

## **Chapter 6 - Investigation Operations**

## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

### 600.2 POLICY

It is the policy of the Matteson Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

### 600.3 INITIAL INVESTIGATION

#### 600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.
  - 6. Take any appropriate law enforcement action.
  - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

#### 600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

#### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given their *Miranda* warnings, unless an exception applies.

- Juveniles shall be provided with the appropriate Miranda warnings for juveniles.

##### **600.4.1 AUDIO/VIDEO RECORDINGS**

All custodial interrogations at the Matteson 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 Criminal Investigations Division 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.

#### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

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- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

#### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

#### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by 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 his/her own equipment, the member should note the dates, times, and locations of the information and report the discovery to his/her 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).

##### **600.7.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses,

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requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

#### **600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

#### **600.8 MODIFICATION OF CHARGES FILED**

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 Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

#### **600.9 CELL SITE SIMULATOR USE**

A member may only use a cell site simulator device for the purpose of locating, tracking or identifying a communications device and only after obtaining a warrant unless an exception exists as provided by 725 ILCS 168/15 (725 ILCS 137/10).

The member shall delete non-target data that is obtained no later than once every 24 hours if a cell site simulator device is used to locate or track a known communications device, and no later than within 72 hours of the time that the unknown communications device is identified if a cell site simulator device is used to identify an unknown communication device (725 ILCS 137/15).

## 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 Matteson Police Department seizes property for forfeiture or when the Matteson 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 Matteson 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 Matteson 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 § 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 attorney seek a court order to seize property when there is probable cause to believe that it may be subject to forfeiture upon a successful criminal prosecution (725 ILCS 5/124B-805; 725 ILCS 5/124B-150).

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

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's 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 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 Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (720 ILCS 5/36-1.3; 725 ILCS 150/3.3).
- (b) All property received for forfeiture is checked to determine if the property has been stolen.



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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 a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly the Seizure and Forfeiture Reporting Act, the Drug asset Forfeiture Procedure Act, and the forfeiture policies of the state's attorney and the Illinois State Police (5 ILCS 810/10 et seq.).
- (b) Serving as the liaison between the Department, the state's attorney, and the Illinois State Police and ensuring prompt legal review of all seizures.
  - 1. Presentation for review should generally be accomplished as soon as practicable, but within seven days of a seizure (720 ILCS 5/29B-8; 720 ILCS 5/29B-9; 720 ILCS 5/36-1.4; 720 ILCS 5/36-1.5; 725 ILCS 150/3.5; 725 ILCS 150/5).
  - 2. Presentation for review shall include a form 4-64 when required.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  - 3. The signature of the person from whom cash or property is being seized.
  - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the

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seizure, information regarding the process to contest the seizure and a detailed description of the items seized (720 ILCS 5/36—1.2; 725 ILCS 150/3.2).

5. Any other information that may be required for reporting under 5 ILCS 810/10.
- (g) Ensuring that those who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or General Order. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
  1. Written documentation of the seizure and the items seized is in the case file.
  2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (720 ILCS 5/36-2.1; 720 ILCS 5/29B-10; 725 ILCS 150/4).
  4. Property is promptly released to those entitled to its return (720 ILCS 5/29B-25; 720 ILCS 5/36-2; 720 ILCS 5/36-6; 725 ILCS 150/9; 725 ILCS 150/13.1).
  5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  6. Any cash received is deposited with the fiscal agent.
  7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to officers.
  9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
  10. Inventories of seized property and their estimated value are forwarded to the Illinois State Police as appropriate (720 ILCS 5/29B-7; 720 ILCS 5/36—1.3; 725 ILCS 150/3.3).
- (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
- (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Matteson Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.
- (l) Ensuring compliance with the requirement that a probable cause determination be sought within 14 days of the seizure (725 ILCS 150/3.5).

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- (m) When the property seized for forfeiture is a vehicle, notifying the Secretary of State immediately that forfeiture proceedings are pending against the vehicle (720 ILCS 5/29B-8; 720 ILCS 5/36-1.4; 725 ILCS 150/5).
- (n) Completing the required seizure reporting under 5 ILCS 810/10
- (o) Assisting the Auditor General when required (5 ILCS 810/15).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and Village financial directives.

#### **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 Substance 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.

## Informants

### 602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Matteson Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Matteson Police Department for a benefit (e.g., a quid-pro-quo in the form of a reduced criminal penalty, money).

### 602.2 POLICY

The Matteson Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

### 602.3 USE OF INFORMANTS

#### 602.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual; including age, maturity, and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

#### 602.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

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#### **602.3.3 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

#### **602.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Tactical Unit supervisor, Criminal Investigations Supervisor, or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees, or agents of the Matteson Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
  - (a) Members shall not become intimately involved with an informant.
  - (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the appropriate supervisor overseeing the investigation.
  - (c) Members shall neither solicit, nor accept, gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the supervisor overseeing the investigation.
  - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

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#### **602.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department, and if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **602.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Tactical Unit. The Tactical Unit supervisor, or authorized designee, shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Deputy Chief of Police, Tactical Unit Supervisor, or their authorized designees.

The Deputy Chief of Police should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Tactical Unit Supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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#### **602.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos, or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses, and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

#### **602.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value, or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Tactical Unit Supervisor will discuss the above factors with the Deputy Chief of Police and recommend the type and level of payment subject to approval by the Chief of Police.

#### **602.6.1 PAYMENT PROCESS**

Approved payments to an informant should be in cash using the following process:

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- (a) Payments of \$500 and under may be paid in cash from a Tactical Division buy/expense fund.
  - 1. The Tactical Division supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
  - 1. The check shall list the case numbers related to and supporting the payment.
  - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
  - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
  - 4. Authorization signatures from the Chief of Police and the Village Administrator are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
  - 1. The cash transfer form shall include the following:
    - (a) Date
    - (b) Payment amount
    - (c) Matteson Police Department case number
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  - 2. The cash transfer form shall be signed by the informant.
  - 3. The cash transfer form will be kept in the informant's file.

#### 602.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant, and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as other income and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

#### 602.6.3 AUDIT OF PAYMENTS

The Tactical Division Supervisor, or the authorized designee, shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.



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At least once every six months, the Chief of Police, or the authorized designee, should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

## Felony Investigation Discovery

### 603.1 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.

### 603.2 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.

### 603.3 COMPLIANCE

The Criminal Investigations Division Commander 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.

### 603.4 CONTINUING OBLIGATIONS

The duty to disclose exculpatory information under this policy continues throughout the course of the prosecution of the case, remains after a defendant's conviction, and until the fact finding proceedings, or the possibility of further proceedings, have ended.

## Eyewitness Identification

### 604.1 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).

#### 604.1.1 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.

### 604.2 POLICY

The Matteson 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.

### 604.3 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.

### 604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations Division 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 Criminal Investigations Division supervisor shall prepare written guidelines setting forth when simultaneous lineups may be conducted rather than sequential lineups.

#### **604.5 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).

### **604.6 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.

#### **604.6.1 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.

### **604.7 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.

#### **604.8 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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### *Eyewitness Identification*

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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.

## Brady Material Disclosure

### 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called *Brady* information) to a prosecuting attorney.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady information** -Information known or possessed by the Matteson Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 605.2 POLICY

The Matteson 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 Matteson 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.

### 605.3 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 protected personnel files), 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 whether evidence or facts are material, 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.



## *Brady Material Disclosure*

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### **605.4 DISCLOSURE OF PERSONNEL INFORMATION**

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* 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 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 to address any issues or questions raised by the court.
- (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.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

### **605.5 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 information shall be investigated and processed in accordance with the Personnel Complaints Policy.

### **605.6 TRAINING**

Department personnel should receive periodic training on the requirements of this policy.

## Unmanned Aerial System (UAS) Operations

### 606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines under which unmanned aerial systems (UAS) may be used, and the storage, retrieval, and dissemination of images and data captured by such systems.

#### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft or drone 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.

### 606.2 POLICY

Unmanned Aerial Systems 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.

### 606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and 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, etc.). 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.

### 606.4 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.
- 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 protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

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### *Unmanned Aerial System (UAS) Operations*

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Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

- Developing protocol 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 an operational protocol 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 program reports to the Chief of Police.

#### **606.5 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. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

The UAS, or images and data produced by its use, shall not be used for personal business of any type. Any use of the UAS that is not specifically related to the operation or mission of this department shall require the express authorization of the Chief of Police or the authorized designee.

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The Matteson Police 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 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.

#### **606.5.1 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).

#### **606.6 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.

#### **606.7 RETENTION AND DISCLOSURE OF UAS INFORMATION**

Within 30 days of UAS use, the Records Section supervisor shall destroy all information gathered by the UAS except when there is reasonable suspicion that the information contains evidence of

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criminal activity, or the information is relevant to an ongoing investigation or pending criminal trial (725 ILCS 167/20).

The disclosure of information gathered by the UAS is prohibited except 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 (725 ILCS 167/25).

#### **606.8 REPORTING**

The Records Section supervisor shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UAS's owned by the Matteson Police Department (725 ILCS 167/35).

# Sexual Assault Investigations

## 607.1 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 notification requirements are addressed in the Child Abuse and Adult Abuse policies.

### 607.1.1 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 non-consensual sexual conduct or sexual penetration as defined in 720 ILCS 5/11-0.1 of the Criminal Code of 2012
- (d) Any act of non-consensual 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.

## 607.2 POLICY

It is the policy of the Matteson 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.

### 607.2.1 WRITTEN GUIDELINES

The Criminal Investigations Division 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).

## 607.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

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### *Sexual Assault Investigations*

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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.

#### **607.4 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.

##### **607.4.1 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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#### **607.4.2 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

#### **607.4.3 JURISDICTIONAL ISSUES**

If the sexual assault investigation determines that the sexual assault occurred outside the jurisdiction of Matteson, the Watch Commander 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 Watch Commander 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 Matteson 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.

#### **607.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigations Division 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.

#### **607.6 TRAINING**

Training will be provided to (725 ILCS 203/20; 50 ILCS 705/10.21):

- (a) Members who are first responders. This includes:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.



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- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. SART.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - 6. Techniques for communication with victims to minimize trauma.

### **607.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

No victim shall be compelled or required to submit to an interview (725 ILCS 203/20).

Victims shall not be asked or required to take a polygraph examination or any form of a mechanical or electrical lie detector test (34 USC § 10451; 725 ILCS 200/1).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

### **607.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim. Victims should be permitted to have an advocate present during the medical evidentiary and physical examination whenever reasonably practicable. Victims may also have an additional person present for support during the examination (725 ILCS 120/4.6).

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

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### *Sexual Assault Investigations*

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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.

#### **607.8.1 MEMBER RESPONSIBILITIES**

Members investigating sexual assaults or handling related evidence are further required to do the following (725 ILCS 203/30; 725 ILCS 202/10):

- (a) Take custody of sexual assault evidence as soon as practicable. Sexual assault evidence collected from a forensic examination shall be collected within five days after the completion of the exam.
- (b) Document the date and time the sexual assault evidence is picked up from a hospital and the date and time the sexual assault evidence was sent to a lab.
- (c) Prior to submitting forensic examination evidence for testing, obtain the appropriate written consent from the victim or authorized representative (410 ILCS 70/6.5(a)).
- (d) Document the date when consent was given by a victim to have his/her forensic examination evidence tested.
- (e) Submit any sexual assault evidence for testing within 10 business days of the consent of the victim or authorized representative.
- (f) Not be present in the examination room during a medical examination, unless summoned in an emergency (77 Ill. Adm. Code 545.60).

Additional guidance regarding evidence retention and destruction is found in the Evidence Room Policy.

#### **607.8.2 RELEASE PROTOCOL**

The Criminal Investigations Division 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).

#### **607.8.3 DNA TEST RESULTS**

Members investigating sexual assault cases should notify victims of the status and results of any DNA test (725 ILCS 203/35).

A SART member may 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.

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Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

#### **607.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Criminal Investigations Division 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.

#### **607.10 CASE REVIEW**

The Criminal Investigations Division 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-

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.

##### **607.10.1 INVENTORY REPORT**

The Criminal Investigations Division supervisor, or the authorized designee, is responsible for ensuring an annual inventory is conducted of all sexual assault cases in the custody of the Matteson Police Department and that a written report of the findings is submitted to the local State's Attorney's office (725 ILCS 202/20).

#### **607.11 CRIMINAL INVESTIGATION OF AN OFFICER**

Any member uncovering or receiving a complaint of a criminal sexual assault involving an officer of the Matteson 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).

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## Warrant Service

### 608.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### 608.2 POLICY

It is the policy of the Matteson 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.

### 608.3 OPERATIONS DIRECTOR

The designated operations director shall review the potential risks of serving such warrants with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 608.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete a risk assessment and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 608.5 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 analysis and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high-risk, service will be coordinated by the operations director. If the warrant is not classified as high-risk, the supervisor should weigh the risk of entry into a residence

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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.

#### **608.6 WARRANT PREPARATION**

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched (numerical address, location relative to other buildings, color, unique identifying features, etc.), 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).

#### **608.7 HIGH-RISK WARRANT SERVICE**

The operations director 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 is video-recorded when practicable and legal to do so under 720 ILCS 5/26-4. The warrant service may be audio-recorded if done in an open and conspicuous manner or with the consent of all parties (720 ILCS 5/14-2).

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- (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.

### **608.8 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant, and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

### **608.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

### **608.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The Division Commander 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

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the designated operations director. The operations director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The operations director should ensure that members of the Matteson Police Department are utilized appropriately. Any concerns regarding the requested use of Matteson 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 commander is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Matteson Police Department jurisdiction, the operations commander 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 Matteson Police Department when assisting outside agencies or serving a warrant outside Matteson Police Department jurisdiction.

#### **608.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **608.12 TRAINING**

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.



## Operations Planning and Deconfliction

### 609.1 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.

#### 609.1.1 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.

### 609.2 POLICY

It is the policy of the Matteson 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.

### 609.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

### 609.4 RISK ASSESSMENT

#### 609.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment memorandum or designated form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and 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).
- (g) 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).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 609.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director 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.

#### 609.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director 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:
  - 1. Crisis Response Unit (CRU)
  - 2. Additional personnel
  - 3. Outside agency assistance
  - 4. Special equipment
  - 5. Medical personnel
  - 6. Persons trained in negotiation
  - 7. Additional surveillance

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8. Canines
  9. Evidence Room or analytical personnel to assist with cataloguing seizures
  10. Forensic specialists
  11. 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.

### **609.5 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.

### **609.6 OPERATIONS PLAN**

The operations director should ensure that a written operations plan is developed for all high-risk operations. 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:
  1. 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)
  2. 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,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- 3. 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)
- 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
  - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
  - 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) 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.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

#### **609.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

#### **609.7 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.

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- (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. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
  - (a) Exceptions may be made by the operations director for officers who are conducting surveillance or working undercover. 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.
  - 1. It is the responsibility of the operations director to ensure that the Dispatch Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
  - 2. If the radio channel needs to be monitored by the Dispatch Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **609.8 CRU PARTICIPATION**

If the operations director determines that CRU participation is appropriate, the director and the CRU supervisor shall work together to develop a written plan. The CRU supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the CRU supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

#### **609.9 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.

#### **609.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any CRU debriefing.

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#### **609.11 TRAINING**

The Training Sergeant should ensure officers and CRU team members 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.