

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 212-P

REFERENCE STANDARDS:

SUBJECT: Investigation of Overcrowding Complaints

PURPOSE: This directive describes procedures to be followed by Code Enforcement Officers when investigating a complaint of overcrowding in a dwelling unit located within the Village of Hanover Park.

POLICY: It is the goal of the Code Enforcement Unit to fairly, uniformly, and consistently enforce all applicable codes and ordinances of the International Property Maintenance Code and the Municipal Code of Hanover Park. The objective of the Code Enforcement Unit in all enforcement situations is voluntary compliance. Enforcement of overcrowding violations will be accomplished in accordance with applicable Village ordinances, State and Federal laws and regulations. Overcrowding complaints will be investigated in conformance with the U.S. Fair Housing Act (Title VIII of the Civil Rights Act of 1968), which prohibits discrimination in housing-related transactions based on race, color, national origin, familial status, or disability.

I. GENERAL PROCEDURES:

A. The following procedures apply to all overcrowding investigations.

1. Code Enforcement Officers (CEOs) shall not take enforcement action or conduct inspections based on the race, color, national origin, religion, sex, age, familial status or disability of any resident, occupant, or owner.
2. CEOs shall not enter a residence to conduct an interior inspection for overcrowding without first obtaining a signature granting permission on the Hanover Park Police Code Enforcement Unit "Consent to Inspect Property" (Appendix A). The signature must be from an authorized occupant who is at least 18 years of age. A waiver is not required if the CEO has obtained an Administrative Search Warrant, however the warrant should not be executed unless there is an occupant of the age of 18 or older present at the time of execution, unless otherwise authorized by the Code Enforcement Supervisor.

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3. If there is an indication of a language barrier that prevents the owner/occupant from understanding the CEO, the CEO will not proceed with an overcrowding inspection without first obtaining the services of a translator.
4. CEOs will not conduct interior residential inspections for overcrowding without having at least one other Village employee present. The other employee will normally be another CEO or the Code Enforcement Supervisor, but a Community Development Inspector, Police Officer or Community Service Officer may be utilized as necessary.
5. CEOs shall not conduct any interior residential inspections prior to 9:00 a.m. or after 6:00 p.m. unless requested by the occupant/owner or approved by the Code Enforcement Supervisor.
6. Interior residential inspections based upon an anonymous complaint of overcrowding shall be conducted only if specific evidence gathered by the CEO provides a reasonable basis to believe that overcrowding may exist and with prior approval from the Code Enforcement Supervisor.
7. During the course of every interior residential inspection, CEOs shall:
 - a. Exhibit a courteous and professional demeanor.
 - b. Respect property rights by conducting inspections in the least intrusive manner possible without creating undue inconvenience to the owner/occupant.
 - c. Be vigilant for difficulties in communication and respect any cultural differences.
 - d. Limit the scope of the inspection to the determination of property maintenance violations.
8. All complaints/investigations of overcrowding will be documented as described in this directive. Hotline forms documenting unfounded overcrowding complaints will be maintained for a minimum of three years.
9. Questions regarding this policy should be directed to the Code Enforcement Supervisor or, in his/her absence, the Deputy Chief of Operations.

II. Indicators of Possible Overcrowding Violations

- A. CEOs should be aware of the following factors that **may** indicate a possible overcrowding violation. It is important to realize that the existence of any one, or even all, of these factors does not necessarily constitute an overcrowding violation; however the more factors present, the more probable a violation exists.
 1. Exterior violations indicating excess wear and tear on the property.
 2. Excessive volume of trash/trash containers.

3. Excessive water usage. (The average single family home with 3-4 occupants in Hanover Park uses approximately 8,000-10,000 gallons of water per month.)
4. Excessive number of cars regularly parked at the residence.
5. Unusually high number of calls for police service at the residence.
6. An unusually high number of students registered in local school district(s). The CEO may seek information from the local school district(s) regarding the number of students registered at the subject residence. CEOs shall not request the names of students registered.
7. Information received from the complainant (if applicable) indicating a violation.

III. Investigation of Overcrowding Complaints (Anonymous Complainant):

- A. Some complaints of overcrowding come to the Code Enforcement Unit's attention anonymously such as through the Code Enforcement Hotline. CEOs should be aware that complaints of overcrowding, anonymous or otherwise, are sometimes made with unlawful motives of discrimination or prejudice on the part of the complainant. These complaints shall be investigated in the following manner.
 1. The assigned CEO shall check police records and the Unfounded Overcrowding Complaints binder for any prior complaint(s) at the residence and note the results of any prior complaint(s). If a prior complaint of overcrowding was investigated and determined to be unfounded or closed for lack of sufficient evidence within the previous six months, the CEO shall document this fact on a Code Enforcement Hotline form (Appendix B). The CEO shall file the form (by street address) in the current year's binder labeled **Unfounded Overcrowding Complaints** in the Code Enforcement office. The Code Enforcement Supervisor shall also be notified and provided with a copy of the form for his/her file.
 2. If the CEO finds no prior complaints of overcrowding reported within the previous six months, he/she shall conduct a preliminary investigation of the Indicators of Possible Overcrowding Violations listed previously in this directive. The CEO shall advise the Code Enforcement Supervisor of the results of this investigation regarding the presence, or absence, of possible overcrowding indicators and other code violations found on the property. The Code Enforcement Supervisor will make a determination whether a reasonable basis exists to continue the investigation. If the Code Enforcement Supervisor is unclear whether enough evidence exists to continue the investigation, he/she will seek advice from the Village Attorney/Prosecutor.
 - a. If the Code Enforcement Supervisor determines a reasonable basis exists to indicate a possible overcrowding situation he/she will direct the CEO to

document the investigation on a Hanover Park police report utilizing the proper U.C.R. (Uniform Crime Reporting) code. The CEO will continue the investigation by arranging for an interior inspection following the Procedure for Conducting Interior Residential Inspections listed below.

- b. If the Code Enforcement Supervisor determines there is no basis to believe there is an overcrowding situation, or there is insufficient evidence to indicate same, he/she will direct the CEO to indicate on a Hotline Complaint form that the complaint is closed for lack of evidence. The form shall be initialed by the Code Enforcement Supervisor. The CEO shall file the form in the Unfounded Overcrowding Complaints binder, and forward a copy to the Supervisor.
- c. If there are other property maintenance violations the CEO shall address them according to current procedure.

IV. Investigation of Overcrowding Complaints (Known Complainant):

- A. Examples of known complainants occur when a complainant self-identifies when leaving a message on the Hotline, calls 9-1-1, or directly contacts a member of the Code Enforcement Unit. Other examples may occur when another Village employee contacts the Unit after witnessing possible overcrowding conditions during a police/fire call for service, permit inspection by Community Development, etc.
 - 1. All overcrowding complaints with a known complainant shall be documented on a Hanover Park police report utilizing the proper U.C.R. code.
 - 2. The CEO assigned will attempt to obtain and document as much relevant information from the complainant as possible. The complainant should be advised that his/her identity will remain confidential to the extent possible by law.
 - 3. The CEO shall make a preliminary investigation of the Indicators of Possible Overcrowding Violations listed above and advise the Code Enforcement Supervisor of the results. The Supervisor will then advise the CEO whether to proceed with an interior residential inspection or to close the case administratively for lack of sufficient evidence.

V. Procedure for Conducting Interior Residential Inspections:

- A. Except as noted below CEOs shall receive approval from the Code Enforcement Supervisor prior to conducting interior residential inspections for investigation of an overcrowding complaint. When it has been determined that an interior residential inspection is warranted and approved, the assigned CEO shall conduct the inspection following all applicable prior procedures contained in this directive, including the following.

1. If available, the Code Enforcement Supervisor will accompany the CEO during interior residential inspections for overcrowding. If the Code Enforcement Supervisor is unavailable and a CEO is requested to immediately respond to an overcrowding situation by another Village employee (Police Department, Community Development, etc.) who has legal access to the property, the CEO may respond, take appropriate action and notify the Supervisor as soon as possible afterward. It is desirable, although not necessary, to obtain a signed "Consent to Inspect Property" when summoned by another Village employee who has legal access to the property.
2. The CEO making the inspection should be in uniform, bearing official identification, and drive a Village automobile to the residence. Upon making initial contact with the occupant, the CEO shall introduce himself/herself in a professional, non-adversarial manner and present a business card. No inspection should be done unless there is a person present in the home who is at least 18 years old, unless otherwise authorized by the Code Enforcement Supervisor, and that person understands the CEO.
3. The occupant should be advised that the CEO is at the property to investigate a complaint received by the Village regarding a violation of the Property Maintenance Code. The occupant/owner should be asked to read and sign the Hanover Park Code Enforcement Unit "Consent to Inspect Property" prior to entry.
4. If access is not convenient for the owner/occupant at the initial visit, the CEO should advise that an appointment might be made for return on a mutually agreeable date/time.
5. If access is refused, the CEO should advise the occupant that application might be made to the Circuit Court seeking an Administrative Search Warrant authorizing an interior inspection of the premises. If access is still refused, the CEO shall advise the Code Enforcement Supervisor who will consult with the Village Attorney or Prosecutor to determine whether to seek an Administrative Search Warrant.
6. If permission for access is granted the CEO shall advise the occupant/owner that an inspection of all building levels, including the attic and basement, must take place and that it is required that measurements of all habitable rooms be obtained to determine how many occupants may legally reside at the residence.
7. During the inspection process the CEO shall observe contents of rooms paying attention to beds, dressers, couches with pillows/ blankets, and any other items relevant to overcrowding conditions. Note the configuration of all rooms and how each room is accessed. The rooms will be measured to determine the maximum legal occupancy according to the standards of the International Property Maintenance Code. The CEO should request information regarding the actual number of people

who reside at the premises and where they sleep. Familial relationships are not relevant to an overcrowding investigation and that information should not be requested. When inspecting for occupancy, emphasis should also be placed on any critical life/safety violations discovered especially if there are children residing in the dwelling unit. Digital photographs will be taken to document any critical life/safety violations. All relevant information will be documented on the police report.

8. If the CEO determines an overcrowding violation exists, the owner/occupant shall be cited and an appointment set up for a reinspection prior to the court date. Illegal conversions of single-family into multi-family units, sleeping rooms without proper egress or other life/safety violations will also be cited immediately. Should a serious life/safety violation be observed such as sleeping in the basement without proper egress, the owner/occupant shall be advised to cease immediately. The CEO shall forward a copy of the police report to the Chief Building Officer in the Department of Community Development.
9. Police assistance should be requested immediately if the CEO feels threatened during an inspection.

VI. Administrative Search Warrants:

- A. Code Enforcement Officers shall receive approval from the Code Enforcement Supervisor prior to seeking an Administrative Search Warrant. The Code Enforcement Officer will supply all pertinent information to the Village's Prosecuting Attorney who will assist in the preparation and issuance of the warrant.
- B. A police officer is required to be present during execution of an Administrative Search Warrant. The police officer should only be used for the purpose of executing the warrant, facilitating entry, providing security, ascertaining the identity of occupants, and translation if applicable. The police officer should not assist in the search, or interrogation of the property owner/occupant(s).

VII. Compliance Alternatives:

- A. If feasible, the CEO should properly explain the owner's options for compliance. These may include construction of escape windows to authorize basement bedroom compliance, possible construction of dormer or backyard additions, or the legal conversion of enclosed porches into habitable space to accommodate more occupants provided all other standards of the International Property Maintenance Code are satisfied. If permits will be required, the owner should be referred to the Department of Community Development for specifics. These options may not always be physically or economically feasible, but it is important that these options are pointed out and any relevant questions answered.

VIII. Annual Report of Overcrowding Investigations:

- A. During January of each year, the Code Enforcement Supervisor shall submit a report to the Deputy Police Chief of Operations containing a summary of all overcrowding complaints received and investigated during the previous year.