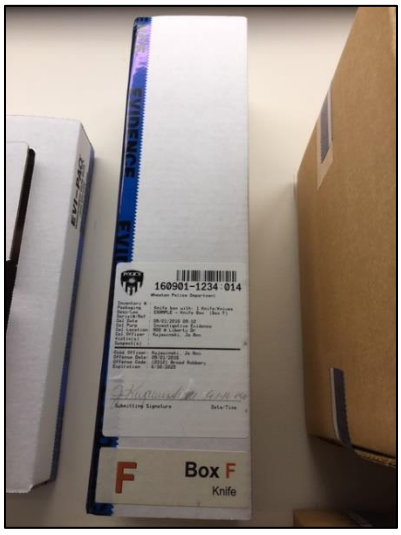
Long Gun – Box D



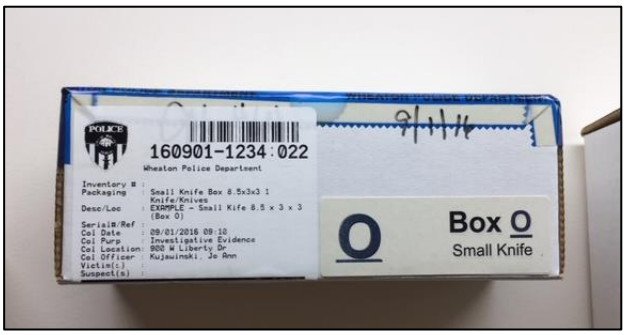

Handgun – Box E



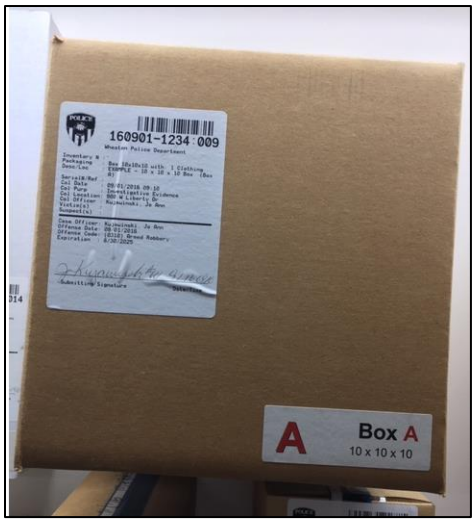

Knife – Box F




Small Knife – Box O




10x10x10 – Box A




Tubes – Box P



6x4x4 – Box H




6x5x5 – Box K




## Special Considerations

### Firearms

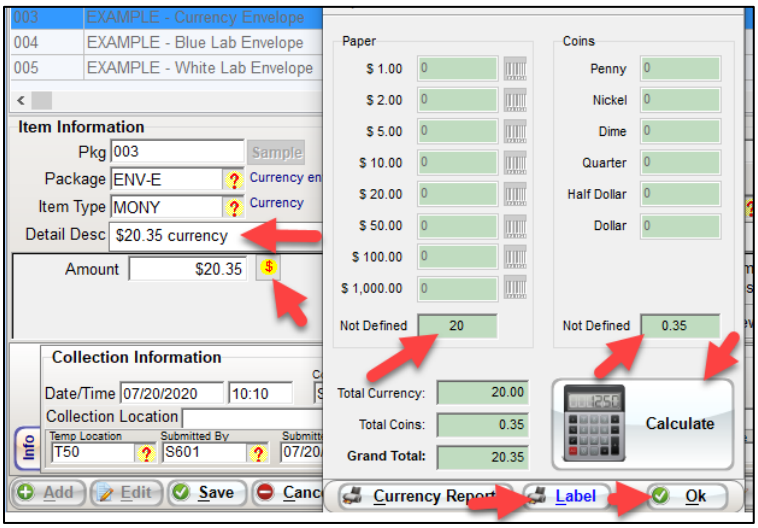
- All firearms will be made safe by ensuring they are NOT LOADED prior to entering the evidence packaging area.
- Ammunition will be packaged separately from the weapon.
- Firearms turned in for destruction WILL NOT be packaged in a gun box.
    - The weapon will be entered into the BEAST, the officer will indicate in the comments field that the weapon is for destruction.
    - The label will be attached directly to the weapon with a toe tag.




- Toy, look-alike, and imitation firearms (including, but not limited to bb-guns, air-soft, and prop guns) should be labeled with an “imitation” sticker attached to the package when the item is evidence. In circumstances when the item is entered for destruction, follow the same procedure for firearms turned in for destruction outlined in bullet point 3.

## Currency

- All currency shall be packaged and submitted in a currency envelope.
- Currency shall be counted and verified by another officer or supervisor.
- In the BEAST, the total amount shall be identified in the “Detail Desc.”
- Click on the Amount tab.
    - Under the “Paper” column, the total of paper currency should be included in the “Not Defined” box at the bottom. Follow the same process for the “Coins” column (See image below).
- Click Calculate to get the grand total.
- Click OK.
- Re-open the Amount tab.
- Click Label and attach it to the back of the currency envelope (see example in the Labels section).
- The label must have the officer and the verifying officer/supervisor’s signature.




## Alcohol

- Open alcohol SHALL NOT be entered into evidence.
- The officer shall photograph the open alcohol in its container.
- A small amount of alcohol shall be poured into a plastic liquid container and secured tightly.
- The empty container and the sample shall be packaged and entered into the BEAST as one item.
- If the alcohol was contained within a keg or barrel, the container should be photographed, and a sample should be secured in a plastic liquid container and secured tightly. The keg or barrel shall be placed in the Bike Pound with the evidence label attached.
- The sample and keg shall be entered as separate items in the BEAST.
- For additional guidance involving the collection and submission of alcohol, please see your supervisor.

## Explosives and Flammable Items

- Suspected explosives, powders, liquids etc. shall NEVER be brought into the facility.
- They should be rendered safe prior to submission to the BEAST and stored in the Temporary Flammable Cabinet in the Bike Pound.
- Arson debris evidence and clothing shall be packaged in paint cans to prevent evaporative loss of flammable liquid evidence.

## Tool Marks

- Suspect tools shall be packaged so that the working surfaces or edges of the tool are protected from impact or damage.

## Bulk Items

- If a vehicle is taken in a felony case, the vehicle shall be secured in the Sallyport, until further direction from a supervisor or the State's Attorney's Office.
- Items such as bicycles, tires, large car parts, etc. shall be entered into the BEAST, labeled, and placed into the Temporary Bike Pound.

## Photos, Video and Digital Media Submissions

All photos, videos, and digital media evidence shall be uploaded to Evidence.com. The user who uploads evidence files becomes the owner of the evidence. When an officer imports an evidence file, Evidence.com classifies the file by its file type (video, image, audio, or document) based on the file extension. You can filter evidence searches by file type. If Evidence.com does not recognize a file extension, it classifies the file as "Other".
The maximum file size is 4 Gigabytes.

Steps to Import Evidence

1. On the menu bar, select **Evidence** and then, under the search filters, select **Import Evidence** to open the Import Evidence page.
2. Add the files that you want to import, using either of the following methods:
    - Find the files on your computer and then drag and drop the files onto the **Import Evidence** page.
    - Select **Choose Files** and then use the dialog box to find and select the files on your computer.

    **Note:** You can add up to 500 files at one time.
3. Once the files are added, you can edit the **Title**, **ID**, and **Category** information individually for each file. You can also edit the IDs and Categories for all the imported evidence or select and edit the IDs and Categories for specific files using the **Edit All IDs** and **Edit All Categories** options.

| Information | Purpose |
|---|---|
| **Title** | A meaningful name for the evidence. If you omit the title, Evidence.com assigns the file name as the title. |
| **ID** | It is recommended that you assign evidence the same ID as the case that the evidence is associated with. After you import evidence, you can easily add it to the case. |
| **Category** | Determines the retention period for evidence that is not assigned to an active case. For sensitive evidence, restricted categories provide additional, permission-based control of who can view the evidence. |

4. Although it is recommended that you add the title, ID, and category now, Evidence.com enables you to add this information after importing the evidence.

5. Select **Upload**. Evidence.com begins uploading the evidence files. When Evidence.com has successfully uploaded a file, the Progress column shows “Upload Complete”. If an upload fails, you can use the **Retry** option to try to upload the files without having to choose the files again.
6. When you have finished uploading evidence files, close the **Import Evidence** page.

## Laboratory Submissions

- All items for Lab submissions will be packaged in either a large white lab envelope or small blue lab envelope and sealed with RED evidence tape.
- DUI Kits must be entered into the BEAST before the end of shift.
- The label shall be attached to the DUI Kit as shown below.




- The officer shall email the PCO when the kit is ready to be sent for testing and specify the type of testing requested. (Alcohol, Drugs, THC quantification, ETC.).

## Controlled Substances and Cannabis

- Drugs and paraphernalia should be packaged separately.
- Cannabis should only be submitted in a dry state.
    - If the plants are found growing, the root system is to remain intact.
    - The plant is to be removed from any dirt containers.
    - Only the plants, not dirt shall be submitted into evidence.
    - Plants may need to air dry in a Temporary Locker.
- Syringes and needles are not accepted by the Crime Lab.
- Liquid substances, such as found in a needle will not be accepted by the lab.
- Leak proof containers should always be utilized for submission.
- LSD must be sealed in a plastic bag before being placed in an evidence envelope to ensure the substance does not penetrate the envelope.

## DNA Evidence

- Criminal **S**exual **A**ssault **K**its:
    - Shall be entered into the BEAST.
    - Attach the BEAST label to the box of the kit and initial across the package seal.

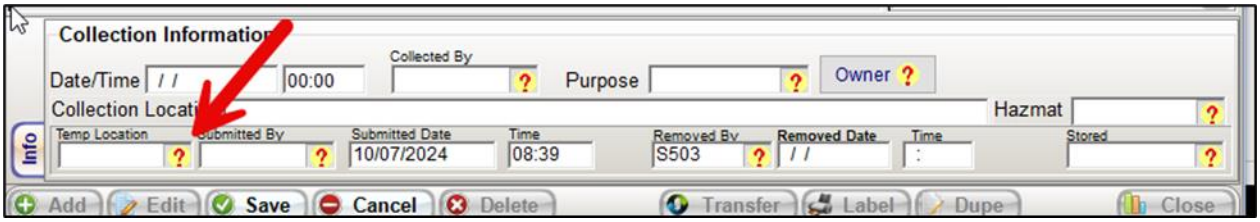
    - The Patient Consent Form must accompany the sexual assault kit.
    - Place the kit and associated form in a Temporary Refrigerator Slot.
- All DNA must have a Bio-Hazard sticker affixed to the item.

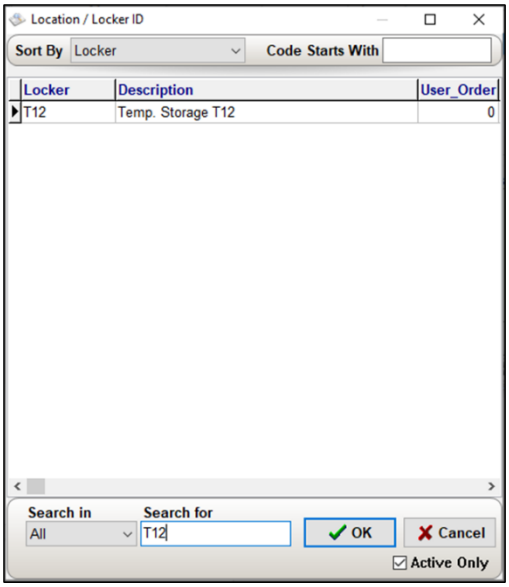
Fingerprints

- All fingerprint submissions to the lab should be sent with elimination prints, when possible.
- Each set of latent and elimination prints must be packaged separately.
- Suspect SID or FBI numbers should be included with the lab submissions, when applicable.

# Evidence Locker Submissions

- Continue entering the requested information in the BEAST for each required field .
- Contingent on reasonable availability, the lockers are designated in the following manner:
    - Lockers 5,12-15,17,19-23 (Push Button) – evidence that is properly packaged, labeled and sealed for submission into the vault.
    - Lockers 6-9 (Digital Keypad) – Cellebrite/GrayKey digital extraction
    - Lockers 1,2,4,11,16,18 (Digital Keypad) – evidence that is pending submission or return to officer/owner.
    - Cages 1-5 – Using the same previous process and dropping the key into the Locker #3 mail slot.
    - Locker #3 Mail slot – evidence that is ready for immediate submission that can properly fit thru slot. (9x6 and 9x12 envelopes)
- When selecting "Temp Location," enter an available temporary locker, identified by the number plate on each locker door/cage. For purposes in the example below, temporary locker "T12" was selected:




- If you are submitting all your Evidence at that time, choose an Evidence Locker with a push button lock. If not, see the end of SOP.




- Place all Evidence within the locker.



- Once all Evidence is packaged and labeled according to policy, close the locker and press the button to lock.




- If you can fit your Evidence envelopes in the mail slot (Locker 3), slide all your Evidence envelopes into the mail slot.
- If you are utilizing the cages to submit Evidence, lock the locker with the pad lock and drop the key into the mail slot.



- If you are not submitting Evidence at that time, and need to <u>temporarily</u> store Evidence in locker, select a locker with digital keypad *without* a USB inside. This includes lockers 1,2,4,11,16, and 18.

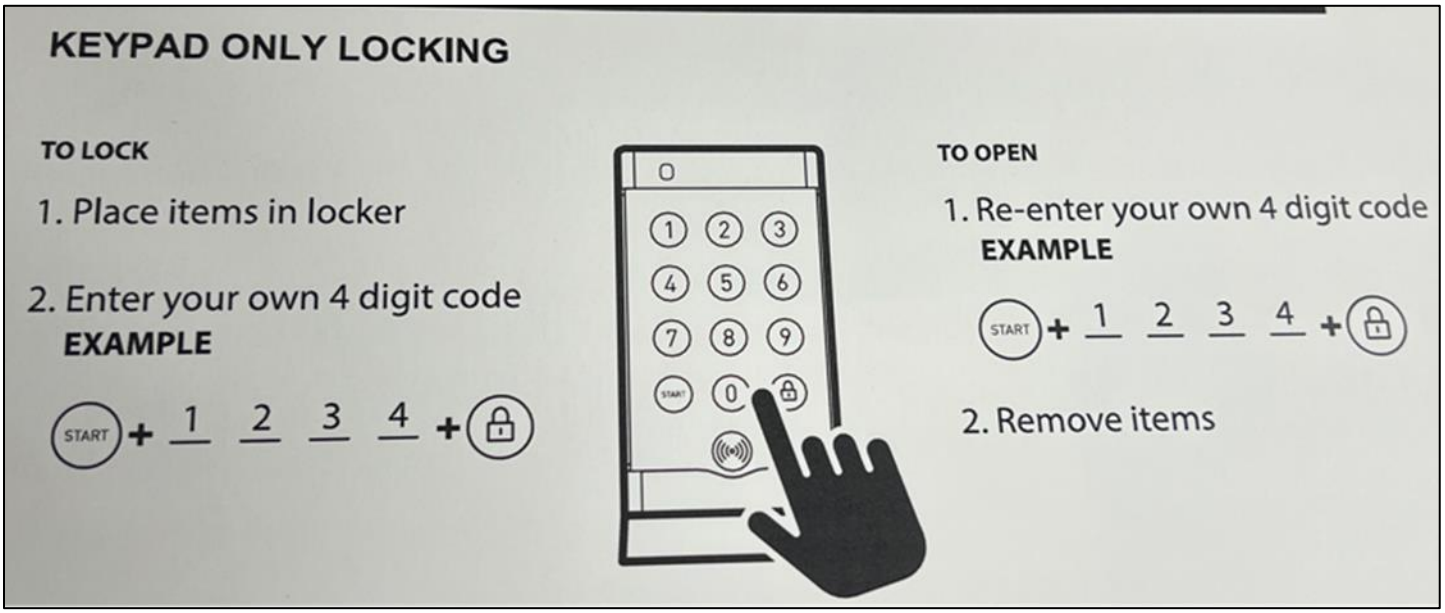
***NOTE*- ALL EVIDENCE SHALL BE ENTERED BY THE END OF YOUR DUTY DAY, UNLESS OTHERWISE AUTHORIZED BY YOUR SUPERVISOR**



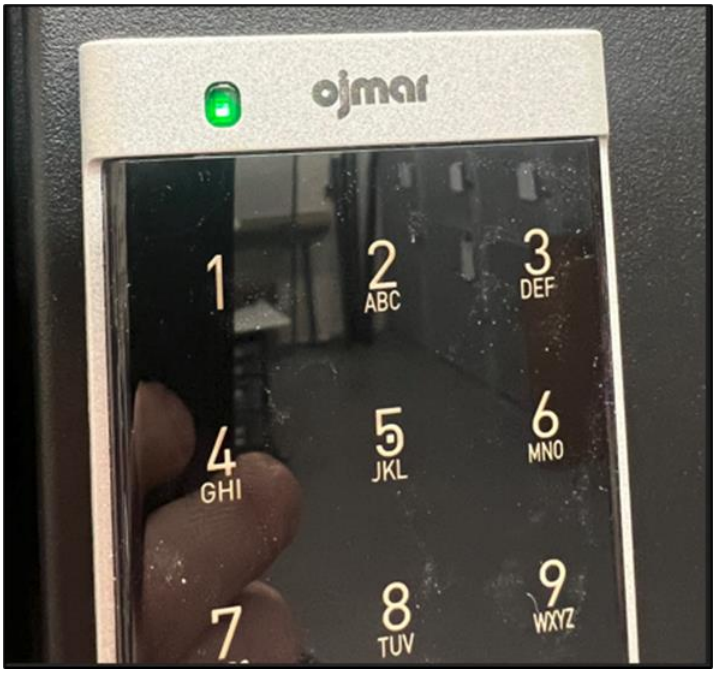

- The light in the upper left corner of the digital keypad will flash red every 3 seconds (approximately) if the locker is already being utilized and secured with another code.



- If there is no flashing red light, the locker is available to be utilized. If when/when your supervisor approves your request for temporary storage, place evidence within an available locker and close.
- Once closed, utilize the digital keypad and enter your 4-digit code to lock. The 4-digit code will be provided.
    - EXAMPLE –
        - START + 1 2 3 4 + 
- To open the locker, repeat the same steps and remove items.




- When the lock is successfully configured, you will see a green light and hear a beeping followed by the locking mechanism securing.



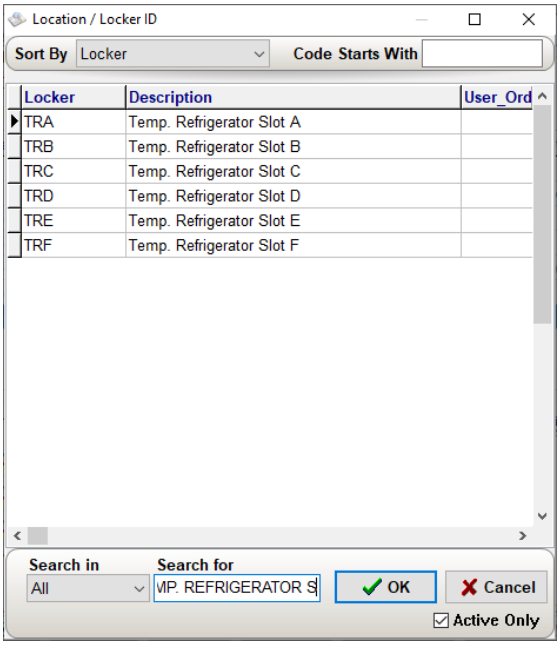
- If there is an error locking it, or you entered the wrong code, the light will flash red. Re-try your passcode. There is no limit to the number of incorrect passcode attempts. If unable to open, contact the PCO.




- Once all the Evidence is labeled, signed and ready for submission, place the Evidence into an available push button lock locker. In the rare occurrence no push button locks are available, re-enter the labeled and signed evidence into the temporary locker and send an email to the PCO advising the item (include locker number) is ready for submission into the vault.

## Temporary Refrigerator Lockers

- If you are submitting a Sexual Assault or DUI Kit, enter the kits following the same procedure outlined throughout this manual. <u>The kit will need to be entered into the BEAST immediately upon returning to the police department from the collection location.</u>
- When selecting a temporary locker, choose from the following locations:
- Open a temporary refrigerator door, place the kit inside and secure the door. If needed, include the associated paperwork with the kit.
- To secure the door, turn the black knob clockwise until the locking mechanism secures.
- Email the PCO to advise of the kit, storage location and testing requested.






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