

## **Chapter 8 - Support Services**

## Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Booking information
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Mobile Capture and Reporting Computer System
- Illinois Traffic Crash Report SR 1050

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated unless impractical, hazardous, or in conflict with operations, to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should

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be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## The Dispatch Center

### 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Dispatch Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

### 801.2 POLICY

It is the policy of the Matteson Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between the Dispatch Center and department members in the field.

### 801.3 THE DISPATCH CENTER

The communications function is vital and central to all emergency service operations. The safety and security of the Dispatch Center, its members and its equipment must be a high priority. Special security procedures are established in a separate operations manual for the SouthCom Dispatch Center.

Access to the Dispatch Center shall be limited to the Dispatch Center members, the Watch Commander, command staff and department members with a specific business-related purpose.

### 801.4 RESPONSIBILITIES

The SouthCom Dispatch Center is a separate, multi-jurisdictional cooperative entity governed by an Executive Board made up of village managers and an Operations Board made up of municipal police and fire chiefs.

#### 801.4.1 EMERGENCY AND NON-EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance.

A call is considered a non-emergency call when there is no immediate or potential threat to life or property.

### 801.5 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by members of the police department and dispatchers to communicate in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) [Dispatcher]s acknowledging and responding promptly to all radio transmissions.

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- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Administration Division shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

#### **801.5.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Matteson Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **801.5.2 RADIO IDENTIFICATION**

Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

#### **801.6 CONFIDENTIALITY**

Information that becomes available through the Dispatch Center may be confidential or sensitive in nature. All members shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

## Evidence Room

### 802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

### 802.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping, lost or found property, and abandoned property.

**Evidence**- Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

**Lost or Found Property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

**Abandoned Property** - Includes property found by an employee or citizen that appears to be intentionally left or discarded by the owner.

### 802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly labeled and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all property and evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking it into evidence. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

#### 802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked into evidence prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

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- (b) Mark each item of evidence packaging with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence label and attach it to each package or envelope in which the property is stored.
- (d) Ensure that the case number is accurately reflected on the evidence label or tag.
- (e) The original property form shall be submitted with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.
  - 1. The property officer shall be notified of any property or evidence that is being stored in any location other than the specified storage lockers.

#### 802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be packaged and booked separately.

#### 802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Evidence Control Officer is responsible for transporting to the appropriate sheriff's department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Evidence Control Officer, or placed in the designated container, if available, for return to the Illinois Secretary of State. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property labels or tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Control Officer, or placed in the designated bicycle storage area until the Evidence Control Officer can log the property.

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- (d) All cash shall be counted in the presence of a second officer and the envelope initialed by both officers and the supervisor.

Village property, unless connected to a known criminal case, should be released directly to the appropriate Village department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### **802.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics, dangerous drugs, and drug paraphernalia.
- (b) Firearms (ensure they are unloaded and made temporarily inoperable by placing a zip-tie or other item through the barrel and breech). Firearms shall be booked separately from ammunition.
  - 1. The property officer should be made aware that a firearm(s), or any dangerous item(s), is being stored in an evidence locker.
- (c) Property with more than one known owner.
- (d) Fireworks, explosives or flammable liquids/gases shall be photographed and taken to the appropriate sheriff's department.
- (e) Contraband.

##### **802.4.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property label shall be securely attached to the outside of all items or group of items packaged together.

##### **802.4.2 PACKAGING NARCOTICS**

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, labeled, and placed in the designated evidence locker, accompanied by the inventory receipt. Prior to packaging, and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an appropriate sized container. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property label shall be attached to the outside of the container. The chain of evidence shall be recorded appropriately.



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#### **802.5 RECORDING OF PROPERTY**

The Evidence Control Officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received, and where the property will be stored through the appropriate logging system.

A property number shall be obtained for each item or group of items. This number shall be recorded through the appropriate logging system.

Any changes in the location of property held by the Matteson Police Department shall be noted accordingly through the appropriate logging system.

#### **802.6 PROPERTY CONTROL**

Each time the Evidence Control Officer receives property or releases property to another person, he/she shall enter this information through the approved logging system. Officers desiring property for court shall contact the Evidence Control Officer at least one day prior to the court day, but as soon as possible.

##### **802.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry shall be completed to maintain the chain of possession.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Evidence Control Officer. This request may be filled out any time after booking of the property or evidence.

##### **802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time through the appropriate logging system and the request for laboratory analysis.

The Evidence Control Officer releasing the evidence must complete the required information to complete the transfer to the lab. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item(s) involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

The Evidence Room Supervisor will ensure that Illinois State Police Sexual Assault Evidence Kits are submitted to an approved laboratory in conformance with the rules set forth in 20 Illinois Administrative Code 1255.10 et seq.

##### **802.6.3 STATUS OF PROPERTY**

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted through the approved logging system, stating the date, time, and to whom released.

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The Evidence Control Officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded through the approved logging system, indicating date, time, and the person who returned the property.

#### 802.6.4 AUTHORITY TO RELEASE PROPERTY

The case officer shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

#### 802.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon reasonable and satisfactory proof of ownership or right to possession. Release shall be granted upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the case officer and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form. The Department may require reimbursement for all reasonable expenses of such custody (765 ILCS 1030/2(a)).

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 6 months. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose, and not claimed within 6 months after notification (or receipt, if notification is not feasible), may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction, or otherwise lawfully claimed, the Chief of Police may donate property valued at less than \$100, and the donation is approved by the Department governing body, to a registered Illinois charitable organization. It may also be transferred to the government of which the law enforcement agency is a branch. If such property is not sold at auction, or otherwise lawfully claimed, it may be offered or sold at a subsequent public auction without notice. The final disposition of all such property shall be fully documented in related reports (765 ILCS 1030/3).

Proceeds of the sale of the property at public auction, less reimbursement of the reasonable expenses of custody thereof, shall be deposited in the city/county treasury (765 ILCS 1030/4).

A Evidence Control Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the property form. After release of all property entered on the property inventory receipt, the receipt shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the inventory receipt will remain with the

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Evidence Room. Upon release, the proper entry shall be documented in the appropriate logging system.

#### **802.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil, and in extreme situations, legal counsel for the Department may wish to file an Interpleader in court to resolve the disputed claim (735 ILCS 5/2-409).

#### **802.6.7 RELEASE OF FIREARMS**

Any firearm held for safekeeping shall be returned to the person from whom it was obtained or to the lawful owner upon presentation of a valid Illinois Firearm Owners Identification card (FOID) or concealed carry license, provided he/she is lawfully entitled to possess the firearm. Firearms seized as evidence shall only be returned when approved by the prosecutor's office or as otherwise ordered by the court. Seized firearms shall only be released to the lawful owner, and only upon presentation of a valid FOID or concealed carry license, provided he/she is lawfully entitled to possess the firearm.

If the firearm or other weapon has not been retained as evidence, the Department is not required to retain the firearm any longer than 180 days after notice has been provided to the owner that it is available for return. At the expiration of such period, the firearm or other weapon may be processed for disposal in accordance with applicable law.

#### **802.6.8 DOMESTIC VIOLENCE AND CONCEALED CARRY MATTERS**

Any weapon seized in a domestic violence or concealed carry investigation shall be returned to the person from whom it was seized when it is no longer needed for evidentiary purposes, unless the court orders otherwise or the weapon was reported stolen. Weapons not returned shall be disposed of as provided in 720 ILCS 5/24-6 (750 ILCS 60/304(c)).

#### **802.6.9 RELEASE OF FIREARMS IN MENTAL HEALTH COMMITMENT MATTERS**

The Department shall maintain possession of any firearm received from a mental hospital that admitted a patient pursuant to any of the provisions of the Mental Health and Developmental Disabilities Code for a minimum of 90 days. After that time, the firearm may be disposed of pursuant to 720 ILCS 5/24-6(b).

#### **802.6.10 OTHER MATTERS**

A weapon seized and confiscated pursuant to court order under 720 ILCS 5/24-6 shall be retained for at least 90 days. At the expiration of such period, the firearm or other weapon may be processed for disposal in accordance with applicable law.

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#### **802.6.11 FIREARMS RESTRAINING ORDERS**

Any firearm seized pursuant to a firearms restraining order shall be returned to the person from whom it was seized upon the expiration of the period of safekeeping, unless the court orders otherwise, and the owner is able to legally possess such firearm(s). Firearms not returned shall be disposed of as provided in 430 ILCS 67/35 or 430 ILCS 67/40.

#### **802.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer, where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Evidence Control Officer shall request a disposition or status on all property which has been held in excess of 180 days, and for which no disposition has been received from the case officer.

##### **802.7.1 EXCEPTIONAL DISPOSITIONS**

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Upon conviction, weapons used or possessed by an offender during the offense (720 ILCS 5/24-6)
- Weapons possessed by an individual admitted into a mental hospital (720 ILCS 5/24-6)
- Weapons declared by a court for safekeeping, not to exceed one year (725 ILCS 165/2)
- Confiscated property or evidence obtained for violation of the Wildlife Code (520 ILCS 5/1.25)
- Confiscated property or evidence obtained for violation of the Fish and Aquatic Life Code (515 ILCS 5/1-215)
- Gambling devices (720 ILCS 5/28-5)
- Vehicles, vessels, aircraft, or component parts (625 ILCS 5/4-107)
- Narcotics and drugs (720 ILCS 646/85; 720 ILCS 570/505; 720 ILCS 550/12; 210 ILCS 150/18)
- Drug paraphernalia (720 ILCS 600/5)
- Property seized for money laundering (720 ILCS 5/29B-1)
- Abandoned, lost, stolen, or unclaimed property (765 ILCS 1030/1; 765 ILCS 1030/2)
- Counterfeiting equipment
- Destructive devices

##### **802.7.2 UNCLAIMED MONEY**

Money found or seized under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen, or otherwise illegally possessed, that remains in the Department's

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possession for over 6 months may be deposited in the treasury of the Village of Matteson. The Department shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession, prior to the conversion of money to the Village (765 ILCS 1030/0.01 et seq.).

#### **802.7.3 DISPOSITION OF COURT SEIZED PROPERTY**

Evidence seized upon service of a search warrant, or other court order, shall be retained until final disposition of the investigation, or upon further directions of the court.

#### **802.7.4 UNUSED MEDICATIONS**

Unused prescription medications of a deceased individual collected at the scene of a death investigation should be disposed of in compliance with 210 ILCS 150/17 or other state- or federally-approved drug disposal program (210 ILCS 150/18).

If an autopsy is performed as part of the death investigation, no medication shall be disposed of until after receipt of the toxicology report (210 ILCS 150/18(h)).

### **802.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a routine basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

### **802.9 DISPOSITION OF BIOLOGICAL EVIDENCE**

The Evidence Room supervisor shall preserve, subject to a continuous chain of custody, any physical evidence in his/her possession or control that is reasonably likely to contain forensic evidence, including biological material secured in relation to a trial, and with sufficient documentation to locate that evidence (725 ILCS 5/116-4(a)).

#### **802.9.1 RETENTION PERIODS**

Biological evidence shall be retained for the following periods (725 ILCS 5/116-4):

- (a) Permanently if a death sentence is imposed
- (b) Until the completion of the sentence for a homicide offense as set forth in 720 ILCS 5/9

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- (c) Until the completion of the sentence, including any period of supervised release, for any conviction for an offense set forth in:
  - 1. 720 ILCS 5/11-1.20 (Criminal Sexual Assault)
  - 2. 720 ILCS 5/11-1.30 (Aggravated Criminal Sexual Assault)
  - 3. 720 ILCS 5/11-1.40 (Predatory Criminal Sexual Assault of a Child)
  - 4. 720 ILCS 5/11-1.50 (Criminal Sexual Abuse)
  - 5. 720 ILCS 5/11-1.60 (Aggravated Criminal Sexual Abuse)
- (d) Seven years following any conviction for any felony for which the defendant's genetic profile may be taken and submitted for comparison in a forensic DNA database (725 ILCS 5/116-4(b)).
- (e) All other biological evidence shall be retained for the minimum period established by law, the minimum period established by the Evidence Room supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater.

#### 802.9.2 REQUEST FOR DESTRUCTION OF EVIDENCE PRIOR TO END OF RETENTION PERIOD

After a judgment of conviction is entered, but prior to the end of the statutory retention period, the Department may petition the court to allow destruction of evidence when the evidence:

- (a) Has no significant value for forensic analysis and should be returned to its rightful owner.
- (b) Has no significant value for forensic analysis and is of a size, bulk, or physical character not usually retained by the Department and cannot practically be retained.
- (c) Is no longer needed because of the death of the defendant (does not apply if a sentence of death was imposed).
- (d) The court allows the defendant the opportunity to take reasonable measures to remove or preserve portions of the evidence for future testing (725 ILCS 5/116-4(c)).

The Department shall give notice of any such petition to the defendant or his/her estate and the defendant's attorney of record.

No evidence shall be disposed of until 30 days after the entry of a court order granting the petition and until the time period for any appeal has lapsed, or any appeal has concluded, whichever is longer.

#### 802.9.3 NOTIFICATION BEFORE DESTRUCTION

Absent any court order arising from the process set forth herein, the Evidence Room supervisor will ensure that no biological evidence is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant or the defendant's estate
- (b) The defendant's attorney

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- (c) The appropriate prosecutor
- (d) Any sexual assault victim (725 ILCS 203/30)
- (e) The Criminal Investigations Division supervisor

Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after the date specified in the notice unless a motion seeking an order to retain the sample is served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the case file as well and forwarded to the Criminal Investigations Division supervisor for appropriate disposition.

Even after the retention period, biological evidence related to a homicide may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

All records associated with the possession, control, storage and destruction of biological evidence shall be retained for as long as the evidence exists and may not be destroyed without the approval of the local records commission (725 ILCS 5/116-4(d-10)).

## Records Section

### 803.1 PURPOSE AND SCOPE

The Records Supervisor shall maintain the Department Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

#### 803.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered, as assigned by the dispatch center, commencing with the last two digits of the current year followed by, MS, and then a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 19MS00001 would be the first new case beginning January 1, 2019. This number will be utilized to track all documents and evidence for the incident.

### 803.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Section accessible only to authorized personnel.

Matteson Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

#### 803.2.1 COURT FILES

The Records Section shall be responsible for preparing files with all necessary documents for court appearances. In no case should original documents be sent to court unless specifically required by subpoena. If a subpoena is issued for an original document, a copy of the subpoena shall be placed in the appropriate Records Section file and the requirements of the Requesting Original Reports section of this policy shall also be followed.



## Records Maintenance and Release

### 804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

### 804.2 POLICY

The Matteson Police Department is committed to providing public access to records in a manner that is consistent with the Freedom of Information Act (5 ILCS 140/1 et seq.).

### 804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records and Freedom of Information Officer(s) who may be, but are not required to be, the same person. The responsibilities of the Custodian of Records include, but are not limited to (5 ILCS 140/3.5; 5 ILCS 140/4; 5 ILCS 140/5; 5 ILCS 179/35),:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule, including:
  - 1. Identifying the minimum length of time the Department must keep records.
  - 2. Identifying the division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available.
  - (a) No fees shall be charged for the first 50 pages of black and white copies as per 5 ILCS 140/6(b).
  - (b) Fees charged for copying public records shall be limited to the actual cost of duplication or publication.
  - (c) The cost of search, examination, review, and the redaction and separation of exempt from non-exempt information will not be assessed.
- (g) Ensuring the prominent display at the department's headquarters of information that conveys the department's mission, budget, office locations, number of employees, and an organizational chart that depicts the department structure and the relationship of the Department to Village government. This information also needs to be available on the Department or Village website.

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- (h) Ensuring information identifying the department's Freedom of Information Officer(s), the categories of available records, and the process for requesting public records, including the address for submitting requests, will also be made available.
- (i) Working with the Freedom of Information Officer to develop a list of documents or categories of records that the Department shall immediately disclose upon request.
- (j) Promptly remediating any deficiencies in the department's Freedom of Information Officer's public records management activities.
- (k) Expeditiously advising the Chief of Police of any denials of public records requests, issues associated with the processing of records requests and requests that may involve potentially sensitive or newsworthy matters.
- (l) Consulting with the Chief of Police in the event further information is needed regarding the appropriate response to a records request.
- (m) Submitting monthly reports to the Illinois State Police (ISP) regarding arrest-related deaths, firearm discharges by members, hate crimes, domestic crimes, index crimes, and school incidents pursuant to the Uniform Crime Reporting Act (50 ILCS 709/5-12).
- (n) Submitting a quarterly report to the ISP that includes incident-based information on any criminal homicide pursuant to 50 ILCS 709/5-15.
- (o) Establishing a procedure for an individual to access, review, and confirm the expungement of civil law citations issued to him/her for violations of 720 ILCS 550/4(a) or 720 ILCS 600/3.5(c) (20 ILCS 2630/5.2).
- (p) Establishing procedures for the protection of Social Security information pursuant to the Identity Protection Act and proper filing and posting of appropriate policy and procedures (5 ILCS 179/35).
  - 1. The procedures should include proper collection, handling, dissemination, and access restrictions of information that contains Social Security numbers.

#### **804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any department member who receives a request for any record shall route the request to the Freedom of Information Officer or the authorized designee. All department records are presumed to be open to inspection or copying (5 ILCS 140/1.2).

##### **804.4.1 REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist or maintain records that it does not maintain (5 ILCS 140/1).
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (5 ILCS 140/7).
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/

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video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

- (c) The Freedom of Information Officer shall:
  - 1. Document the date the request was received.
  - 2. Compute the date that the time to respond expires and note the information on the request.
  - 3. Maintain an electronic or hard copy of the request.
  - 4. Create a retention file for the request and promptly determine if the record is available or subject to any exemption.
- (d) The Freedom of Information Officer shall ensure that requests are processed within five business days after the date of receipt (excluding holidays), with up to an additional five days permitted for certain exceptions. When seeking additional time, written notice shall be provided to the requesting party (5 ILCS 140/3).
  - 1. These time frames may be extended for recurrent requesters (5 ILCS 140/3.2).
  - 2. Voluminous requests are to be addressed under 5 ILCS 140/3.6.
- (e) Requests for records to be used for commercial purposes shall be processed within 21 working days after receipt (5 ILCS 140/3.1).
- (f) If a record is requested in electronic format, the record shall be provided in electronic format, if reasonably feasible. If not reasonably feasible, the record shall be furnished in the format in which it is maintained. If furnishing an electronic copy, the Department may charge for the actual cost of the recording medium (5 ILCS 140/6(a)).

#### 804.4.2 DENIALS

The denial of a request for records is subject to the following:

- (a) Denial of a request by the Freedom of Information Officer shall be in writing and identify the specific exemptions being claimed under 5 ILCS 140/9. Failure to respond in a timely manner to a request under the Illinois Freedom of Information Act constitutes a denial (5 ILCS 140/3(d)). Because the Department bears the burden of proof in a denial, the Freedom of Information Officer shall consult with the Administration Division Commander prior to issuing a denial.
- (b) A detailed factual basis for any claimed exemption, and the names and titles of each person responsible for the denial, will be provided (5 ILCS 140/9). Each written denial shall also inform the requesting party of the right to appeal to the Public Access Counselor of the Illinois Attorney General (5 ILCS 140/9(a)).

#### 804.4.3 FEES

Fees shall be collected prior to the release of records. Fees may be waived by the Administration Division Commander if it is determined by the supervisor that the issuance of the record is in the public interest (5 ILCS 140/6).

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#### **804.4.4 PUBLIC ACCESS COUNSELOR**

Any requestor who believes that a violation of the Illinois Freedom of Information Act has occurred may file a request for review with the Public Access Counselor of the Illinois Attorney General (5 ILCS 140/9.5).

If the Public Access Counselor determines that an alleged violation is unfounded, no further action will be taken (5 ILCS 140/9.5). In all other cases, the Public Access Counselor will, within seven working days of receipt, forward a request to the Department accompanied by a specific list of documents for the Department to furnish to the Public Access Counselor. The department's Freedom of Information Officer will furnish the requested records or documents within seven working days of receipt, will fully cooperate with the Public Access Counselor and will advise the Administration Division Commander of all such communications (5 ILCS 140/9.5).

Any communication with the Department by the Public Access Counselor shall be promptly brought to the attention of the Chief of Police.

#### **804.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph, Social Security and driver identification number, name, address, and telephone number, and medical or disability information that is contained in any driver's license record, motor vehicle record or any department record, including traffic crash reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Private information including but not limited to unique identifiers such as Social Security numbers, driver's license numbers, employee identification numbers, biometric identifiers, personal financial information, passwords or access codes, medical records, home or personal telephone numbers, home address, personal email addresses, or personal license plates (5 ILCS 140/7(1)(b); 5 ILCS 140/2(c-5)).
- (c) Confidential information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of an investigation (5 ILCS 140/7; 5 ILCS 140/2.15(b)).
  - 1. Analysis and conclusions of investigating officers (5 ILCS 140/7(1)(f)).
- (d) The identity of child victims of criminal sexual offenses (725 ILCS 190/3) and reports of elder abuse and neglect (320 ILCS 20/8).
- (e) Records regarding juveniles under 18 years of age (705 ILCS 405/1-7; 705 ILCS 405/5-905).
- (f) Department records that would obstruct an ongoing investigation or pending administrative enforcement proceeding (5 ILCS 140/7).

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- (g) Information contained in personnel and other public records that would constitute an unwarranted invasion of personal privacy, in which the individual's right to privacy outweighs any legitimate interest in obtaining the information.
  - (a) The disclosure of personal information that bears on the public duties of employees of this department shall not be considered an invasion of personal privacy (5 ILCS 140/7(1)(c)).
  - (b) The disclosure of employee performance evaluations is prohibited (820 ILCS 40/11).
- (h) Records that were created exclusively in anticipation of potential litigation, which would not be subject to discovery or which may be subject to an attorney-client privilege involving this department (5 ILCS 140/7(1)(m)). Any record relating to vulnerability assessments, security measures, and response policies or plans (5 ILCS 140/7(1)(v)).
- (i) Body-worn camera recordings as provided in the Law Enforcement Officer-Worn Body Camera Act (5 ILCS 140/7.5).
- (j) Certain records requested by a person committed to the Department of Corrections or a county jail (5 ILCS 140/7).
- (k) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act (5 ILCS 140/7.5).
- (l) Information including but not limited to evidence and records in the state-wide tracking system pursuant to the Sexual Assault Evidence Submission Act (5 ILCS 140/7.5).
- (m) Names and all identifying information relating to an employee, communications, notes, records, and reports arising out of a peer support counseling session under the First Responders Suicide Prevention Act (5 ILCS 140/7.5).

#### **804.6 ARREST RECORDS**

Arrest report information that identifies an individual, any charges, time and location of arrest, name of the investigating department, incarceration or bond information shall be furnished as soon as practicable but in no event later than 72 hours after arrest (5 ILCS 140/2.15(a)).

Information concerning an arrest must be made available to the news media for inspection and copying absent specific exceptions. The information shall be made available as soon as practicable but in no event later than 72 hours after arrest (5 ILCS 160/4a; 50 ILCS 205/3b).

If the request is made by a criminal defendant or an authorized representative (including attorneys), then the Illinois State's Attorney, Village Attorney, Illinois Attorney General, local prosecutor or the courts, as applicable, should be promptly notified.

Persons requesting conviction information should be directed to the ISP.

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#### **804.6.1 REQUESTS TO RETRACT OR DELETE ARREST RECORDS**

Requests from a Chief of Police, county Sheriff, or State's Attorney to delete or retract arrest records of individuals mistakenly identified should be forwarded to the Custodian of Records for handling (5 ILCS 160/17; 50 ILCS 205/4).

#### **804.7 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the State Attorney, Village Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **804.8 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

#### **804.9 EXPUNGEMENT AND SEALING**

Expungement and sealing orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention, or conviction (705 ILCS 405/1-3). Once expunged, members shall respond to any inquiry as though the record did not exist (20 ILCS 2630/5.2).

##### **804.9.1 ARREST RECORDS**

When a request is made for arrest records of an individual whose records were retracted or deleted in the case of mistaken identity in accordance with 5 ILCS 160/17 and 50 ILCS 205/4, members should respond that no such records exist.

##### **804.9.2 AUTOMATIC EXPUNGEMENTS FOR CANNABIS OFFENSES**

The Custodian of Records should make all automatic expungements within the time frames set in 20 ILCS 2630/5.2.

The Custodian of Records should provide a certificate of disposition or certification of expungement upon inquiry by any individual whose record was expunged (20 ILCS 2630/5.2).

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#### **804.9.3 JUVENILE RECORDS**

On or before January 1 of each year, the Criminal Investigations Supervisor shall expunge juvenile records as required by 705 ILCS 405/5-915.

If the Chief of Police, or the authorized designee, certifies in writing that certain information is necessary for a pending investigation involving the commission of a felony or with respect to an internal investigation of any law enforcement officer, that information and information identifying the juvenile may be retained as provided in 705 ILCS 405/5-915. However, the remaining portion of any records not retained shall be expunged.

If juvenile records might be necessary for use in civil litigation against the department, the government entity that created, maintained, or used the records is not required to expunge the records until two years following the subject's arrest (705 ILCS 405/5-915). However, these records shall be considered expunged for all other purposes during this period and the offense that is the subject of the records shall be treated as if it never occurred, as required under 705 ILCS 405/5-923.

In the event a civil lawsuit is filed against the department, the government entity that created, maintained, or used the juvenile records may not expunge the records until two years after the conclusion of the lawsuit, including any appeal (705 ILCS 405/5-915).

Body-worn camera recordings of juveniles shall not be subject to automatic expungement except as otherwise provided in the Portable Audio/Video Recorders Policy.

Within 60 days after receipt of a court expungement order or date of automatic expungement, the Criminal Investigations Supervisor shall send a written notice of expungement to the subject of the expungement (705 ILCS 405/5-915).

#### **804.10 TRAINING**

Prior to assuming the Freedom of Information Officer duties, but within 30 days after being so designated, the Freedom of Information Officer will undergo and successfully complete the electronic training curriculum as developed by the Public Access Counselor. The Freedom of Information Officer shall thereafter be recertified on an annual basis (5 ILCS 140/3.5).

All members who have access to Social Security numbers, from the time of collection to the time of destruction of the records, shall receive training on the protection of such information, pursuant to the Identity Protection Act (5 ILCS 179/35).

#### **804.11 SECURITY BREACHES**

Members who become aware that any Matteson Police Department system containing personal information may have been breached should notify the Custodian of Records as soon as practicable.

The Custodian of Records shall (815 ILCS 530/10):

- (a) Ensure notice of any breach of the security of personal information is given to the appropriate individuals/entities any time there is a reasonable belief that an

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unauthorized person has acquired personal information, as defined in 815 ILCS 530/5, stored in any department information system.

- (b) Cooperate with the appropriate individuals/entities by providing the date or approximate date of the breach and identifying any steps taken or that will be taken relating to the breach.



## Protected Information

### 805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the Matteson Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### 805.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored, or accessed by members of the Matteson Police Department and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local law enforcement databases that is not accessible to the public.

### 805.2 POLICY

Members of the Matteson Police Department will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

### 805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to (20 Ill. Adm. Code 1240.90):

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Illinois Secretary of State records, and the Illinois Law Enforcement Agencies Data Systems (LEADS).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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#### **805.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Matteson Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (20 Ill. Adm. Code 1240.50).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution (20 ILCS 2630/7; 20 Ill. Adm. Code 1240.50).

##### **805.4.1 PENALTIES FOR NON-COMPLIANCE OR MISUSE OF RECORDS**

The Department of State Police may suspend all, or any portion of, LEADS service without prior notification as the result of an agency's non-compliance with laws, rules, regulations, or procedures. The Director of State Police may suspend all, or part of, LEADS service for agency for violations of LEADS laws, rules regulations, or procedures (20 Ill. Adm. Code 1240.110).

It is a Class A misdemeanor to furnish, buy, receive, or possess LEADS information without authorization by a court, statute, or case law (20 ILCS 2630/7).

#### **805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know (20 Ill. Adm. Code 1240.50; 20 Ill. Adm. Code 1240.80).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered, or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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#### **805.6 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems (20 Ill. Adm. Code 1240.50).
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

##### **805.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it (20 Ill. Adm. Code 1240.80). This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in, or on, an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal) (20 Ill. Adm. Code 1240.50).

##### **805.6.2 MAINTENANCE AND TECHNICAL SERVICES**

The personnel security requirement for a LEADS agency requires conformance with 20 Ill. Adm. Code 1240.50. Generally, no person may provide maintenance or technical services at, or near, LEADS equipment unless they are of good character and have not been convicted of a felony or a crime involving moral turpitude under the laws of this or any other jurisdiction. Any person may have his/her authority to provide maintenance or technical services at, or near, LEADS equipment denied if he/she is charged with a felony or a crime involving moral turpitude under the laws of this or any other jurisdiction (20 Ill. Adm. Code 1240.50(3)).

##### **805.6.3 PROTECTION OF LEADS DATA**

LEADS data shall not be included on the violator's copy of any citation that is not delivered by hand to the violator. This specifically includes citation copies left on an unattended vehicle, a building, or any other place where the violator is not present to receive the citation. LEADS data will continue to be included on other copies of the citation that are kept by the employee and/or the Department (18 USC § 2721 through 18 USC § 2725).

#### **805.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies

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authorized access and use of protected information, as well as its proper handling and dissemination.

## Animal Control

### 806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

### 806.2 [ANIMAL CONTROL] RESPONSIBILITIES

Animal control services are generally the primary responsibility of the Community Service Officer and include the following:

- (a) Animal-related matters during periods when the Community Service Officer is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that the Community Service Officer is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

### 806.3 OFFICER RESPONSIBILITIES

Members who respond to, or assist with, animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Officers may consider acting before the arrival of such assistance when:

- (a) There is a threat to the public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
- (f) This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
- (g) With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
- (h) If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

### 806.4 DECEASED ANIMALS

When an officer becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

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Deceased animals on public property should be removed and properly disposed of by the responding officer.

Officers should not climb onto, or under, any privately owned structure for the purpose of removing a deceased animal.

#### **806.5 INJURED ANIMALS**

When an officer becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

##### **806.5.1 INJURED WILDLIFE**

- (a) Injured wildlife should be referred to one of several locations as applicable and depending upon available resources and type of animal:
  - (a) A local Rehabilitator, preserve, or wildlife care center
  - (b) A shelter by the Anti-Cruelty Society, Illinois Society for the Prevention of Cruelty to Animals (SPCA), or the Illinois Department of Natural Resources
- (b) Injured wildlife may be briefly held and transported to wildlife Rehabilitators licensed by the State of Illinois. In addition, migratory birds may be taken only to Rehabilitators who are in possession of appropriate Federal permits issued by the United States Fish and Wildlife Service (USFWS).
- (c) The driver involved in a deer accident may take possession of the dead animal. If the driver does not want the deer, any Illinois resident may claim it (17 Ill. Adm. Code 750.10).

#### **806.6 POLICY**

It is the policy of the Matteson Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state, and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

#### **806.7 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced including, but not limited to, cruel treatment of animals, aggravated cruelty to animals, animal torture, animal fighting, and animals confined in vehicles (510 ILCS 70/3.01; 510 ILCS 70/3.02; 510 ILCS 70/3.03; 510 ILCS 70/4.01; 720 ILCS 5/48-1; 510 ILCS 70/7.1):

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.
- (c) Members may enter during normal business hours on a premise where the animal is housed or kept for the purpose of conducting an investigation except such entry shall not be made into a person's residence without a search warrant or court order (510 ILCS 70/10).

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- (d) Members who lawfully seize an animal shall comply with impound and notice requirements (510 ILCS 70/3.04; 510 ILCS 70/4.02).

#### **806.8 ANIMAL BITE REPORTS**

Officers investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Officers should attempt to identify and notify the owner of the final disposition of the animal. In the event that an officer investigates a complaint of an animal bite, the officer will complete the following:

- (a) An incident report accurately reflecting the events.
- (b) Cook County Animal Control Animal Bite Report.
  - 1. One portion will be mailed to Cook County Animal Control.
  - 2. One portion will be provided to the owner of the biting animal.
- (c) Complete and issue any applicable citation(s).

#### **806.9 STRAY DOGS**

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

A report of a lost or found animal, should immediately be reported to the Records Division and the following information logged accordingly:

- (a) Case number
- (b) Whether the animal was lost or found
- (c) Is there a hold on the animal
- (d) Was the animal turned over to an animal hospital
- (e) The sex of the animal
- (f) Description of animal
- (g) Owner or the finder of the animal's contact information

Officers shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

#### **806.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Officers should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

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#### **806.11 DESTRUCTION OF ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.



## Jeanne Clery Campus Security Act

### 807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

### 807.2 POLICY

The Matteson Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Matteson Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Matteson Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Matteson Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

### 807.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Matteson Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
  1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
  2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
  3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).

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4. Notify the Matteson Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
  5. Notify the Matteson Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
  - (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
  - (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including, but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
  - (f) Appoint a designee to make the appropriate notifications to staff at the institution regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

#### **807.4 RECORDS COLLECTION AND RETENTION**

The Records Supervisor is responsible for maintaining Matteson Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
  1. Murder
  2. Sex offenses, forcible or non-forcible
  3. Robbery

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4. Aggravated assault
  5. Burglary
  6. Motor vehicle theft
  7. Manslaughter
  8. Arson
  9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
  10. Dating violence, domestic violence and stalking.
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
1. On campus.
  2. In or on a non-campus building or property.
  3. On public property.
  4. In dormitories or other on-campus, residential, student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Matteson Police Department (34 CFR 668.46(c)(3)).
- (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

#### 807.4.1 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

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- (a) The daily crime log will record all crimes reported to the Matteson Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
  - 1. Disclosure of the information is prohibited by law.
  - 2. Disclosure would jeopardize the confidentiality of the victim.
  - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

#### **807.5 INFORMATION DISSEMINATION**

It is the responsibility of the Chief of Police, or his/her designee, to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to, the following:
  - 1. Crime statistics and the policies for preparing the crime statistics.
  - 2. Crime and emergency reporting procedures, including the responses to such reports.
  - 3. Policies concerning security of and access to campus facilities.
  - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
    - (a) Procedures victims should follow.

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- (b) Procedures for protecting the confidentiality of victims and other necessary parties.
- 5. Enforcement policies related to alcohol and illegal drugs.
- 6. Locations where the campus community can obtain information about registered sex offenders.
- 7. Emergency response and evacuation procedures.
- 8. Missing student notification procedures.
- 9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

#### **807.6 STATE REQUIREMENTS**

The Chief of Police shall ensure that the institution's administration is assisted in meeting the Illinois Campus Security Enhancement Act requirements, including the development of (110 ILCS 12/20):

- (a) A National Incident Management System-compliant, all hazards, emergency response plan and training exercises, in partnership with the institution's county or major municipal emergency management official.
- (b) An interdisciplinary and multijurisdictional campus violence prevention plan, including development and implementation of a campus violence prevention committee and a campus threat assessment team.