

# Aurora Police Department

## Policies

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### **CHIEF'S PREFACE**

The Aurora Police Department Policy Manual is the result of countless hours of research, consultation, evolving law, and emerging best practices.

It is a living document so additions, changes and deletions will inevitably be required. Nonetheless, issuing this manual is necessary to provide guidelines for our personnel and to give insight to the communities we serve into how we do our jobs and what they can expect from us.

Each of us has an obligation to become familiar with the manual and to abide by its policies to ensure that our actions reflect the Department's Mission Statement and the Law Enforcement Code of Ethics, all of which are incorporated into the Policy Manual.

The manual is not, however, a substitute for critical thinking and good judgment. No written guidance document can anticipate the entire range of human behaviors that police employees might encounter, nor can every contingency be predicted.

Occasionally, given the complex and nuanced nature of police work, we may need clarification from a supervisor as to how to interpret the manual in a specific situation. Always, we are expected to use our best professional judgment and our basic human decency to guide our actions.

When we act thusly, we will have honored those in this noble profession who have preceded us.

Be safe and do good.

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### **LAW ENFORCEMENT CODE OF ETHICS**

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

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

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

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

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

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

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### **MISSION STATEMENT**

We will enhance the quality of life in Aurora through innovation, partnerships and dedicated service to our community.

#### **Objective:**

The Aurora Police Department is charged with protecting and serving our community. While each division, group and individual have individual goals, our overarching goals as a department are to reduce crime and community engagement.

At the end of the day, we are all members of the community and as a department we cannot effectively reduce crime without the community's support.

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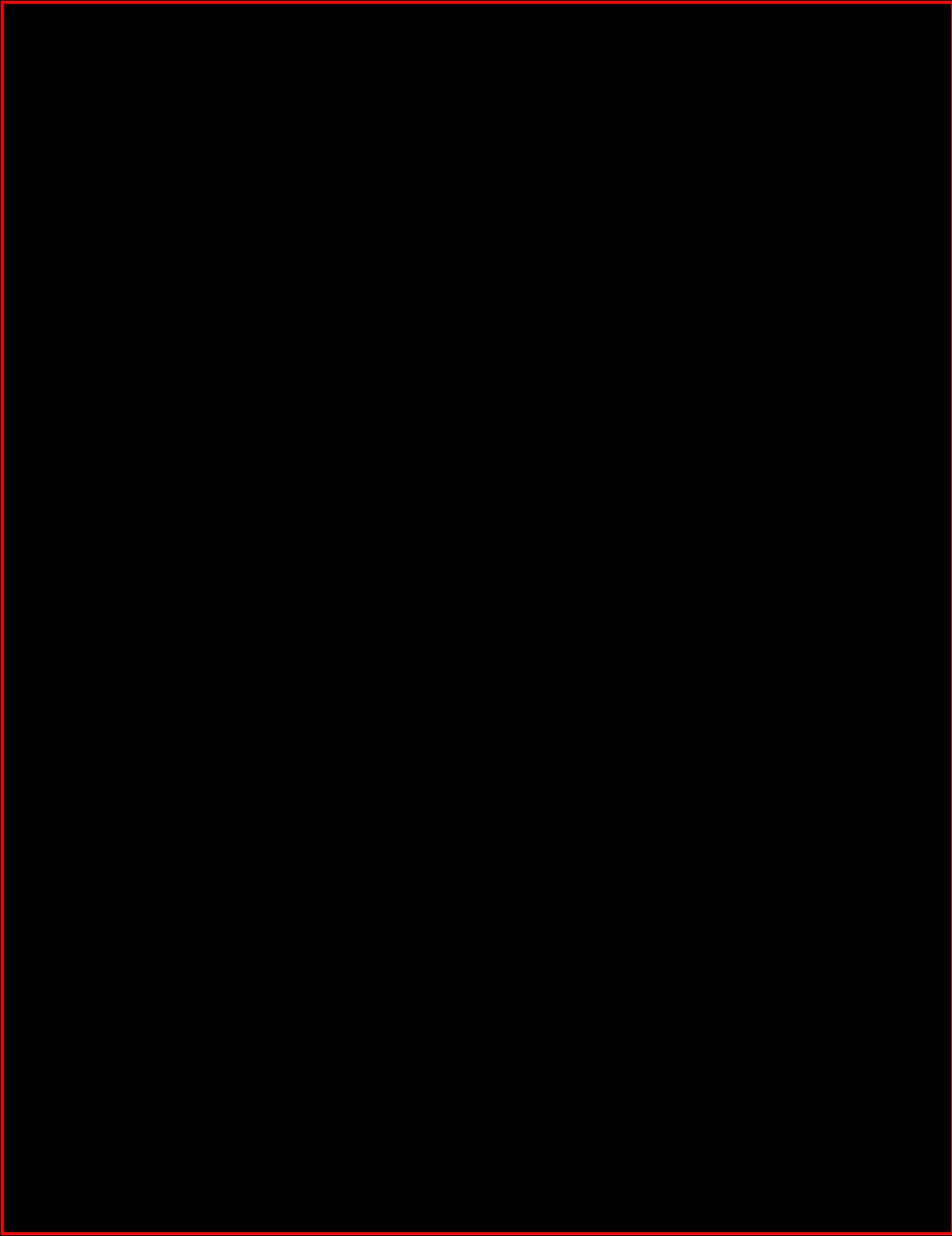
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## **Chapter 1 - Law Enforcement Role and Authority**

# Law Enforcement Authority

## **100.1 PURPOSE AND SCOPE**

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

## **100.2 POLICY**

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

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

## **100.3 PEACE OFFICER POWERS**

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

### **100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE AURORA POLICE DEPARTMENT**

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

- (a) There are reasonable grounds to believe that an arrest warrant exists.
  - 1. Notifications and waiver requests for the execution of warrants for those in need of emergency medical assistance and sexual assault victims shall be made in compliance with 725 ILCS 5/107-2.
- (b) There are reasonable grounds to believe that the person is committing or has committed an offense.

### **100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE AURORA POLICE DEPARTMENT**

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

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

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### *Law Enforcement Authority*

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

#### **100.4 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended within other adjoining states:

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

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

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

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

## Chief Executive Officer

### **101.1 CHIEF EXECUTIVE OFFICER**

Pursuant to Chapter 36 of the Code of Ordinances of the City of Aurora, the authority and responsibility for the management, direction and control of the operation and administration of the Aurora Police Department shall be vested in the Chief of Police.

All employees of the Aurora Police Department work under the authority of the Chief of Police. The Chief of Police is the chief executive officer of the Department and the authority on all matters of policy, operation and discipline. The Chief is responsible for planning, directing, coordinating, controlling, and staffing all activities of the Department for its continued and efficient operation.

## Oath of Office

### **102.1 PURPOSE AND SCOPE**

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

### **102.2 POLICY**

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

### **102.3 OATH OF OFFICE**

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

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

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

### **102.4 MAINTENANCE OF RECORDS**

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

# Policy Manual

## **103.1 PURPOSE AND SCOPE**

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

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

## **103.2 POLICY**

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

### **103.2.1 DISCLAIMER**

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

## **103.3 AUTHORITY**

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

## **103.4 DEFINITIONS**

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

**Adult** - Any person 18 years of age or older.

**CFR** - Code of Federal Regulations.

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**City** - The City of Aurora.

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

**Department/APD** - The Aurora Police Department.

**Employee/personnel** - Any person employed by the Department.

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

**Juvenile** - Any person under the age of 18 years.

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

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

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

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

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

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

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

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

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

**Shall or will** - Indicates a mandatory action.

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

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

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

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

**USC** - United States Code.

#### **103.5 ISSUING THE POLICY MANUAL**

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

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Special Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

#### **103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

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

#### **103.7 REVISIONS TO POLICIES**

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

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

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

All Department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Bureau Commanders via the chain of command, who will consider the recommendations and forward them to the command staff as appropriate.

## **Chapter 2 - Organization and Administration**

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

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

## 200.2 BUREAUS

The Chief of Police is responsible for administering and managing the Aurora Police Department. There are three bureaus in the Police Department as follows:

- Administrative Services Bureau
- Bureau of Neighborhood Policing Bureau
- Investigation Bureau

### 200.2.1 ADMINISTRATIVE SERVICES BUREAU

The Administrative Services Bureau is commanded by a Commander, whose primary responsibility is to provide general management direction and control for the Administrative Services Bureau. The Administrative Services Bureau consists of Technical Services, Records, Telecommunications, Detention, Training Division and the Office of Professional Standards.

### 200.2.2 BUREAU OF NEIGHBORHOOD POLICING BUREAU

The Patrol Bureau is commanded by a Commander, whose primary responsibility is to provide general management direction and control for the Patrol Bureau. The Patrol Bureau consists of Uniformed Patrol, Community Oriented Policing Unit, Traffic and Canine.

### 200.2.3 INVESTIGATION BUREAU

The Investigation Bureau is commanded by a Commander, whose primary responsibility is to provide general management direction and control for the Investigation Bureau. The Investigation Bureau consists of the Investigations, Evidence and Special Operations Group (the Special Operations Group consists of Gang, Narcotics and Vice enforcement).

## 200.3 COMMAND PROTOCOL

### 200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences of the Chief, the Deputy Chief of Police will be in command. In the event that both the Chief and Deputy Chief will be absent, the Chief of Police will designate a Bureau Commander to serve as the acting Chief of Police. Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Deputy Chief of Police
- (b) Bureau of Neighborhood Policing Bureau Commander
- (c) Investigation Bureau Commander

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### *Organizational Structure and Responsibility*

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- (d) Administrative Services Bureau Commander

#### 200.3.2 ACTING COMMANDING OFFICER AUTHORITY

- (a) An officer or supervisor placed in the position of "acting commanding officer," whereby he or she assumes the role of a superior officer for a designated period of time, shall have all the authority and responsibility of that rank.
- (b) The Weekend Duty Officer shall have authority for complete supervision and accountability of the Department from 1600 hours on Friday until 0800 hours on Monday. For further procedures related to the Weekend Duty Officer, refer to the Aurora Police Department Procedures Manual: [Weekend Duty Officer Procedures](#).
- (c) Investigators and patrol officers are equal in the chain of command. However, in follow up investigations in which one of these specialists is assigned, the investigator or police officer bears full responsibility for the case and accordingly shall have the functional authority and control over the investigation.

#### 200.3.3 UNITY OF COMMAND

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

#### 200.3.4 ORDERS

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

# Special Orders

## 201.1 PURPOSE AND SCOPE

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

### 201.1.1 SPECIAL ORDERS PROTOCOL

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

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

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year. For example, 18-01 signifies the first Special Order for the year 2018.

## 201.2 RESPONSIBILITIES

### 201.2.1 STAFF

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

## 201.3 ACCEPTANCE OF SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Special Orders.

# Emergency Management Plan

## 202.1 PURPOSE AND SCOPE

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

## 202.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. For the Police Department, the Chief of Police or the highest ranking official on duty may activate the Emergency Management Plan in response to a major emergency. For activation of the Incident Command System related to the Emergency Management Plan, refer to the Procedure Manual:

- [Activating the Incident Command System](#)
- [Incident Command](#)
- [Unified Command Structure](#)
- [Incident Action Plan \(IAP\)](#)
- [Resource Management](#)
- [Incident Commander](#)
- [Public Information Officer](#)
- [Safety Officer](#)
- [Liaison Officer](#)
- [Sections](#)
- [Operations Section](#)
- [Planning Section](#)
- [Logistics Section](#)
- [Finance/Administration Section](#)
- [After Action Report](#)

### 202.2.1 RECALL OF PERSONNEL

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

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

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### *Emergency Management Plan*

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#### **202.3 LOCATION OF MANUALS**

Manuals are available to all command personnel. All supervisors should familiarize themselves with the Emergency Management Plan and what roles personnel will play when the plan is implemented. A copy of the Emergency Management Plan can be found on the City Intranet under the Emergency Management Section, found at the following web address: <http://coainet/default.aspx>.

#### **202.4 BUILDING EVACUATION PLAN**

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

#### **202.5 UPDATING OF MANUALS**

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

# Training

## **203.1 PURPOSE AND SCOPE**

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

## **203.2 PHILOSOPHY**

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

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

## **203.3 OBJECTIVES**

The objectives of the training program are to:

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

## **203.4 TRAINING PLAN**

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

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

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

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#### 203.4.1 STATE-MANDATED TRAINING

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

- (a) The basic training requirement may be waived if the employee is eligible for certification by meeting training and certification standards within the parameters, extensions, and exceptions set by ILETSB (50 ILCS 705/8.1).
- (b) State-mandated training requirements every year include (50 ILCS 705/7):
  - 1. ILETSB-approved use of force training.
  - 2. Legal updates.
- (c) State-mandated training requirements every three years include (50 ILCS 705/7; 50 ILCS 705/10.19; 725 ILCS 203/20):
  - 1. Constitutional and proper use of law enforcement authority.
  - 2. Procedural justice.
  - 3. Civil rights.
  - 4. Human rights.
  - 5. Mental health awareness and response.
  - 6. Officer wellness.
  - 7. Mandatory child abuse reporting.
  - 8. Cultural competency.
  - 9. Training on sexual assault and sexual abuse response and report writing (refer to Sexual Assault Investigations Policy).
- (d) State-mandated training requirements every five years include:
  - 1. Domestic violence (725 ILCS 5/112A-27; 750 ILCS 60/301.1).

#### 203.4.2 MANDATORY RETRAINING AFTER PERIOD OF ABSENCE

- (a) Sworn officers who have been absent from Patrol for a period of one (1) year or more and are being permanently assigned to Patrol will be assigned to a Field Training Officer (FTO) for a minimum ten (10) day period. This period may be extended as required at the discretion of the Field Training Commander.
- (b) During the time such sworn officers are assigned with an FTO they will not be subject to the formalized evaluations required of probationary officers in training. The FTO's function is to re-familiarize the officer with agency forms, updated policy and procedures, and in conjunction with the Field Training Commander and/or Training Unit, insure that the returning officer is provided such opportunities as are necessary to meet or re-qualify in skill areas such as firearms, impact weapon, arrest procedures, or other training needs.

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#### **203.5 TRAINING NEEDS ASSESSMENT**

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

#### **203.6 TRAINING COMMITTEE**

The Chief of Police shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee should be comprised of at least three members, with the Administrative Services Bureau Commander acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.
- (d) The top three causes of citizen complaints.

The Training Committee should convene on a regular basis as determined by the chairperson to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the chairperson. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The chairperson will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

#### **203.7 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor, in coordination with the Training Sergeant. Excused absences from mandatory training should be limited to the following:
  - 1. Court appearances
  - 2. First choice vacation
  - 3. Sick leave
  - 4. Physical limitations preventing the employee's participation

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5. Emergency situations
  6. Other exceptions as approved by the supervisor or Training Sergeant.
- (b) When an employee is unable to attend mandatory training due to reasonable unforeseeable circumstances, that employee shall:
1. Notify his/her supervisor and the Training Sergeant as soon as possible but no later than one hour prior to the start of training.
  2. Document his/her absence in a memorandum to his/her supervisor. This information should be forwarded to the Training Sergeant.
  3. Make arrangements through his/her supervisor and the Training Officer to attend the required training on an alternate date.
- (c) Employees wishing to attend additional training classes should complete the required form ([see attachment](#)) and forward it through their chain of command for approval.

### **203.8 TRAINING PROGRAM REIMBURSEMENTS**

- (a) Expenses for attending approved schools and / or seminars approved by the department will be paid by the Department.
- (b) Tuition: Some classes such as classes offered by North East Multi-Regional Training are paid in a flat rate. Other classes require payment to attend and must be budgeted.
- (c) Transportation
1. Employees should use a city vehicle whenever possible. Prior to taking a department vehicle the employee shall advise an on-duty supervisor they are taking a vehicle to attend training.
  2. If the use of a city vehicle is not possible then mileage, generally, will be allowed for one round trip at the rate set from time to time, by the City Counsel. In certain instances, at the department's discretion, the employee shall be given exact air fare for one round trip. If more than one employee attends the same school/ seminar at the same time, mileage will be allowed to only one driver. Employees shall car pool and the Training Unit shall decide who receives the money for mileage.
  3. If the school/seminar is within commuting distance, sworn personnel shall have a department vehicle made available for transportation to and from training. In instances where an employee attends recruit training, each officer shall receive mileage for one round trip. If it is necessary to use an Illinois Tollway the employee shall secure a tollway card from his or her Lieutenant or the Administrative Services Lieutenant.
- (d) Travel Time
1. All travel time will be at straight time only.
  2. Employees are entitled to travel time for schools and seminars that are in excess of 30 miles from Aurora.

### *Training*

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3. Travel time will apply only for time outside of regular duty hours.
4. If a school is two weeks or longer and the department is not paying for weekend lodging, travel time will apply to and from school.

#### **203.9 DAILY TRAINING BULLETINS**

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

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

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

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

## Electronic Mail and Voice Mail

### **204.1 PURPOSE AND SCOPE**

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

### **204.2 EMAIL RIGHT OF PRIVACY**

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

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

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

### **204.3 PROHIBITED USE OF EMAIL**

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

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

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

### **204.4 EMAIL RECORD MANAGEMENT**

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

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The City's Information Technology shall ensure that email messages are retained and recoverable.

#### **204.5 EMAIL MAINTENANCE**

All employees shall open, read and respond (as applicable) to their emails at least twice during their working shifts (e.g., once at the beginning of their shift and once near the end of their shift).

Employees who will be absent during extended periods of time (e.g., vacations, foreseeable illnesses, etc.), shall turn on their auto-reply and make notifications accordingly.

#### **204.6 VOICE MAIL**

Designated employees shall have a voice mail account.

Employees having a voice mail account shall check their voice mail at least once during their tour of duty.

The outgoing message shall be professional in nature stating who the person has contacted.

# Administrative Communications

## **205.1 PURPOSE AND SCOPE**

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

## **205.2 PERSONNEL MEMORANDUM**

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

## **205.3 CORRESPONDENCE**

Any correspondences or reports, where a signature is not legible, shall also have the employee's name printed.

Personnel should use Department letterhead only for official business and with approval of their supervisor.

### **205.3.1 INTERNAL CORRESPONDENCE**

Employees shall use the interoffice correspondence form ( [see attachment](#) ) for requests (e.g., ECO requests, leave of absence, recommendations, suggestions, etc.) requiring approval through the chain of command.

At each step of the chain of command, the supervisor shall review the communications, either agree or disagree and provide appropriate comments.

## **205.4 SURVEYS**

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

# Retiree Concealed Firearms

## **206.1 PURPOSE AND SCOPE**

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

## **206.2 POLICY**

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

## **206.3 LEOSA**

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

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

### **206.3.1 LEOSA IDENTIFICATION CARD FORMAT**

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

### **206.3.2 AUTHORIZATION**

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

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

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

#### **206.4 ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD PERMITS**

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

#### **206.5 FORMER OFFICERS RESPONSIBILITIES**

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

##### **206.5.1 RESPONSIBILITIES UNDER LEOSA**

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

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

#### **206.6 DENIAL, SUSPENSION OR REVOCATION**

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

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#### **206.7 FIREARM QUALIFICATIONS**

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

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

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## **Chapter 3 - General Operations**

# Use of Force

## 300.1 PURPOSE AND SCOPE

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

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

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

## 300.2 POLICY

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

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

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

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#### 300.2.1 DUTY TO INTERCEDE AND REPORT

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

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

#### **300.3 USE OF FORCE**

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

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

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

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

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

#### 300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

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

#### 300.3.2 USE OF FORCE TO EFFECT AN ARREST

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

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#### 300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

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

#### 300.3.4 PHYSICAL CONTROL TECHNIQUES

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

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

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

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

#### 300.3.5 CAROTID CONTROL HOLD

Absent situations where the use of deadly force would otherwise be justified, the use of the carotid control hold is not allowed by employees.

#### 300.3.6 RESPIRATORY RESTRAINTS

A member shall not apply direct pressure to the throat, windpipe, or airway of a person with the intent to reduce or prevent the intake of air (chokehold) unless deadly force is justified (720 ILCS 5/7-5.5). A member shall not use a chokehold or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion (720 ILCS 5/7-5.5).

#### 300.3.7 USE OF FORCE TO SEIZE EVIDENCE

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

### **300.4 DEADLY FORCE APPLICATIONS**

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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

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

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting

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to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

See also the Officer-Involved Shootings and Deaths Policy.

#### **300.4.1 MOVING VEHICLES**

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

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

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

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

#### **300.5 REPORTING THE USE OF FORCE**

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

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

#### **300.5.1 NOTIFICATIONS TO SUPERVISORS**

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

- (a) The application caused an injury requiring medical care.
- (b) The individual subjected to the force complained of injury or continuing pain.
- (c) Whenever a canine bite occurs.
- (d) Any application of the TASER device or control device.
- (e) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (f) The individual subjected to the force was rendered unconscious.
- (g) An individual alleges any of the above has occurred.

#### **300.6 MEDICAL CONSIDERATIONS**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or

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continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

### **300.7 SUPERVISOR RESPONSIBILITIES**

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.

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2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

#### **300.7.1 DIVISIONAL LIEUTENANT RESPONSIBILITY**

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

#### **300.8 TRAINING**

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

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

#### **300.9 USE OF FORCE ANALYSIS**

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

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

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# Deadly Force Investigative Team

## **301.1 PURPOSE AND SCOPE**

The purpose of this policy is delineate the organization and responsibilities of the Deadly Force Investigative Team (DFIT).

## **301.2 DEADLY FORCE INVESTIGATIVE TEAM**

The Deadly Force Investigative Team (DFIT) will conduct investigations whenever an employee from this Department is involved in any non-fatal shooting incident where they discharge their firearm in the performance of their duties, or engage in other use of force or conduct that results in great bodily harm to any person including an employee whether on duty or off duty. DFIT also will conduct investigations of police officers employed by outside agencies who are involved in officer-involved deaths as required under the Police and Community Relations Improvement Act (50 ILCS 727/1-1 et. seq).

The DFIT will not be activated for the following incidents involving the discharge of a firearm:

- (a) During practice at an established shooting range.
- (b) While engaged in licensed hunting.
- (c) While killing an injured / dangerous animal as authorized by policy.
- (d) Involved in an accidental or negligent discharge in which there are no injuries.

The DFIT is not a full-time unit. However, the Investigative Services Bureau Commander may temporarily reassign DFIT members full-time to:

- (a) conduct a criminal investigation under the Lieutenant of Investigative Services.
- (b) assist the Lieutenant of the Office of Professional Standards (OPS) in an administrative review.

## **301.3 DEADLY FORCE INVESTIGATIVE TEAM MEMBERS**

- (a) DFIT members should be the rank of Sergeant and above with investigative backgrounds or other special expertise. They shall be selected by the Investigative Services Bureau Commander and report to the Investigative Services Bureau Lieutenant.
- (b) DFIT members should receive specialized training regarding officer involved shootings and the use of deadly force.

## **301.4 DEADLY FORCE INVESTIGATIVE TEAM ACTIVATION**

- (a) A call-out list of DFIT members is maintained by Telecommunications. The call-out list will be updated by a DFIT Lieutenant as required.

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- (b) Prior to DFIT personnel being called out, a DFIT Lieutenant should be contacted. The Lieutenant will assign DFIT personnel to the call out and notify Telecommunications of the assignment.
- (c) Telecommunications will contact the designated DFIT personnel.
- (d) The designated DFIT personnel should advise Telecommunications of their estimated response time.

### **301.5 ADDITIONAL RESOURCES**

In certain situations, it may be necessary for General Assignment Investigators to become involved in the investigation. In such circumstances, these investigators should not be involved in the investigation of the direct actions of the employees. When these investigators interview witnesses or criminal suspects, they should be paired with a DFIT investigator. If further investigative assistance becomes necessary (search warrants, subpoenas, neighborhood canvassing, etc), the use of General Assignment Investigators will be at the discretion of the Lieutenant of Investigative Services.

# Handcuffing and Restraints

## **302.1 PURPOSE AND SCOPE**

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

## **302.2 POLICY**

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

## **302.3 USE OF RESTRAINTS**

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

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

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

### **302.3.1 RESTRAINT OF DETAINEES**

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

### **302.3.2 RESTRAINT OF PREGNANT PERSONS**

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

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

#### **302.3.3 NOTIFICATIONS**

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

#### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

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

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists. If circumstances do not allow for double-locking handcuffs when they are initially applied, the handcuffs should be double locked as soon as practicable. Officers should also ensure that once they are applied, handcuffs are checked for proper fit.

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

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

#### **302.5 APPLICATION OF SPIT HOODS**

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

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

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

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

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

#### **302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

#### **302.7 APPLICATION OF LEG RESTRAINT DEVICES**

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

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

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

##### **302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

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

### **302.8 REQUIRED DOCUMENTATION**

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

### **302.9 TRAINING**

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.

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- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

# Control Devices and Techniques

## **303.1 PURPOSE AND SCOPE**

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

## **303.2 POLICY**

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

## **303.3 ISSUING, CARRYING AND USING CONTROL DEVICES**

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

Uniformed field officers shall carry a less-lethal option (e.g., baton, CED, or O.C.). Only officers who have successfully completed Department-approved training in the use of any control device are authorized to carry and use the device.

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

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

## **303.4 RESPONSIBILITIES**

### **303.4.1 SUPERVISOR RESPONSIBILITIES**

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

### **303.4.2 RANGEMASTER RESPONSIBILITIES**

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

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

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#### **303.4.3 USER RESPONSIBILITIES**

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

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

#### **303.5 BATON GUIDELINES**

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

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

For civil disturbances, supervisors may issue officers riot batons to deploy instead of their standard baton.

#### **303.6 TEAR GAS GUIDELINES**

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

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

#### **303.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

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

##### **303.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its approved holster. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

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#### **303.7.2 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

#### **303.8 POST-APPLICATION NOTICE**

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

#### **303.9 KINETIC ENERGY PROJECTILE GUIDELINES**

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

##### **303.9.1 DEPLOYMENT AND USE**

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

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

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

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

##### **303.9.2 DEPLOYMENT CONSIDERATIONS**

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.

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- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

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

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

#### 303.9.3 SAFETY PROCEDURES

Launchers, 37 mm or 40 mm, are designated for use with a variety of munitions including kinetic energy projectiles.

Officers will inspect the launcher and projectiles prior to deployment to ensure that the launcher is in proper working order and the projectiles are of the appropriate type intended for use.

When it is not deployed, the launcher will be unloaded and properly stored.

#### **303.10 TRAINING FOR CONTROL DEVICES**

The Special Response Team supervisor, when applicable, or Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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

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- (d) Officers should notify the Special Response Team supervisor or the Training Sergeant when they are aware of any training or certifications which may expire in the near future.

#### **303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

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

# Conducted Energy Device

## **304.1 PURPOSE AND SCOPE**

This policy provides guidelines for the issuance and use of TASER devices.

## **304.2 POLICY**

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

## **304.3 ISSUANCE AND CARRYING TASER DEVICES**

Only members who have successfully completed Department-approved training may use Department owned CED during their current shift.

Officers shall only use the CED and cartridges that have been issued by the Department. Officers will wear the device in an approved holster on their person.

Members carrying the CED should perform a spark test on the unit prior to every shift.

- (b) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (c) Officers should not hold both a firearm and the TASER device at the same time.

## **304.4 VERBAL AND VISUAL WARNINGS**

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

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

#### **304.5 USE OF THE TASER DEVICE**

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

##### **304.5.1 APPLICATION OF THE TASER DEVICE**

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

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

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

##### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique

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to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

#### 304.5.3 TARGETING CONSIDERATIONS

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

#### 304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

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

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

#### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

#### 304.5.6 DANGEROUS ANIMALS

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

#### 304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry Department TASER devices while off-duty.

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#### **304.6 DOCUMENTATION**

Officers shall document all TASER device discharges in the related arrest/crime report and the TASER device report system. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges in the field, pointing the device at a person, laser activation and arcing the device will also be documented on the report system.

##### **304.6.1 TASER DEVICE REPORTING SYSTEM**

The Training Sergeant or the authorized designee should periodically analyze the reports to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile TASER device reports with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

##### **304.6.2 REPORTS**

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

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

#### **304.7 MEDICAL TREATMENT**

The device's prongs may only be removed by certified officers and when possible in the presence of another employee. When removing the prongs the employee shall:

- (a) Use latex gloves.
- (b) Place the removed probes in the cartridge (barb side inward) and wind the wires around the cartridge. Tape should be used to keep the probes in place.
- (c) Clean the wound with antiseptic wipes and bandage it.
- (d) Assess the subject for injury or condition that may need medical attention.
- (e) Removal of the prongs should not be attempted if the subject is combative.
- (f) Prongs that have struck the face, groin, female breasts, or other sensitive areas should only be removed by fire/rescue or medical personnel.

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

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.

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- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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

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

### **304.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report.

#### **304.8.1 OFFICER RESPONSIBILITIES**

In addition to the police report the following shall be completed:

- (a) Photographs of subject's clothing and injuries.
- (b) Photographs of employee injuries.
- (c) Photographs of all cartridges and probes.
- (d) Collection of confetti tags and all cartridges and probes for evidentiary purposes. The cartridge and probes shall be collected as outlined elsewhere in this policy and packaged/sealed as a biohazard.
- (e) Download of all in-car video recorders that may have captured any part of the incident on video.
- (f) Place the CED into a separate evidence locker.

### **304.9 TRAINING**

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial Department-approved training. Any personnel who have not

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carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a Department-approved TASER device instructor prior to again carrying or using the device.

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

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

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

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

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

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

# Officer-Involved Shootings and Deaths

## 305.1 PURPOSE AND SCOPE

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

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

### 305.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 305.2 POLICY

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

For specific procedures related to this policy, refer to the Deadly Force Investigative Team policy (301).

## 305.3 TYPES OF INVESTIGATIONS

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

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

## 305.4 CONTROL OF INVESTIGATIONS

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

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#### 305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

#### 305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

For those situations that involve the use of deadly force by an off-duty officer, please refer to the Off-Duty Law Enforcement Actions Policy.

#### 305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

### **305.5 INVESTIGATION PROCESS**

Procedures and guidelines used in the investigation of an officer-involved shooting or death can be found [here](#).

### **305.6 CRIMINAL INVESTIGATION**

The State Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting that does not result in death. Officer-involved deaths shall be investigated by outside agency investigators as provided in the applicable intergovernmental agreements.

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

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

- (a) APD supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of APD officers. This will not prohibit such

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personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period, however, not to exceed 72 hours, for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

#### 305.6.1 OFFICER-INVOLVED DEATH INVESTIGATIONS

The Chief of Police should ensure that the Aurora Police Department enters into appropriate intergovernmental agreements to investigate officer-involved deaths involving members of the APD by appropriately trained outside investigators as required by the Police and Community Relations Improvement Act (50 ILCS 727/1-1 et seq.). The agreement should establish any compensation arrangement for participation in investigations and establish responsibilities for expeditiously providing a complete report to the State's Attorney and a public report if no charge or indictment is brought against the officer.

#### 305.6.3 REPORTS BY INVOLVED APD OFFICERS

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

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

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

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

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#### 305.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
  1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
  1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

#### 305.6.5 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the Deadly Force Investigative Team supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Deadly Force Investigative Team investigators will be assigned to work with investigators from outside investigatory agencies and may be assigned to separately handle the investigation of any related crimes not being investigated by outside investigatory agencies.

All related Department reports, except administrative and/or privileged reports, will be forwarded to the designated Deadly Force Investigative Team supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Bureau Commander.

### **305.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved APD officers to

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determine conformance with department policy. This investigation will be conducted under the supervision of the Office of Professional Standards and will be considered a confidential officer personnel file.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a breath and urine sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
  - 1. A sample shall be compelled in the case of a shooting that caused injury or death of a person as soon as practicable but no later than the end of the officer's shift or tour of duty (50 ILCS 727/1-25).
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas, with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - 2. The interview shall take place at the facility to which the administrative investigator is assigned or the police facility that has jurisdiction over the place where the incident occurred. The interview shall also be conducted at a reasonable time of day and during the time when the officer is on-duty as operational requirements and the nature of the incident permit. The interview shall be of reasonable duration and allow for reasonable periods of rest and personal necessities of the officer (50 ILCS 725/3.1; 50 ILCS 725/3.3; 50 ILCS 725/3.5).
  - 3. The officer shall not be subject to professional or personal abuse, including offensive language (50 ILCS 725/3.6).
  - 4. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview and shall inform the APD of any person who will be present on his/her behalf (50 ILCS 725/3.4; 50 ILCS 725/3.9). The officer shall have the right to be represented by counsel and may request counsel at any time before or during the interview and shall have a reasonable time and opportunity to obtain counsel (50 ILCS 725/3.9). However, in order to

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maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

5. A complete record of the administrative interview shall be made and a complete transcript or copy shall be made available to the officer without charge and without undue delay. Such record may be electronically recorded (50 ILCS 725/3.7). The officer may also record the interview.
  6. The officer shall be informed in writing of the nature of the investigation and the name, rank and unit/command of the assigned administrative investigator, the interviewers and all persons who will be present on behalf of the APD (50 ILCS 725/3.2; 50 ILCS 725/3.4). If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights in writing and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally (50 ILCS 725/3.8).
  7. The Office of Professional Standards shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  8. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
  9. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
- (d) Investigators should take reasonable steps to avoid interfering with the outside criminal investigation conducted under the requirements of 50 ILCS 727/1-10 (50 ILCS 727/1-15).

### **305.8 CIVIL LIABILITY RESPONSE**

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

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

### **305.9 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

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

#### **305.10 DEBRIEFING**

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

##### **305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

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

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

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other civilian). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Office of Professional Standards personnel.

##### **305.10.2 TACTICAL DEBRIEFING**

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

#### **305.11 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and Department representative responsible for each phase of the investigation. Releases will be available to the Investigation Bureau Commander, the primary Deadly Force Investigative Team supervisor and Public Information Officer in the event of inquiries from the media.

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

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

#### **305.12 REPORTING**

The Administrative Services Commander will ensure that the Records Manager is provided with enough information to meet the reporting requirements for any officer-involved shooting or death that qualifies to be reported to the Department of State Police (50 ILCS 709/5-12).

# Firearms

## 306.1 PURPOSE AND SCOPE

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

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

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

### 306.1.1 DEFINITIONS

**Firearms Instructor:** An officer who has been certified as a firearms instructor by the State of Illinois and has been designated as such by the Chief of Police by personnel memorandum.

**Rangemaster:** the individual given the responsibility of overseeing and directing the firearms training program to include safety, maintenance of the firearms range and maintenance of Department owned weapons. Rangemaster is meant to include the Rangemaster and the authorized designees.

## 306.2 POLICY

The Aurora Police Department will ensure that officers are equipped with firearms, at their own expense, to address the risks posed to the public and Department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

## 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

All other weapons not approved by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by Department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Bureau Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

Department-owned firearms may be loaned out (as opposed to being issued) according to the following procedures: [Department-Owned Firearms Loan Procedure](#).

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306.3.1 HANDGUNS

For the specifications related to the authorized handguns for duty use, refer to the Aurora Police Department - Procedures Manual: [Authorized Handguns For Duty Use Specifications](#).

306.3.2 PATROL RIFLES

For specifications related to Patrol Rifles, please refer to the Aurora Police Department - Procedures Manual: [Patrol Rifle Specifications](#).

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

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

When not deployed, the patrol rifle shall be properly secured consistent with Department training in a locking weapons rack in the patrol vehicle if equipped.

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#### 306.3.4 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) [REDACTED]
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) When armed, officers shall carry their badges and Aurora Police Department identification cards under circumstances requiring possession of such identification.

#### 306.3.5 AMMUNITION

Members shall carry only Department-authorized ammunition while on duty.

[REDACTED] Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy. For procedures related to ammunition, please see the Aurora Police Department - Procedures Manual: [Purchase of Training Ammunition Procedures](#).

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#### **306.4 EQUIPMENT**

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

##### **306.4.1 REPAIRS OR MODIFICATIONS**

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

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

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

For procedures related to firearms maintenance and repairs, refer to the Aurora Police Department - Procedures Manual: [Maintenance and Repair Procedures](#).

##### **306.4.2 HOLSTERS**

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

##### **306.4.3 TACTICAL LIGHTS**

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster.

##### **306.4.4 OPTICS OR LASER SIGHTS**

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

An optical red dot sight mounted on top of the slide either right in front of or immediately to the rear of the rear sights and mounted between the ejection port and the rear of the slide.

- (a) The optical sight must be of a manufacturer of known quality with the approval of the Department's range master or designee.
- (b) If an optical red dot sight is used then backup iron sights must be affixed to the handgun and must be able to be viewed/used in conjunction with the optical red dot sight.
- (c) Any officer carrying an approved handgun equipped with a red dot sight shall qualify with that handgun as described in this policy.

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

**306.5 SAFE HANDLING, INSPECTION AND STORAGE**

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

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

**306.5.1 INSPECTION**

Handguns and rifles shall be inspected regularly and upon access or possession by another person. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. All firearms shall be pointed in a safe direction or into clearing barrels when available.

**306.5.2 STORAGE AT HOME**

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit Department-issued firearms to be handled by anyone not authorized by the Department to do so.

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Members should be aware that negligent storage of a firearm could result in civil and criminal liability (720 ILCS 5/24-9(a)).

**306.5.3 ALCOHOL AND DRUGS**

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

**306.6 FIREARMS TRAINING AND QUALIFICATIONS**

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

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

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations

**306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

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

Those who fail to meet minimum standards shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

Members who fail twice to meet minimum standards will be removed from field assignment and may be subject to disciplinary action in accordance with existing procedures. For procedures concerning non-certification/non-qualification, please see the Aurora Police Department - Procedures Manual: [Non-Certification or Non-Qualification Procedures](#).

**306.7 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and

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Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Bureau Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

#### 306.7.1 DESTRUCTION OF ANIMALS

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

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

#### 306.7.2 INJURED ANIMALS

A member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

#### 306.7.3 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are prohibited.

### **306.8 RANGEMASTER DUTIES**

For the purposes of this policy, Rangemaster is meant to include the Rangemaster and the authorized designees. The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department. For firearms range regulations, please refer to the Aurora Police Department - Procedures Manual: [Firearms Range Regulations](#).

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

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The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Rangemaster.

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

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

**306.9 FLYING WHILE ARMED**

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Aurora Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the Department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

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- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **306.10 CARRYING FIREARMS OUT OF STATE**

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

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

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

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

## Vehicle Pursuits

### **307.1 PURPOSE AND SCOPE**

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

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

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

#### **307.1.1 VEHICLE PURSUIT DEFINED**

An officer shall be deemed to be in pursuit when s/he, while in a motorized police vehicle, engages in any of the exceptions enumerated in 625 ILCS 5/11-205 (c) while following behind an actual or suspected violator of the law who fails or refuses to bring his vehicle to a stop, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude a police officer from this or another jurisdiction.

### **307.2 OFFICER RESPONSIBILITIES**

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

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

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To reduce the likelihood of a pursuit occurring, an officer intending to stop a vehicle for any violation of the law should, whenever possible and without creating a threat to public safety or officers, close the distance between the two vehicles. In situations where appropriate and prudent, awaiting the arrival of assisting officers, prior to activating emergency lights, an audible device, or otherwise signaling the suspect to stop may be warranted.

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

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

#### **307.2.1 WHEN TO INITIATE A PURSUIT**

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

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

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

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

#### 307.2.2 WHEN TO TERMINATE A PURSUIT

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

The factors listed in the previous subsection are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s). Terminate shall also mean that the officer will not continue to follow or parallel the offender in any way. Officers shall terminate any pursuit when directed to do so by a supervisor.

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

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

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#### **307.2.3 SPEED LIMITS**

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

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

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

#### **307.3 PURSUIT UNITS**

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

##### **307.3.1 SEMI-MARKED AND UNMARKED VEHICLES**

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

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

##### **307.3.2 PRIMARY UNIT RESPONSIBILITIES**

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

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Upon the initiation of a pursuit, the pursuing officer shall immediately activate the vehicle's emergency warning lights, audible device.

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

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

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

#### 307.3.3 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

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

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#### 307.3.4 PURSUIT DRIVING TACTICS

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

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

#### 307.3.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

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

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

#### 307.3.6 PURSUIT TRAILING

In the event the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the

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termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

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

#### **307.3.7 AIRCRAFT ASSISTANCE**

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

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

#### **307.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

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

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

- (a) Upon notification that a pursuit is in progress, the supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses, and make radio notification they are monitoring the pursuit.
- (b) The supervisor shall immediately determine whether the pursuit was initiated in accordance with the provisions of this guideline and shall permit the pursuit to be continued only if said guideline has been fully complied with to the best of the supervisor's knowledge.
- (c) Upon being notified of a pursuit, the supervisor shall verify the following:
  1. That no more than the required or necessary number of units are involved in the pursuit.
  2. That the proper radio frequency is being used.
  3. That other agencies are notified as necessary and appropriate.
- (d) The supervisor shall continuously review the incoming information to determine whether the pursuit should be continued or terminated.
- (e) The supervisor shall order a pursuit terminated after concluding danger to the pursuing peace officers or the public outweighs the need for the immediate apprehension of the suspect.

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

The Supervisor shall review all pertinent reports for content and forward to the Divisional Lieutenant.

#### **307.5 COMMUNICATIONS**

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or telecommunicator. If the pursuit

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leaves the jurisdiction of this Department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

#### 307.5.1 THE DISPATCH CENTER RESPONSIBILITIES

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

#### 307.5.2 LOSS OF PURSUED VEHICLE

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

### **307.6 INTER-JURISDICTIONAL PURSUITS**

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

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When a pursuit enters another agency's jurisdiction:

- (a) The primary unit will advise the Dispatch Center that the pursuit is leaving this jurisdiction.
- (b) The controlling supervisor will decide whether to continue the pursuit based upon the totality of circumstances known.
- (c) As soon as practicable the Dispatch Center will notify the involved jurisdiction.
- (d) If two units from the other agency are actively involved in the pursuit, the officers will not engage in the pursuit unless directed to do so by a supervisor.

#### 307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

#### 307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

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

### **307.7 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Police Immobilization Technique), ramming, heading off, or roadblock procedures. Absent situations where the use of deadly force would otherwise be justified, the use of these techniques will not be used without proper training.

#### **307.7.1 WHEN USE AUTHORIZED**

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

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

#### **307.7.2 DEFINITIONS**

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

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

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

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

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

#### 307.7.3 USE OF FIREARMS/VEHICLE CONTACT ACTION

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

#### 307.7.4 INTERVENTION STANDARDS

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

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

Intervention tactic application circumstances include:

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

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feasible, an officer should obtain authorization from a supervisor before implementing mobile stop techniques. Absent exigent circumstances, such techniques should not be employed by officers that have not been trained in application of the selected technique.

- (c) At low speeds the use of forcible stop techniques is permitted when there is legal justification for the use of force. Where feasible, an officer should obtain authorization from a supervisor before implementing forcible stop techniques. Absent exigent circumstances, such techniques should not be employed by officers that have not been trained in application of the selected technique.
- (d) At high speeds the use of forcible stop techniques is permitted only when there is legal justification for the use of deadly force. Where feasible, an officer should obtain authorization from a supervisor before implementing forcible stop techniques. Absent exigent circumstances, such techniques should not be employed by officers that have not been trained in application of the selected technique.

#### **307.7.5 CAPTURE OF SUSPECTS**

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

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

#### **307.8 REPORTING REQUIREMENTS**

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

- (a) Pursuit incidents will be investigated thoroughly. The acquisition of statements, photographs, drawings, preliminary medical reports and any other evidentiary items that are or could be relevant to the conduct of the pursuit incident should be completed.
- (b) The appropriate documentation shall be completed briefly summarizing the pursuit to his/her supervisor. This documentation should minimally contain the following information:
  1. Date and time of pursuit.
  2. Length of pursuit.
  3. Involved units and officers.

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4. Initial reason for pursuit.
  5. Starting and termination points.
  6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.
  7. Injuries and/or property damage.
  8. Medical treatment.
  9. Name of supervisor at scene.
  10. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow up is warranted.
- (c) The "Pursuit Driving Report" shall be completed. The "Pursuit Driving Report" should be submitted to a supervisor for internal evaluation and review to determine:
1. Guideline compliance.
  2. Operational needs.
  3. Future training needs.
- (d) The "Pursuit Driving Report" will be submitted to the Illinois Law Enforcement Training Standards Board, 600 South Second Street, Suite 300, Springfield, Illinois 62704, by each agency involved in a pursuit.

#### **307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING**

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

#### **307.8.2 POLICY REVIEW**

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

#### **307.9 APPLICATION OF VEHICLE PURSUIT POLICY**

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

## Officer Response to Calls

### **308.1 PURPOSE AND SCOPE**

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

### **308.2 RESPONSE TO CALLS**

Using emergency lights and sirens shall be considered an emergency response and Officers will proceed immediately to the scene. Officers responding using emergency lights and siren shall continuously operate emergency lighting equipment, and shall sound the siren as reasonably necessary.

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

- (a) Park or stand, irrespective of the provisions of the Illinois Vehicle Code (625 ILCS).
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation.
- (c) Exceed the maximum speed limits so long as he/she does not endanger life or property.
- (d) Disregard regulations governing direction of movement or turning in specified directions.

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

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

### **308.3 REQUESTING EMERGENCY ASSISTANCE**

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

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

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

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- The number of units required
- 

**308.4 RESPONSIBILITIES OF RESPONDING OFFICER(S)**

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. When determining if an emergency response is appropriate, an officer, if practicable, should give the location from which he/she is responding. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

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

**308.5 COMMUNICATIONS RESPONSIBILITIES**

The telecommunicator shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Confirm the location from which the unit is responding.
- (c) Notify and coordinate allied emergency services (e.g., fire and ambulance).
- (d) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.
- (e) Control all radio communications during the emergency and coordinate assistance under the direction of a supervisor.

**308.6 SUPERVISORY RESPONSIBILITIES**

Supervisors should monitor radio traffic and be cognizant of an emergency response to calls. Upon determining that an Emergency response has been initiated, the supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.

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- (c) Affected outside jurisdictions are being notified as practical.

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

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

When making the decision to authorize an Emergency response, the supervisor should consider the following:

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

#### **308.7 FAILURE OF EMERGENCY EQUIPMENT**

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

# Canines

## **309.1 PURPOSE AND SCOPE**

This policy establishes guidelines for the use of canines to augment law enforcement services to the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

## **309.2 POLICY**

It is the policy of the Aurora Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

## **309.3 ASSIGNMENT**

Canine teams should be assigned to assist and supplement the Bureau of Neighborhood Policing Bureau to function primarily in assist or cover assignments. However, they may be assigned by the Patrol Lieutenant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Patrol Lieutenant.

## **309.4 CANINE COORDINATOR**

The canine coordinator shall be appointed by and directly responsible to the Bureau of Neighborhood Policing Bureau Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
  1. Ensure all department vehicles used to transport canines are equipped with a heat sensor monitoring device that meets the requirements of 510 ILCS 83/15.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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#### **309.5 REQUESTS FOR CANINE TEAMS**

Patrol members are encouraged to request the use of a canine. Requests for a canine team from Department units outside of the Bureau of Neighborhood Policing Bureau shall be reviewed by the Patrol Lieutenant.

##### **309.5.1 OUTSIDE AGENCY REQUEST**

All requests for canine assistance from outside agencies must be approved by the Patrol Lieutenant and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

##### **309.5.2 PUBLIC DEMONSTRATION**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

#### **309.6 APPREHENSION GUIDELINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

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Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Patrol Lieutenant. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

#### 309.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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#### **309.6.2 WARNINGS AND ANNOUNCEMENTS**

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

#### **309.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES**

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by Emergency Medical Services (EMS) personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements (510 ILCS 5/13(b)). The canine shall be under observation for 10 days following any bite. The observation shall consist of the canine being locked in a kennel, performing its official duties in a law enforcement vehicle or remaining under the constant supervision of its handler.

#### **309.7 NON-APPREHENSION GUIDELINES**

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an immediate threat to officers, the canine, or the public, such applications should be conducted on-leash or under

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conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

#### 309.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

#### 309.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless specifically trained to do so and authorized by the Canine Coordinator.

#### 309.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

#### **309.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in a single-family residence.
- (c) A garage that can be secured and accommodate a canine vehicle and kennel.
- (d) Agreeing to be assigned to the position for a minimum of four years.

#### **309.9 HANDLER RESPONSIBILITIES**

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Aurora Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kennelled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Divisional Lieutenant.

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- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Divisional Lieutenant.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.
- (l) The handler shall ensure the canine receives an annual medical examination by a licensed veterinarian (510 ILCS 83/10).

#### **309.9.1 CANINE IN PUBLIC AREAS**

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

#### **309.10 HANDLER COMPENSATION**

The canine handler may be called out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the memorandum of understanding (29 USC § 207).

#### **309.11 CANINE INJURY AND MEDICAL CARE**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained by the unit coordinator.

#### **309.12 TRAINING**

Before assignment in the field, each narcotic detection canine team shall be trained and certified to meet current requirements established by the Illinois Law Enforcement Training and Standards Board (ILETSB) (50 ILCS 705/10.12). Cross-trained canine teams or those canine teams trained exclusively for the detection explosives also should be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all Department members in order to familiarize them with how to conduct themselves in the presence of

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Department canines. The canine coordinator shall also be responsible for scheduling periodic training for all canine handlers in the recognition and treatment of a canine's exposure to dangerous substances such as opioids.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Lieutenant.

#### **309.12.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Aurora Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training totaling 16 hours monthly.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this Department.

#### **309.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING**

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

#### **309.12.3 TRAINING RECORDS**

All canine training records shall be maintained in the canine handler's and the canine's training file.

#### **309.12.4 TRAINING AIDS**

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Aurora Police Department may work with outside trainers with the applicable licenses or permits.

#### **309.12.5 CONTROLLED SUBSTANCE TRAINING AIDS**

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f); 720 ILCS 570/302).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Aurora Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

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As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

#### **309.12.6 CONTROLLED SUBSTANCE PROCEDURES**

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and inspected prior to dispensing to the individual canine handler or trainer.
- (b) The weight and inspection results shall be recorded and maintained by this Department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) When not needed for training, all controlled substance training samples will be stored in evidence. All training samples will be inspected, weighed and tested quarterly by the coordinator. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All canine handlers and trainers shall inspect every control substance training sample for damage or tampering upon receipt and take any appropriate action.
- (f) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (g) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (h) Any unusable controlled substance training samples shall be returned to the Evidence Unit or to the dispensing agency.
- (i) All controlled substance training samples shall be disposed of according to the dispensing agencies request.

#### **309.12.7 CANNABIS PROCEDURES**

Due to the responsibilities and liabilities involved with possessing readily usable amounts of cannabis and the ever-present danger of the canine's accidental ingestion of these cannabissubstances, the following procedures shall be strictly followed:

- (a) All canine handlers or trainers will be issued approximately five grams of cannabis training samples from the canine coordinator.
- (b) All cannabis training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

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- (c) The weight and test results shall be recorded and maintained by this Department
- (d) Training samples will be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (e) The canine coordinator shall periodically inspect every cannabis training sample for damage or tampering and take any appropriate action.
- (f) Any unusable cannabis training samples shall be returned to the Evidence Unit or to the dispensing agency.
- (g) All cannabis training samples shall be disposed of according to the Evidence Unit disposal procedure.

#### **309.12.8 EXPLOSIVE TRAINING AIDS**

Officers may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; 225 ILCS 210/2001).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

#### **309.13 CANINE RETIREMENT**

When the Bureau of Neighborhood Policing Bureau Commander determines a canine is no longer fit for duty it shall be offered to the handler assigned to the animal during its service. If the handler does not wish to keep the dog, the Bureau of Neighborhood Policing Bureau Commander should offer the canine to another employee of the Aurora Police Department, or to a nonprofit organization or no-kill shelter that may facilitate the dog's adoption (510 ILCS 82/5).

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# Domestic Violence

## 310.1 PURPOSE AND SCOPE

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

### 310.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 310.2 POLICY

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

## 310.3 OFFICER SAFETY

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

## 310.4 INVESTIGATIONS

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

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

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

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#### 310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

#### 310.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

#### 310.4.3 ELECTRONIC SURVEILLANCE ALERTS

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

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

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

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

### **310.5 VICTIM ASSISTANCE**

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

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

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

### **310.6 TELECOMMUNICATIONS ASSISTANCE**

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

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

For procedures related to telecommunications assistance, please see the Aurora Police Department - Procedures Manual: [Response Procedures for Communications Center Personnel](#).

### **310.7 FOREIGN COURT ORDERS**

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

### **310.8 VERIFICATION OF COURT ORDERS**

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

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

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

#### **310.9 LEGAL MANDATES AND RELEVANT LAWS**

Illinois law provides for the following:

##### **310.9.1 STANDARDS FOR ARRESTS**

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

##### **310.9.2 REPORTS AND RECORDS**

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

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

##### **310.9.3 SPECIFIC VICTIM ISSUES**

Officers should:

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

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#### 310.9.4 COURT ORDER RELATED TO PEACE OFFICERS

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

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

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

#### 310.9.5 SERVICE OF COURT ORDERS

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

Before serving an Order of Protection, the serving officer should conduct an inquiry to determine whether the respondent has been issued a concealed carry license (CCL). If the respondent is found to be in possession of a CCL, the officer shall seize the CCL and forward the notification of the order and license to the Illinois State Police within seven days of the date the order was served (430 ILCS 66/70).

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

# Workplace Violence

## 311.1 PURPOSE AND SCOPE

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

### 311.1.1 DEFINITIONS

Definitions related to this policy include:

**Workplace violence** - The commission or threatened commission of an act of violence, harassment or stalking as defined under the Illinois Criminal Code of 2012 against a person at his/her place of work. Place of work means any property that is owned or leased by the employer and at which the official business of the employer is conducted, as defined by the Workplace Violence Prevention Act (820 ILCS 275/10).

## 311.2 POLICY

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

## 311.3 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent or ongoing workplace violence may also involve incidents of domestic violence. Members should consider whether a related domestic violence investigation should also be conducted, as provided in the Domestic Violence Policy.
- (b) Members should take reasonable steps to prevent any further workplace violence, including making an arrest where appropriate.
- (c) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (d) Officers should advise the employer and victim about seeking medical attention and preserving evidence (specifically including photographs of injury or damage).
- (e) When completing an incident or offense report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or offense report.

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

#### **311.4 EMPLOYER AND VICTIM ASSISTANCE**

Officers should:

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

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communicating with a domestic violence victim within 72 hours of release (725 ILCS 5/110-10(d)).

#### **311.5 REPORTS AND RECORDS**

The Aurora Police Department is required to record, compile and report to the Illinois State Police information regarding workplace crimes (750 ILCS 60/303).

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

## Search and Seizure

### **312.1 PURPOSE AND SCOPE**

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

### **312.2 POLICY**

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

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

### **312.3 SEARCHES**

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

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

- Valid consent (See attachment: [Search Waiver](#) )
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

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

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

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

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#### **312.4 SEARCH PROTOCOL**

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

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

#### **312.5 DOCUMENTATION**

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

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

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

# Temporary Custody of Juveniles

## 313.1 PURPOSE AND SCOPE

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

### 313.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

**Lockout** - Describes a situation where a dependent minor wishes to return home, but is denied or refused entry by a parent(s), guardian(s), or custodian(s). Upon denying entry back into the home, the parent(s), guardian(s), or custodian(s) also refuse to provide for, arrange or permit an alternative living arrangement for the minor.

**Minor Requiring Authoritative Intervention (MRAI) (705 ILCS 405-3/3): Includes any minor under the age of 18 who:**

- (a) Is absent from home without the consent of their parent, guardian, or custodian.
- (b) is beyond the control of their parent, guardian, or custodian, in circumstances which constitute a substantial or immediate danger to the minor's physical safety.
- (c) After being taken into limited custody and offered interim crisis intervention services, refuses to return home after the minor and their parent, guardian, or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement.

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

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

Examples of secure custody include:

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

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

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

### **313.2 POLICY**

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

### **313.3 JUVENILES WHO SHOULD NOT BE HELD**

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

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

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

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

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

#### **313.4 CUSTODY OF JUVENILES**

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

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other juvenile authority as soon as practicable. No juvenile, under the age of 12 shall be detained or confined beyond six hours from the time of his/her entry into the Aurora Police Department. No juvenile who is 12 years of age or older will be detained in secure custody in a police facility for more than 12 hours, unless the offense is a crime of violence, in which case the minor may be detained up to 24 hours.

A crime of violence means murder, voluntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, armed robbery, robbery arson, kidnapping, aggravated battery, aggravated arson, or any other felony which involves the use or threat of physical force or violence against another individual (720 ILCS 301/1-10).

##### **313.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

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

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

##### **313.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS**

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

##### **313.4.3 CUSTODY OF JUVENILE OFFENDERS**

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

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

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

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

The officer shall submit a completed report to a supervisor.

#### 313.4.4 STREET AND STATION ADJUSTMENTS

Any Officer who has a delinquent minor in their custody has the authority to release that minor to a parent, guardian, or responsible adult family member as a street adjustment, or if they are a Juvenile Officer, a station adjustment.

#### 313.5 ADVISEMENTS

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

#### 313.6 JUVENILE CUSTODY LOGS

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

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

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The Detention Sergeant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released. In the event a Detention Sergeant is not available, these duties will be assumed by the Patrol Supervisor.

#### **313.7 NO-CONTACT REQUIREMENTS**

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

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

#### **313.8 TEMPORARY CUSTODY REQUIREMENTS**

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

- (a) The Patrol Lieutenant should be notified if it is anticipated that a juvenile may need to remain at the Aurora Police Department more than four hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.

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- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

#### **313.9 USE OF RESTRAINT DEVICES**

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

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

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

#### **313.10 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the Aurora Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

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

#### **313.11 SECURE CUSTODY**

Only juvenile offenders 10 years of age or older may be placed in secure custody (705 ILCS 405/5-410).

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

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

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

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

#### **313.11.1 LOCKED ENCLOSURES**

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire time in custody.
- (b) Juveniles shall have constant auditory access to Department members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by a staff member, no less than every 15 minutes, shall occur.
  - 1. All checks shall be logged.
  - 2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

#### **313.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE**

The Department will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Aurora Police Department. The procedures, which can be found in the Aurora Police Department Procedures Manual [Unusual or Extraordinary Circumstances in the Detention Facility](#), will address:

- (a) Immediate notification of the on-duty supervisor.
- (b) Initiate an Administrative Review.
- (c) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
- (d) Evidence preservation.
- (e) Reporting to the Office of Jail and Detention Standards (20 Ill. Adm. Code 720.130).

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#### **313.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

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

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

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

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

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

#### **313.13.1 INVESTIGATIONS ON SCHOOL PROPERTY**

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

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

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

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

#### **313.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

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

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

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

#### **313.15 THE MRAI PROCESS AND LOCKOUTS**

The MRAI (crisis intervention) process is not designed to relieve the parent, guardian, or custodian of their legal obligation to provide for the health, safety, and welfare of their children. The MRAI process is designed primarily as an emergency measure, and is intended to reunite the family unit and establish an initial structure for future family counseling.

Officers should be aware that:

- (a) MRAI is to be documented on an Incident Report.
- (b) MRAI is not an arrest, and therefore not subject to the procedures set forth in handling an arrest.

Lockouts will be handled in a manner similar to the MRAI process.

For specific procedures for MRAIs and lockouts, see: [MRAI AND LOCKOUT PROCEDURES](#)

For Aunt Martha's Health and Wellness Form see: [MRAI Health Wellness Form.pdf](#)

# Adult Abuse

## 314.1 PURPOSE AND SCOPE

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

### 314.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 314.2 POLICY

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

## 314.3 MANDATORY NOTIFICATION

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

## 314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.

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

### **314.5 INVESTIGATIONS AND REPORTING**

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Whether a protective order petition should be filed on behalf of the victim when there is a reasonable belief that the victim is incapable of filing a petition for him/herself (750 ILCS 60/201). Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

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

#### **314.6 PROTECTIVE CUSTODY**

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

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

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

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

#### **314.7 INTERVIEWS**

##### **314.7.1 PRELIMINARY INTERVIEWS**

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

##### **314.7.2 DETAINING VICTIMS FOR INTERVIEWS**

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.

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

#### **314.8 MEDICAL EXAMINATIONS**

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

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

#### **314.9 DRUG-ENDANGERED VICTIMS**

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

##### **314.9.1 SUPERVISOR RESPONSIBILITIES**

An Investigation supervisor should:

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

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#### **314.9.2 OFFICER RESPONSIBILITIES**

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

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

#### **314.10 STATE MANDATES AND OTHER RELEVANT LAWS**

##### **314.10.1 RECORDS UNIT RESPONSIBILITIES**

The Records Unit is responsible for:

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

##### **314.10.2 RELEASE OF REPORTS**

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

##### **314.10.3 SUMMARY REPORTS OF DEATH INVESTIGATIONS**

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

#### **314.11 TRAINING**

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

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

# Discriminatory Harassment

## **315.1 PURPOSE AND SCOPE**

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

## **315.2 POLICY**

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

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline. Members should also refer to the [Anti-Harassment Policy](#)

## **315.3 DEFINITIONS**

Definitions related to this policy include:

### **315.3.1 DISCRIMINATION**

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

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

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

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#### 315.3.2 RETALIATION

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

#### 315.3.3 HARASSMENT

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

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

#### 315.3.4 SEXUAL HARASSMENT

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

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

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

#### 315.3.5 ADDITIONAL CONSIDERATIONS

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

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

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#### **315.4 RESPONSIBILITIES**

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

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

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

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

##### **315.4.1 QUESTIONS OR CLARIFICATION**

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

##### **315.4.2 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors and managers shall include but are not limited to:

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

##### **315.4.3 SUPERVISOR'S ROLE**

Supervisors and managers shall be aware of the following:

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

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

#### **315.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

##### **315.5.1 SUPERVISOR RESOLUTION**

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

##### **315.5.2 FORMAL INVESTIGATION**

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

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

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

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

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#### **315.5.3 ALTERNATIVE COMPLAINT PROCESS**

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

#### **315.6 DOCUMENTATION OF COMPLAINTS**

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

- (a) Approved by the Chief of Police or the Director of Human Resources, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

#### **315.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation.

#### **315.7 TRAINING**

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

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions. This review and training will be conducted in conjunction with the annual Evaluation of Employees.

#### **315.7.1 STATE-REQUIRED TRAINING**

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

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

#### **315.7.2 NOTICE**

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

# Child Abuse

## 316.1 PURPOSE AND SCOPE

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

### 316.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 316.2 POLICY

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

## 316.3 MANDATORY NOTIFICATION

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

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

### 316.3.1 NOTIFICATION PROCEDURE

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

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

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

#### **316.4 QUALIFIED INVESTIGATORS**

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

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

#### **316.5 INVESTIGATIONS AND REPORTING**

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

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

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

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

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

### **316.6 PROTECTIVE CUSTODY**

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

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

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

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

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

#### **316.6.1 PROCEDURE**

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

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

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- (b) Notify DCFS.

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

## **316.7 INTERVIEWS**

### 316.7.1 PRELIMINARY INTERVIEWS

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

For additional procedures related to officers responsibilities in these instances, please refer to the Aurora Police Department - Procedures Manual: [Physical or Sexual Abuse Procedures](#).

### 316.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

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

## **316.8 MEDICAL EXAMINATIONS**

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

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

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#### **316.9 DRUG-ENDANGERED CHILDREN**

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

##### **316.9.1 SUPERVISOR RESPONSIBILITIES**

An Investigations Supervisor Investigation Unit should:

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

##### **316.9.2 OFFICER RESPONSIBILITIES**

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

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

#### **316.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Illinois requires or permits the following:

##### **316.10.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (325 ILCS 5/11).

##### **316.10.2 CHILD ADVOCACY ADVISORY BOARD PROTOCOL**

This Department has adopted the Illinois Child Advocacy Advisory Board's protocol governing the investigation of child maltreatment including sexual abuse, physical abuse, exploitation and neglect of a child.

All investigations and interviews conducted by this Department shall comply with this protocol, with the procedures to be used in investigating and prosecuting cases arising from alleged child maltreatment and in coordinating treatment referrals for the child and his/her family (55 ILCS 80/3).

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#### 316.10.3 ACKNOWLEDGEMENT OF REPORTING RESPONSIBILITY

The Administrative Services supervisor shall ensure that members of this Department who are directly involved in the enforcement of the law sign statements acknowledging that they are mandated to notify DCFS of suspected child abuse and neglect. The statement shall be on a form prescribed by DCFS. It shall be signed before beginning employment and shall be retained by this agency as a permanent part of the personnel record (325 ILCS 5/4).

#### 316.10.4 ASSISTANCE TO CHILD PROTECTIVE SERVICES INVESTIGATORS

Upon receiving a request for assistance from a child protective services investigator involving an investigation of a high-risk report of child abuse or neglect officers should determine the reason for the request. If the protective services investigator reasonably believes that the person being investigated has a potential for violence, officers should accompany him/her. However, if resources are limited or unavailable, officers should notify a supervisor to arrange for the assistance to occur at a mutually agreeable time (325 ILCS 5/7.2).

#### 316.10.5 SEXUAL ABUSE INVOLVING SCHOOL PERSONNEL

In all reported incidents of sexual abuse of a child involving school personnel, including vendors or volunteers, an Investigations Supervisor or authorized designee shall notify the relevant school when the investigation has been suspended or completed, as well as the outcome of the investigation (105 ILCS 5/22-85).

### **316.11 TRAINING**

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

#### 316.11.1 TRAINING RECORDS

In addition to providing copies of completed mandated reporter training records to the Training Sergeant as required in the Personnel Records Policy, members should maintain records of their completed training and forward copies to their licensing or certification board (325 ILCS 5/4).

# Missing Persons

## 317.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 317.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk missing person** - A person whose whereabouts are not currently known and whose circumstances indicate that the person may be at risk of injury or death. The circumstances that indicate that a person is a high-risk missing person include but are not limited to any of the following (50 ILCS 722/10(a)(1)):

- (a) The person is missing as a result of a stranger abduction.
- (b) The person is missing under suspicious circumstances.
- (c) The person is missing under unknown circumstances.
- (d) The person is missing under known dangerous circumstances.
- (e) The person is missing more than 30 days.
- (f) The person has already been designated as a high-risk missing person by another law enforcement agency.
- (g) There is evidence that the person is at risk because:
  - 1. The person is in need of medical attention, including persons with dementia-like symptoms, or in need of prescription medication.
  - 2. The person does not have a pattern of running away or disappearing.
  - 3. The person may have been abducted by a non-custodial parent.
  - 4. The person is mentally impaired, or is developmentally or intellectually disabled.
  - 5. The person is under the age of 21.
  - 6. The person has been the subject of past threats or acts of violence.
  - 7. The person has eloped from a nursing home.
  - 8. The person is a veteran, active duty, or reserve member of the United States Armed Forces or National Guard, and is believed to have a physical or mental health condition related to his/her service.
- (h) Any other factor that may, in the judgment of the law enforcement official, indicate that the missing person may be at risk.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person under the age of 18, reported to the Department as abducted, lost or a runaway, whose identity is entered into the Law Enforcement Agencies Data System (LEADS) (325 ILCS 55/1(c)).

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**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and LEADS (20 Ill. Adm. Code 1291.40).

#### **317.2 POLICY**

The Aurora Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Aurora Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

#### **317.3 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (50 ILCS 722/5(a)).

#### **317.4 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be a high-risk missing person.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either high-risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast an alert if the person is under 18 years of age or there is evidence that the missing person is high-risk. If the missing person is under 18, the alert should be broadcast immediately or as soon as practicable, but in no event more than one hour after determining the missing person may be high-risk (325 ILCS 40/7).
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
  1. Immediately when the missing person is high-risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

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- (g) Collect and/or review:
  - 1. A photograph and fingerprint card of the missing person, if available.
  - 2. A voluntarily provided DNA sample of the missing person, if available (e.g., toothbrush, hairbrush). Any DNA samples obtained shall immediately be forwarded to the Illinois State Police for analysis (50 ILCS 722/5(d)(3)).
  - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
  - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) If the missing person is a child, immediately have the child entered into LEADS and NCIC to ensure entry to the State Missing Persons Clearinghouse (325 ILCS 40/7(b)).
- (k) In the event that a missing child is not found during the shift in which the report was made, information regarding the missing child shall be disseminated to all sworn officers in the Department (325 ILCS 40/7(b)).

### **317.5 REPORT PROCEDURES AND ROUTING**

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

#### **317.5.1 SUPERVISOR RESPONSIBILITIES**

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

- (a) Reviewing and approving missing person reports upon receipt.
  - 1. The reports should be promptly sent to the Investigations Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing person networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

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1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### 317.5.2 RECORDS UNIT RESPONSIBILITIES

The responsibilities of the Records Unit member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigation Unit.
- (e) Coordinating with the NCIC Terminal Contractor for Illinois to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

#### 317.6 INVESTIGATION UNIT FOLLOW-UP

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

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  1. The notice shall be in writing and should also include a photograph.
  2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Shall attempt to obtain, if not previously received, the following (50 ILCS 722/5(d)):
  1. DNA samples from family members or from the missing person along with any needed documentation, or both, including any consent forms, required for the use of state or federal DNA databases, including but not limited to the Local DNA Index System (LDIS), State DNA Index System (SDIS), and National DNA Index System (NDIS).
  2. An authorization to release dental or skeletal X-rays of the missing person.
  3. Any additional photographs of the missing person that may aid with the investigation or an identification and enter the photograph into applicable missing person networks (34 USC § 41308). No written authorization to publicly

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release any photograph that would aid in the investigation or identification of the missing person is required.

- (a) If the missing person is under 18 years of age, the photographs should be forwarded to the Illinois State Police and LEADS.
- 4. Dental information and X-rays.
- 5. Fingerprints.
- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (e) Shall verify and update LEADS, the NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (g) Shall maintain a close liaison with state and local child welfare systems and NCMEC if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (h) Should make appropriate inquiry with the Coroner.
- (i) Should obtain and forward medical and dental records.
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) Shall immediately begin an investigation and notify the Illinois State Police if information is received that a request for the birth certificate, school record, or any other information concerning a missing child has been made (325 ILCS 55/6).
- (l) In the case of a high-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### 317.6.1 NOTIFICATION TO REPORTING PERSON

The investigator shall notify the person making the report, a family member or other person in a position to assist the Department in its efforts to locate the missing person of the following (50 ILCS 722/5(d)(1)):

- (a) General information about the handling of the missing person case or about intended efforts in the case to the extent that the disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person criminally involved in the disappearance.
- (b) That the person should promptly contact the Aurora Police Department if the missing person remains missing in order to provide additional information and materials that will aid in locating the missing person such as the missing person's credit cards, debit cards, banking information and cellular telephone records.

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- (c) That any DNA samples provided for the missing person case are provided on a voluntary basis and will be used solely to help locate or identify the missing person and will not be used for any other purpose.
- (d) That, dependent upon the missing person's age, the NCMEC and the National Center for Missing Adults may be contacted.

#### **317.7 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Investigations Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the Illinois State Police.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a missing person is high-risk, the fact that the person has been found shall be reported within 24 hours to the Illinois State Police.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

##### **317.7.1 UNIDENTIFIED PERSONS**

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

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **317.8 CASE CLOSURE**

The Investigation Unit supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Aurora or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

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- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

### **317.9 TRAINING**

Subject to available resources, the Training Sergeant should ensure that members of this Department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  1. Assessments and interviews
  2. Use of current resources, such as Mobile Audio/Video (MAV)
  3. Confirming missing status and custody status of minors
  4. Evaluating the need for a heightened response
  5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of Department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., internet use, cell phone use).
- (n) Media relations.

## Public Alerts

### **318.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### **318.2 POLICY**

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### **318.3 RESPONSIBILITIES**

#### **318.3.1 EMPLOYEE RESPONSIBILITIES**

Employees of the Aurora Police Department should notify their supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### **318.3.2 SUPERVISOR RESPONSIBILITIES**

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the appropriate Lieutenant and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau Commander

### **318.4 AMBER ALERTS**

The AMBER Alert Notification Plan is a tool for law enforcement to promptly notify the media of a confirmed abduction so the information can be broadcast to the public for assistance in locating the child and/or abductor.

#### **318.4.1 CRITERIA**

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

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- (a) A confirmed abduction.
- (b) The child must be under the age of 16 or have a proven mental or physical disability.
- (c) The agency has a belief the child is in danger of serious bodily harm or death.
- (d) There is enough descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help.

#### 318.4.2 PROCEDURE

In the event a confirmed child abduction meeting the Illinois AMBER Alert criteria has occurred the following procedures designed to alert the media shall be followed:

- (a) Notify the nearest ISP district or call the Illinois State Police Communication Center (SCC) (217) 786-6677, or fax the AMBER Fax Packet (217) 786-7191.
- (b) Include detailed information which could be helpful to the public in identifying the child.
- (c) Designate a Department contact for the ISP SCC (include a name and telephone number).
- (d) Designate a secondary number (PIO) for media contacts.
- (e) Follow Department policy regarding the actual investigation process involving any abducted/kidnapped child incident which takes place within this Department's jurisdiction.
- (f) Disseminate necessary abduction information via a LEADS/NLETS message (sent ISPERN messages shall be coordinated through the ISP district of occurrence).
- (g) If a current portrait of the child is available, forward it electronically along with a copy of all abduction details/summaries to the ISP Clearinghouse for Missing and Exploited Children Manager ( [missing@isp.state.il.us](mailto:missing@isp.state.il.us) ).
- (h) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
  1. Federal Bureau of Investigation (FBI Local Office).
  2. Prompt entry of information into the Missing Person System (LEADS/NCIC).
  3. National Center for Missing and Exploited Children (800) 843-5678.
- (i) The Investigation Unit investigator or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.
- (j) The Investigation Unit investigator or other individual responsible for making notifications shall, immediately upon locating the abducted child, ensure that updated

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releases to all previous distributions are sent notifying of the recovery and cancellation of the missing alerts.

#### **318.5 ENDANGERED MISSING PERSON ADVISORY**

The Endangered Missing Persons Advisory is a voluntary partnership between law enforcement and local media to notify the public about a missing and endangered person.

##### 318.5.1 CRITERIA

The advisory is initiated by the Department utilizing the criteria established in the definitions section of the Missing Persons Policy (50 ILCS 722/10).

##### 318.5.2 PROCEDURE

Upon receipt of a missing person report and using the above criteria, the Investigation Unit investigator or other individual assigned to the investigation shall promptly determine if there is a basis to classify the missing person as high-risk and endangered and, following approval by a supervisor:

- (a) Immediately enter the missing person information, including any vehicle information, into the LEADS and the NCIC databases.
- (b) Complete the Endangered Missing Person Advisory available on the Amber Alert Task Force website ([www.amberillinois.com](http://www.amberillinois.com)) and fax the completed form to the Illinois State Police district of occurrence.
- (c) If appropriate, coordinate an ISPERN message through the Illinois State Police District of occurrence.
- (d) Upload DNA profiles as determined by the State Police into the State DNA Index System and the National DNA Index System.
- (e) Submit relevant information to the FBI Violent Criminal Apprehension Program (ViCAP).
- (f) Notify Department employees to be on the lookout for the high-risk missing person and/or suspected abductor.
- (g) Follow Department policy regarding missing persons reporting and documentation, required notifications, conduct of the investigation and follow up investigation.
- (h) Immediately upon locating a missing high-risk individual, ensure that updated releases to all previous distributions are sent notifying of the recovery and cancellation of the missing advisory.

#### **318.6 CRIMES AGAINST POLICE OFFICERS ADVISORY**

The Crimes Against Police Officers Advisory provides a regional system for the rapid dissemination of information regarding a person who is suspected of committing or attempting to commit certain crimes against a peace officer (20 ILCS 2605/2605-600).

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#### 318.6.1 CRITERIA

A Crimes Against Police Officers Advisory may be initiated under the following circumstances (20 ILCS 2605/2605-600):

- (a) The Department believes that a suspect has committed one or more of the following offenses against a peace officer:
  1. First degree murder
  2. Second degree murder
  3. Involuntary manslaughter
  4. Reckless homicide
  5. Concealment of a homicidal death
- (b) The Department believes that the suspect may be a serious threat to the public.
- (c) Sufficient information is available to disseminate to the public that could assist in locating the suspect.

#### 318.6.2 PROCEDURE

The Illinois Department of State Police will be contacted with a request to initiate a Crimes Against Police Officers Advisory (20 ILCS 2605/2605-600).

# Victim and Witness Assistance

## **319.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### **319.1.1 DEFINITIONS**

**Crime Victim** - For definitions related to crime victims, refer to the attachment found [here](#).

## **319.2 POLICY**

The Aurora Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Aurora Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

## **319.3 CRIME VICTIM LIAISON**

An investigator may serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Aurora Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

### **319.3.1 SPECIFIC DUTIES**

The crime victim liaison or the authorized designee shall ensure the Department (725 ILCS 120/4.5; 725 ILCS 120/7):

- (a) Responds to victim requests regarding the status of investigations, as authorized.
- (b) Notifies victims when an investigation is reopened, as appropriate.
- (c) Maintains the confidentiality of victim and witness contact information.
- (d) Upon request, provides a victim with a free copy of any related report within 5 business days of the request (725 ILCS 120/4).
- (e) Provides the Illinois Attorney General's office with a police report (redacted as necessary) within 15 days of receipt of a written request needed for a crime victim's compensation application (740 ILCS 45/4.2).

## **319.4 CRIME VICTIMS**

Officers shall provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written Department material or available victim resources.

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#### 319.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

Officers who are not able to provide a victim with victim information handouts shall ensure that the forms are provided to the victims within 48 hours of the initial contact.

Officers shall also provide a victim with an acknowledgement form ( [see attachment](#) ) for the victim to sign and date to verify receipt of the information, as required by 725 ILCS 120/4.

#### 319.4.2 VICTIMS OF SEXUAL ASSAULT

At the time of first contact with the victim of a sexual assault, officers shall provide him/her with the appropriate victim information handouts, offer to arrange transportation to a hospital for treatment or evidence collection, and offer to arrange transportation to apply for an emergency civil no contact order or order of protection. If the sexual assault report is taken through a third-party representative, that representative shall be given the handouts and asked to deliver them to the victim (725 ILCS 203/25).

Officers shall also provide the appropriate handout to a victim of a sexual assault who has undergone a forensic examination at a hospital but who has not yet consented to release the evidence for testing (725 ILCS 203/30).

### **319.5 VICTIM INFORMATION**

The Administrative Services Bureau Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U-Visa and T-Visa application processes.
- (i) Resources available for victims of identity theft.
- (j) A place for the officer's name, badge number and any applicable case or incident number.

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- (k) A written statement from the Illinois Attorney General about crime victim compensation and an explanation of victim's rights as required by 725 ILCS 120/4 and 725 ILCS 120/4.5, which includes the rights afforded victims under Article I, Section 8.1(a) of the Illinois Constitution.
- (l) Witnesses may request in writing a notice from the State Attorney about post-conviction review, associated hearings, notice of the defendant's discharge from custody, release on parole, probation, or escape.
- (m) Specific contact information for the Illinois Attorney General's Office regarding compensation and victim assistance resources.
- (n) Information regarding the Illinois Automated Victim Notification system, including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and register for automatic notification when a person is released from jail.
- (o) Information regarding the Gang Crime Witness Protection Program Fund (725 ILCS 173/10).
- (p) Information and state forms for sexual assault victims prepared by the Illinois Attorney General (725 ILCS 203/25).
- (q) Information for those sexual assault victims who have undergone a forensic examination at a hospital but who have not yet consented to release the evidence for testing as provided by 725 ILCS 203/30.

### **319.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

### **319.7 WITNESS INFORMATION**

The Administrative Services Bureau Commander shall ensure that witness information handouts are available and current. Handouts should include information regarding:

- (a) The Gang Crime Witness Protection Program Fund (725 ILCS 173/10).
- (b) Witness rights, which include (725 ILCS 120/5):
  1. Notification of all court dates where the witness will be required.
  2. Access to employer intercession services.
  3. Availability of a secure waiting area during trial.
  4. Availability of translation or sign language services as necessary.

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5. The right to submit a written request to receive notice of post-conviction relief sought, discharge information involving the accused, notification of any escape, parole, or other supervised release.

Witnesses may request in writing a notice from the State Attorney about post-conviction review, associated hearings, notice of the defendant's discharge from custody, release on parole, probation, or escape.

# Hate Crimes

## **320.1 PURPOSE AND SCOPE**

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

## **320.2 DEFINITIONS**

Definitions related to this policy include:

**Hate crime** - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim. This includes creed and ancestry (720 ILCS 5/12-7.1).

## **320.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES**

While it is recognized that not all crime can be prevented, this Department is committed to taking a proactive approach to preventing and preparing for potential hate crimes by among other things:

- (a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Accessing assistance by community and victim groups when necessary.
- (c) Providing victim assistance and follow-up as outlined below, including community follow-up.

## **320.4 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of this Department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

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### *Hate Crimes*

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- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the State's Attorney).

#### **320.4.1 INVESTIGATION UNIT RESPONSIBILITY**

If a case is assigned to the Investigation Unit, the assigned investigator will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the State's Attorney and other appropriate law enforcement agencies, as appropriate. Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law, depending on the circumstances (18 USC § 245).
- (b) Maintain contact with the victim and other involved individuals as needed.
- (c) Ensure that the Records Manager is provided with enough information to meet the reporting requirements of 50 ILCS 709/5-12.

#### **320.5 TRAINING**

All members of this Department will receive ILETSB approved training on hate crimes as provided by 20 ILCS 2605/2605-390(b).

# Standards of Conduct

## **321.1 PURPOSE AND SCOPE**

This policy establishes standards of conduct that are consistent with the values and mission of the Aurora Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

## **321.2 POLICY**

The continued employment or appointment of every member of the Aurora Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

## **321.3 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from any Department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

### **321.3.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, Department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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

#### **321.3.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

#### **321.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Illinois constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. This policy is not intended to cover every possible type of misconduct.

#### **321.4.1 EMPLOYEE REPORTING OF CRIMINAL AND CIVIL INCIDENTS**

In cases where an employee has been arrested, knows they are suspected in an offense, is interviewed regarding a criminal matter in another jurisdiction, has their driver's license suspended or revoked, or is issued a traffic citation, the employee shall immediately notify the Chief of Police via their chain of command.

#### **321.5 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient Department service.

#### **321.5.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in Department or City manuals.

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- (b) Disobedience of any legal directive or order issued by any Department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

#### 321.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Aurora Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this Department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 321.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 321.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this Department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member

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knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this Department.

#### 321.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without a reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.

#### 321.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this Department.
- (b) Disclosing active or protected investigation information to any unauthorized person.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this Department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Aurora Police Department badge, uniform, identification card or Department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

#### 321.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact telephone numbers or marital status. Members who do make this change will do so on the appropriate form ( [see attachment](#) ).

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#### 321.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any Department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this Department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this Department or subverts the good order, efficiency and discipline of this Department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  1. While on Department premises.
  2. At any work site, while on-duty or while in uniform, or while using any Department equipment or system.
  3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  1. Unauthorized attendance while on-duty at official legislative or political sessions.
  2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on Department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this Department.

#### 321.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency.

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- (b) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities may result in criminal prosecution.
- (c) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities may result in discipline under this policy.
- (d) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (e) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (f) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (g) Engaging in horseplay that reasonably could result in injury or property damage.
- (h) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department or the City.
- (i) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (j) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this Department.
- (k) Unauthorized possession of, loss of, or damage to Department property or the property of others, or endangering it through carelessness or maliciousness.
- (l) Attempted or actual theft of Department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of Department property or the property of another person.
- (m) Activity that is incompatible with a member's conditions of employment or appointment as established by law to include fraud in securing the appointment or hire.
- (n) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (o) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this Department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this Department or its members.

#### 321.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

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- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic crash.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### 321.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession of open, or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance or driving.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

# Information Technology Use

## 322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of Department information technology resources, including computers, electronic devices, hardware, software and systems.

### 322.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Aurora Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or Department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 322.2 POLICY

It is the policy of the Aurora Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## 322.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any Department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the Department email system, computer network and/or any information placed into storage on any Department system or device. This includes records of all keystrokes or Web-browsing history made at any Department computer or over any Department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through Department computers, electronic devices or networks.

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#### **322.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **322.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any Department computer. Members shall not install personal copies of any software onto any Department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on Department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of Department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **322.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to Department-related activities. Data stored on or available through Department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or Department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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#### **322.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to Department-related activities. Internet sites containing information that is not appropriate or applicable to Department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

#### **322.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access Department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

### **322.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

Members shall ensure Department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

### **322.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any Department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the Department computer system when requested by a supervisor or during the course of regular duties that require such information.

# Report Preparation

## **323.1 PURPOSE AND SCOPE**

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

### **323.1.1 REPORT PREPARATION**

Employees should ensure that reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

## **323.2 REQUIRED REPORTING**

Written reports are required in all of the following situations on the appropriate Department approved form unless otherwise approved by a supervisor.

### **323.2.1 CRIMINAL ACTIVITY**

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Incidents to be documented in a written report include:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving crimes against persons, threats or stalking behavior
- (d) Situations covered by separate policy (see the corresponding policy for guidance). These situations include:

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1. Use of Force
  2. Domestic Violence
  3. Child Abuse
  4. Adult Abuse
  5. Hate Crimes
  6. Suspicious Activity Reports
- (e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the Department-approved alternative reporting method (e.g., dispatch log).

#### 323.2.2 NON-CRIMINAL ACTIVITY

Incidents that shall be documented using the appropriate approved report include:

- (a) Anytime an officer points a firearm at any person.
- (b) Any use of force against any person by a member of this Department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons policy).
- (e) Any found property or evidence.
- (f) Any traffic crashes above the minimum reporting level (see the Traffic Crash Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

#### 323.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.

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- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

#### 323.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

#### 323.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this Department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

#### 323.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be completed by phone include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
  - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

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- (i) Supplemental property lists.

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

#### 323.2.7 STOLEN VEHICLE REPORTS

All incidents involving the theft or recovery of any stolen or converted vehicle shall be reported as soon as practicable to the Illinois State Police as provided in 625 ILCS 5/4-107.

### **323.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

#### 323.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

#### 323.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

### **323.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should state the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed by the end of the next working shift.

### **323.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

### **323.6 ELECTRONIC SIGNATURES**

The Aurora Police Department has established an electronic signature procedure for use by all employees of the Aurora Police Department.

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Electronic records containing electronic signatures will be retained in the format in which they were originally generated, sent, or received or in a format that can be demonstrated to represent accurately the information originally generated, sent or received (5 ILCS 175/1-101 et seq.).

# Media Relations

## **324.1 PURPOSE AND SCOPE**

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

## **324.2 RESPONSIBILITIES**

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Deputy Chief, Bureau Commanders, Divisional Lieutenants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law. The Investigation Division Lieutenant shall assume the duties and responsibilities of the Public Information Officer when the Director of Media Relations is unavailable.

### **324.2.1 MEDIA REQUEST**

Any media request for information or access regarding any departmental activities shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this Department make any comment or release any official information to the media without prior approval from the designated Department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.
- (c) Under no circumstance should any member of this Department make any comment(s) to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police.
- (d) This order/policy does not apply to labor/management issues.

## **324.3 MEDIA ACCESS**

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

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1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Department Public Information Officer or other designated spokesperson.
  2. Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFR should be routed through the Divisional Lieutenant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

#### **324.3.1 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

#### **324.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Records Manager. This log will generally contain the following information:

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- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this Department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated Department media representative, the custodian of records, or if unavailable, to the Administrative Lieutenant. Such requests will generally be processed in accordance with the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1, et seq.).

#### **324.4.1 RESTRICTED INFORMATION**

It shall be the responsibility of the authorized member dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department (see the Records Maintenance and Release and Peace Officer Personnel Files policies) (5 ILCS 140). When in doubt, authorized and available legal counsel should be obtained.

# Subpoenas and Court Appearances

## 325.1 PURPOSE AND SCOPE

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

## 325.2 POLICY

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

## 325.3 SUBPOENAS

Only Department members authorized to receive a subpoena on behalf of this Department or any of its members may do so.

Service of a subpoena shall not be accepted unless witness fees are tendered as allowed by law (705 ILCS 35/4.3).

### 325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Aurora Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Aurora Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

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### *Subpoenas and Court Appearances*

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#### **325.3.1 CIVIL SUBPOENA**

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by any current collective bargaining agreement or City personnel rules.

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

#### **325.3.1 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

### **325.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

### **325.5 STANDBY**

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the appropriate court representative of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

### **325.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the Department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **325.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

### **325.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with any current collective bargaining agreement or City personnel rules.

# Outside Agency Assistance

## **328.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

## **328.2 POLICY**

It is the policy of the Aurora Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

## **328.3 ASSISTING OUTSIDE AGENCIES**

Generally, requests for any type of assistance from another agency should be routed to the Patrol Lieutenant's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

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

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

### **328.3.1 INITIATED ACTIVITY**

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Aurora Police Department shall notify his/her supervisor or the Patrol Lieutenant and the Dispatch Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

## **328.4 REQUESTING OUTSIDE ASSISTANCE**

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

#### **328.5 ILLINOIS LAW ENFORCEMENT ALARM SYSTEM (ILEAS) MUTUAL AID PLAN**

For procedures related to the activation of the ILEAS Mutual Aid Plan, please refer to:

- [Alarm Card](#)
- [Staging Area](#)
- [Requesting a Law Enforcement Alarm](#)
- [Operations at the Emergency Site](#)
- [Terminating a Law Enforcement Alarm](#)
- [Response to Alarms From Other Agencies](#)

#### **328.6 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Patrol Lieutenant.

#### **328.7 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Bureau Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  1. The use of the supplies and equipment.
  2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Dispatch Center and the Patrol Lieutenant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

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

# Registered Offender Information

## **329.1 PURPOSE AND SCOPE**

This policy establishes guidelines by which the Aurora Police Department will address issues associated with certain offenders residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

## **329.2 POLICY**

It is the policy of the Aurora Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

For procedures related to this policy, please refer to the [Sex Offender Registration Guide / SOR Matrix](#).

## **329.3 REGISTRATION**

The Patrol Bureau Commander shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the Department Records personnel shall ensure that the registration information is provided to the Illinois State Police (ISP) (730 ILCS 150/8; 730 ILCS 154/45).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

## **329.4 CONTENTS OF REGISTRATION**

Specially trained patrol officers will handle initial registration of applicable offenders. The officer will (730 ILCS 150/3; 730 ILCS 150/8; 730 ILCS 154/45):

- (a) Obtain proof of identity and residency.
- (b) Conduct a criminal history check.
- (c) Utilize the appropriate ISP Offender Registration Form to process registration and obtain the offender's signature on the completed form.
- (d) Photograph and fingerprint the individual upon their initial registration, or if there is a significant change in appearance when the individual re-registers.
- (e) Provide the offender with a registration receipt/copy of the form.
- (f) Enter registration information into Law Enforcement Agencies Database System (LEADS) and other applicable systems.

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#### **329.5 MONITORING OF REGISTERED OFFENDERS**

Patrol shift supervisors shall assign patrol officers to verify residency compliance and any vehicles registered to sex offenders and violent offenders. This verification must be done at least once per year and shall not be done more than four times per year. This verification shall be accomplished by the officer making contact with the offender at the residence or by contacting the registrant's parole or probation officer.

Any discrepancies shall be documented as a violation on an offense report.

The Records department will notify the specially trained patrol officers if an offender is going to be relocating to Aurora or if the offender is going to be released from prison.

#### **329.6 DISSEMINATION OF OFFENDER INFORMATION**

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the [Illinois Sex Offender Information website](#) or the Aurora Police Department's website.

The Records Manager shall release local registered offender information to residents in accordance with applicable state law and in compliance with a Freedom of Information Act request (730 ILCS 152/120; 730 ILCS 154/95).

##### **329.6.1 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and their current registration status.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

##### **329.6.2 MANDATORY OFFENDER INFORMATION DISSEMINATION**

Information on registered offenders shall be posted at Department headquarters (730 ILCS 152/120; 730 ILCS 154/95) and must be made available for public inspection to any person, no later than 72 hours or three business days from the date of a request (730 ILCS 152/120/ 730 ILCS 154/95).

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Upon registration of a juvenile sex offender who is also enrolled in school, the Department shall provide a copy of the sex offender registration form only to the principal or chief administrative officer of the school and any guidance counselor designated by the chief administrative officer (730 ILCS 152/121). All other privacy protections afforded to juveniles will apply in this policy.

#### 329.6.3 OFFENDER INFORMATION AVAILABLE VIA THE INTERNET

Information that may be posted on the Department's website regarding registered offenders includes (730 ILCS 152/120; 730 ILCS 154/95):

- (a) The offender's name, address and date of birth.
- (b) The offense for which the offender was convicted.
- (c) The offender's photograph or other such information that will help identify the sex offender or violent offender against youth.
- (d) Offender employment information.
- (e) For sex offenders, the following additional information may be posted on the Department's website: adjudication as a sexually dangerous person, e-mail addresses, instant messaging identities, chat room identities and other Internet communications identities, all Uniform Resource Locators (URLs) registered or used by the sex offender, and all blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information.

# Major Incident Notification

## **330.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance to members of this Department in determining when, how and to whom notification of major incidents should be made through a Serious Incident Notification.

## **330.2 POLICY**

The Aurora Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this Department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## **330.3 SERIOUS INCIDENT PAGE GROUP**

The following members are defined as members in the Serious Incident Page group in Everbridge:

- Command Staff
- Lieutenants
- Public Information Officer Team
- Sergeants assigned to the Bureau of Investigations
- Patrol Administrative Sergeant
- Members of the Critical Incident Intelligence Center
- Telecom Supervisors

## **330.4 MINIMUM CRITERIA FOR NOTIFICATION**

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

- Aggravated battery with serious injury
- Aircraft or rail crash
- Any aggravated discharge of a firearm
- Any significant incidents involving APD members - on or off duty (see the Officer-Involved Shootings and Deaths Policy for special notifications)
- Assisting another agency on major incident (Fire Department, another police agency)
- Armed robbery of a business/bank robberies
- Bomb threat /explosive device
- Civil Disturbance /Riot
- Death Investigation (Homicide, suicides and suspicious deaths)

# Aurora Police Department

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### *Major Incident Notification*

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- Notable incident on City of Aurora property (building or park)
- Notable incidents involving City of Aurora employees
- In-custody deaths
- Missing Persons (Old, young, mentally challenged or suspicious circumstances)
- Notable incident involving school or student (For example: Threat to school)
- SRT call-out
- Traffic crashes with fatalities
- Water rescue/water incident
- Most situations where the media or the general public show a strong interest are also of interest to the members of the Serious Incident page group.

#### **330.5 SENDING NOTIFICATION PAGES**

Telecom will be tasked with sending out Serious Incident notifications using the Everbridge platform. Upon an incident that requires notification, telecom shall have the authority to send out a Serious Incident Notification page. Telecom shall attempt to send the notification as soon as practical after a confirmed incident. It shall be noted in CAD that a Serious Incident page has been sent.

If another member determines a notification should be sent on a particular incident, they shall request for Telecom to send out a serious incident page.

#### **330.6 PATROL LIEUTENANT RESPONSIBILITY**

The Patrol Lieutenant is responsible for confirming that a serious incident notification page has been sent on an incident.

##### **330.6.1 INVESTIGATOR NOTIFICATION**

If the incident requires that a detective respond from home, the on-call Investigations Sergeant shall be contacted who will then determine the number of investigators to respond.

##### **330.6.2 TRAFFIC UNIT NOTIFICATION**

In the event of a traffic fatality or major injury, the on-duty or on-call Traffic Investigator shall be notified.

# Death Investigation

## **331.1 PURPOSE AND SCOPE**

The investigation of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

## **331.2 INVESTIGATION CONSIDERATIONS**

Death investigations require certain actions be taken. Paramedics shall be called in all suspected death cases unless the cause of death is obvious (e.g., when the subject has been decapitated or the body is decomposed). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations. The Coroner should be notified in all deaths and shall be notified under those conditions listed below in this policy.

The responsible supervisor should respond to the scene to determine whether follow-up investigation is required and ensure that a lead investigator is assigned when appropriate.

Only officers who have successfully completed the Illinois Law Enforcement Training and Standards Board (ILETSB) program in death and homicide investigations, or who have been granted a waiver by the board, shall be assigned as lead investigator on any death or homicide investigation (50 ILCS 705/10.11).

### **331.2.1 CORONER REQUEST**

Every Coroner has the responsibility to investigate the following as soon as he/she knows or is informed that the dead body of any person is found, or lying within his/her county, whose death is suspected of being (55 ILCS 5/3-3013):

- (a) A sudden or violent death, whether apparently suicidal, homicidal, or accidental.
- (b) A death due to a sex crime.
- (c) A death where the circumstances are suspicious, obscure, mysterious, or otherwise unexplained or where, in the written opinion of the attending physician, the cause of death is not determined.
- (d) A death where addiction to alcohol or to any drug may have been a contributory cause.
- (e) A death where the decedent was not attended by a licensed physician.

The body shall not be disturbed or moved from the position or place of death without permission of the Coroner.

### **331.2.2 SEARCHING DEAD BODIES**

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in 55 ILCS 5/3-3013. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited

# Aurora Police Department

## Policies

### *Death Investigation*

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purpose of locating an anatomical donor card. If such a donor card is located, the Coroner or Deputy Coroner shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or Deputy Coroner; the investigating officer shall first obtain verbal consent from the Coroner or Deputy Coroner (55 ILCS 5/3-3019).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Deputy Coroner, a receipt shall be obtained. This receipt shall be attached to the report.

#### **331.2.3 DEATH NOTIFICATION**

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner or Medical Examiner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned investigators may need to talk to the next-of-kin.

#### **331.2.4 DEATH INVESTIGATION REPORTING**

All incidents involving a death shall be documented on an offense or incident report.

#### **331.2.5 SUSPECTED HOMICIDE**

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Bureau shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

### **331.3 SPECIMEN SUBMISSION**

As soon as possible, but no later than 30 days after receipt of any blood, buccal or tissue specimen from the Coroner, the Investigation Bureau Commander or the authorized designee shall ensure the specimen and Department case number is submitted to an approved National DNA Index System (NDIS) participating laboratory within this state for analysis and categorizing into genetic marker groupings and that the results are submitted to the Illinois State Police (55 ILCS 5/3-3013).

### **331.4 UNUSED MEDICATIONS**

If an officer collects any unused prescription medication at the scene of a death investigation, the officer shall (210 ILCS 150/18(g)):

- (a) Document the number or amount of medication to be disposed of.
- (b) If the medication is collected as evidence, photograph the unused medication and its container or packaging, if available, and include the photograph and documentation with the report.

# Identity Theft

## 332.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes. This policy also pertains to the reporting criteria of deceptive practice, forgery, unlawful use of credit card, other scams or other fraudulent activity.

## 332.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft shall initiate a report for victims residing within the jurisdiction of this Department (720 ILCS 5/16-35).
- (b) **Victims residing within jurisdiction**
  - 1. If a victim lives in Aurora and presents evidence or documents that the fraudulent activity actually occurred in the jurisdiction of this department then an OFFENSE report should be completed.
  - 2. If a victim lives in Aurora and does not know where the fraudulent activity took place or presents evidence or documents that the fraudulent activity occurred outside of the jurisdiction of this department then an INCIDENT report should be completed.
- (c) **Victims not residing within jurisdiction**
  - 1. Any non-resident reporting a form of identity theft that occurred outside of our jurisdiction should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides or with the agency where the crime occurred. Officers may take a courtesy TIP FIELD report to be forwarded to the law enforcement agency where the victim resides if requested by the victim.
  - 2. Any non-resident reporting a form of identity theft offense having occurred within the jurisdiction (e.g. Oswego resident has their identity used to obtain a loan at a bank in Aurora), officers should initiate an OFFENSE report.
- (d) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (e) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus and U.S. Postal Service with all known report numbers).
- (f) Following supervisory review and Departmental processing, the initial report should be forwarded to the appropriate investigator for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.
- (g) For reporting purposes, officers should use the actual title of the offense committed, such as identity theft, deceptive practice, unlawful use of credit card, forgery etc. and not the generic offense title of FRAUD.

*Identity Theft*

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**332.3 VICTIM ASSISTANCE**

- (a) Officers should direct all victims of identity theft with the Attorney General's Identity Theft Resource Guide ([link to Resource Guide](#)).
- (b) In a case where another person has been arrested, cited or charged in the victim's name, where a criminal complaint was filed against a perpetrator in the victim's name or where the victim's name has been mistakenly associated with a criminal conviction, the reporting officer should inform the victim of identity theft of his/her right to obtain an expedited judicial determination of factual innocence (720 ILCS 5/16-35(b)).

# Limited English Proficiency Services

## 333.1 PURPOSE AND SCOPE

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

### 333.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Aurora Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

## 333.2 POLICY

It is the policy of the Aurora Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

## 333.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law

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enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with Department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **333.4 TYPES OF LEP ASSISTANCE AVAILABLE**

Aurora Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept Department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **333.5 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered.

#### **333.6 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **333.7 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform

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complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this Department is not available, personnel from other City Departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

#### **333.8 AUTHORIZED NON-MEMBER INTERPRETERS**

Any non-member designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the Department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this Department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

##### **333.8.1 SOURCES OF AUTHORIZED INTERPRETERS**

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

Other sources may include:

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

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#### **333.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **333.9 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this Department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this Department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report including the contact information of the person who provided the translation. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **333.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

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

##### **333.10.1 EMERGENCY CALLS TO 9-1-1**

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

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

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

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

#### **333.11 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

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

#### **333.12 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized Department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

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The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

#### **333.13 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **333.14 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **333.15 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this Department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate.

Investigations into such complaints shall be handled in accordance with the Performance Complaints Policy.

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

#### **333.16 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this Department are important to the ultimate success of more traditional law enforcement duties. This Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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#### **333.17 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access Department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training.

##### **333.17.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Human Resources Department shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

# Communications with Persons with Disabilities

## 334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 334.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters shall have a valid Illinois license to practice interpreting for the deaf (225 ILCS 443/15), unless they are exempt under 225 ILCS 443/25.

## 334.2 POLICY

It is the policy of the Aurora Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

## 334.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107).

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the Aurora Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to Department services, programs and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained. The list should include information regarding the following:
  1. Contact information
  2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to Department services, programs and activities.

#### **334.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

#### **334.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Aurora Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

#### **334.6 TYPES OF ASSISTANCE AVAILABLE**

Aurora Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept Department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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#### **334.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

#### **334.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speech reading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use Department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

#### **334.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

#### **334.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

#### **334.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

#### **334.12 REPORTING**

Whenever any member of this Department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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#### **334.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this Department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

##### **334.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

#### **334.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this Department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **334.15 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use Department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **334.16 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this Department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Department ADA Coordinator for audit purposes only.

Investigations into such complaints shall be handled in accordance with the Performance Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

#### **334.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this Department are important to the ultimate success of more traditional law enforcement duties. This Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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#### **334.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind.

#### **334.18.1 CALL-TAKER TRAINING**

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Dispatch Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

# Chaplains

## **335.1 PURPOSE AND SCOPE**

This policy establishes the guidelines for Aurora Police Department chaplains to provide counseling and emotional support to members of the Department, their families and members of the public.

## **335.2 POLICY**

The Aurora Police Department shall ensure that Department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

## **335.3 ELIGIBILITY**

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience, or equivalent as approved by the Chief of Police.
- (f) Possession of a valid driver's license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

## **335.4 RECRUITMENT, SELECTION AND APPOINTMENT**

The Aurora Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this Department.

All applicants shall be required to meet and pass the same pre-employment procedures as Department personnel before appointment.

### **335.4.1 RECRUITMENT**

Chaplains should be recruited on a continuous and ongoing basis consistent with Department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with Department members before and during the selection process.

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#### **335.4.2 SELECTION AND APPOINTMENT**

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police or the authorized designee and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

#### **335.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Aurora Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Aurora Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains will also be issued Chaplain stars that shall also be displayed prominently while on duty. Chaplains shall be required to return any issued uniforms or Department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this Department.

#### **335.6 CHAPLAIN COORDINATOR**

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Bureau Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Patrol Lieutenant.

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The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

#### **335.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Bureau of Neighborhood Policing Bureau. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this Department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Aurora Police Department.

##### **335.7.1 COMPLIANCE**

Chaplains are volunteer members of this Department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

##### **335.7.2 OPERATIONAL GUIDELINES**

- (a) Chaplains will be available on an on-call basis.

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- (b) Generally, each chaplain will serve with Aurora Police Department personnel a minimum of eight hours per month.
- (c) Chaplains shall be permitted to ride with officers during any shift and observe Aurora Police Department operations, provided the Patrol Lieutenant has been notified and has approved the activity.
- (d) Chaplains shall not be evaluators of members of the Department.
- (e) In responding to incidents, a chaplain shall never function as an officer.
- (f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (g) Chaplains shall serve only within the jurisdiction of the Aurora Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (h) Each chaplain, with an articulable reason, may request, access, through a supervisor, to a specific current Department member's rosters, addresses, telephone numbers, duty assignment, or other information that could assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

#### 335.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to Department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

#### 335.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this Department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of a supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of Department members.

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- (e) Attending Department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

#### **335.7.5 ASSISTING THE COMMUNITY**

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

#### **335.7.6 CHAPLAIN MEETINGS**

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

#### **335.8 PRIVILEGED COMMUNICATIONS**

No person who provides chaplain services to members of the Department may work or volunteer for the Aurora Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-Department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Aurora Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

#### **335.9 TRAINING**

The Department may establish a minimum number of training hours and standards for Department chaplains. The training, as approved by the Training Sergeant or the authorized designee, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress

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- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

# Child and Dependent Adult Safety

## **336.1 PURPOSE AND SCOPE**

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this Department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

## **336.2 POLICY**

It is the policy of this Department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Aurora Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

## **336.3 PROCEDURES DURING AN ARREST**

When encountering an arrest or prolonged detention situation, the officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

The officer shall assist the arrestee in the placement of the children or dependent adult with a relative or other responsible person designated by the arrestee. If the officer has reasonable cause to believe that a child may be a neglected child as defined in the Abused and Neglected Child Reporting Act, he/she shall report it immediately to the Department of Children and Family Services (725 ILCS 5/107-2(2)).

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

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Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

#### 336.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Illinois Department of Children and Family Services, if appropriate.
- (e) Notify the field supervisor of the disposition of children or dependent adults if they are taken into protective custody.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

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#### 336.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

#### 336.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
  1. Name
  2. Sex
  3. Age
  4. Special needs (e.g., medical, mental health)
  5. How, where and with whom or which agency the child was placed
  6. Identities and contact information for other potential caregivers
  7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting employee will document the following information:
  1. Name
  2. Sex
  3. Age
  4. Whether he/she reasonably appears able to care for him/herself
  5. Disposition or placement information if he/she is unable to care for him/herself

#### 336.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

### **336.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other Department-approved social service to determine whether protective custody is appropriate.

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Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

#### **336.5 TRAINING**

The Training Sergeant is responsible to ensure that all personnel of this Department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

# Service Animals

## 337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

### 337.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, the horse is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i); 720 ILCS 5/48-8).

Service animal also includes any animal that is trained in obedience and task skills to meet the needs of a person with a disability or that is trained or being trained as a hearing animal, a guide animal, an assistance animal, a seizure alert animal, a mobility animal, a psychiatric service animal, an autism service animal, or an animal trained for any other physical, mental or intellectual disability (510 ILCS 70/2.01c; 720 ILCS 5/48-8).

## 337.2 POLICY

It is the policy of the Aurora Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

## 337.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.

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- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or to follow daily routines.

#### **337.4 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed (720 ILCS 5/48-8; 775 ILCS 30/3). Department members are expected to treat individuals with service animals with the same courtesy and respect that the Aurora Police Department affords to all members of the public (28 CFR 35.136).

##### **337.4.1 INQUIRY**

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

##### **337.4.2 CONTACT**

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

##### **337.4.3 REMOVAL**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to

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an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

#### **337.4.4 COMPLAINTS**

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

# Abandoned Newborn Infant Protection

## **338.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for the proper managing of incidents of newborn infant abandonment according to the Abandoned Newborn Infant Protection Act (325 ILCS 2/10).

## **338.2 ACCEPTANCE**

Officers must accept a newborn infant relinquished at the Department (325 ILCS 2/20 (c)). The State of Illinois defines a newborn infant as a child who a licensed physician reasonably believes is 30 days old or less at the time the child is initially relinquished (325 ILCS 2/10). Although a person relinquishing a newborn infant retains the right to limited immunity and anonymity, officers should request the person's personal information. Absent any other information, officers should attempt to obtain any known medical information about the newborn infant. Any information obtained should be documented in the report and, if appropriate, transmitted to the hospital or medical facility to which the newborn infant is taken.

If there is no evidence of abuse or neglect of the newborn infant, the relinquishing person has the right to remain anonymous and leave the premises at any time without being pursued or followed. The act of relinquishing a newborn infant does not, in and of itself, constitute a basis for a finding of abuse, neglect or abandonment. If there is suspected abuse or neglect that is not based solely on the newborn infant's relinquishment, the relinquishing person no longer has the right to remain anonymous (325 ILCS 2/30).

## **338.3 MEDICAL CONSIDERATIONS**

After accepting a relinquished newborn infant the officer will request paramedics for a medical evaluation and transportation to the nearest hospital (325 ILCS 2/20 (c)). If the infant is not being transported by the paramedics, the officer will see that transportation of the infant to the nearest hospital is accomplished as soon as transportation can be arranged. Newborn infants will not be transported in a Department vehicle equipped with a prisoner screen or in any Department vehicle without the appropriate child safety restraint and/or which does not allow for the proper placement of such child safety restraint.

## **338.4 NOTICE TO RELINQUISHING PERSON**

When accepting a newborn infant, officers will offer the relinquishing person an information packet prepared and maintained by the Department for this purpose (325 ILCS 2/35). If possible, the employee will also inform the relinquishing person of the following:

- His/her acceptance of the information is completely voluntary.
- Registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary.
- He/she will remain anonymous if they complete a Denial of Information Exchange.

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- He/she has the option to provide medical information only and still remain anonymous.
- By relinquishing the child anonymously, he/she will have to petition the court of jurisdiction if he/she desires to prevent the termination of parental rights and regain custody of the child.

#### **338.4.1 SUPERVISOR NOTIFICATION**

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

#### **338.4.2 DOCUMENTATION**

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

#### **338.5 RIGHT OF PARENT TO RETURN**

If the parent of a relinquished newborn infant returns to reclaim the infant within 72 hours after relinquishing the infant at the Department, an officer must inform the parent of the name and location of the hospital where the infant was transported (325 ILCS 2/20 (c)).

#### **338.6 INFORMATION DISCLOSURE**

Employees will not publicly disclose any information concerning the relinquishment of a newborn infant and the individuals involved, except as otherwise provided by law (325 ILCS 2/37).

#### **338.7 INVESTIGATIVE RESPONSIBILITIES**

Neither a child protective investigation nor a criminal investigation should be initiated solely because a newborn infant is relinquished (325 ILCS 2/25 (c)).

After accepting a newborn infant, or upon being contacted to assist in regards to a newborn infant relinquished elsewhere, the handling employee should take the necessary steps to ensure that the infant is not a missing child.

If there is suspected child abuse or neglect that is not based solely on the newborn infant's relinquishment, as mandated reporters under the Abused and Neglected Child Reporting Act officers shall report their observations (325 ILCS 2/25(b)). In this instance, officers shall begin their criminal investigation.

#### **338.8 REQUIRED SIGNAGE**

The Administrative Services Bureau Commander will ensure that an appropriate sign is posted in a conspicuous place on the exterior of the police facility informing persons that a newborn infant may be relinquished at the facility. The sign and its placement will comply with the prescribed specifications to ensure statewide uniformity (325 ILCS 2/22).

# Off-Duty Law Enforcement Actions

## **339.1 PURPOSE AND SCOPE**

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Aurora Police Department with respect to taking law enforcement action while off-duty.

## **339.2 POLICY**

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this Department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

## **339.3 FIREARMS**

Officers of this Department may carry firearms while off-duty in accordance with federal regulations and Department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty officers shall also carry their Department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medication or any combination thereof that would tend to adversely affect the officer's senses or judgment.

A recruit officer who has not successfully completed the police academy, in-house training, FTO program, and been released for solo patrol, will not be allowed to carry a firearm off-duty. While assigned to the FTO program, the recruit officer may carry their duty weapon to and from work.

## **339.4 DECISION TO INTERVENE**

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

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- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

#### **339.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary the officer should attempt to call, or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Aurora Police Department officer until acknowledged. Official identification should also be displayed.

#### **339.4.2 INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

#### **339.4.3 CIVILIAN RESPONSIBILITIES**

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

#### **339.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

### **339.5 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify a Lieutenant as soon as practicable. The Lieutenant shall determine whether a report should be filed by the employee.

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

# Department Use of Social Media

## 340.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the Department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by Department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this Department (see the Investigation and Prosecution Policy).

### 340.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

## 340.2 POLICY

The Aurora Police Department may use social media as a method of effectively informing the public about Department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

## 340.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only Department-approved equipment during the normal course of duties to post and monitor Department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over Department social media by members who are not authorized to post should be made through the member's chain of command.

## 340.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the Department mission and conforms to all Department policies regarding the release of information may be posted.

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Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the Department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

#### **340.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **340.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the Aurora Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

#### **340.5.1 PUBLIC POSTING PROHIBITED**

Department social media sites shall be designed and maintained to allow posting of content by the public. The Department reserves the right to remove content which they deem to be unacceptable.

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The Department may provide a method for members of the public to contact Department members directly.

#### **340.5.2 BOOKING PHOTOGRAPHS**

Booking photographs in connection with civil, petty, and business offenses, and Class B and C misdemeanors may not be published on department social media sites unless the photograph is posted to assist in the search for a fugitive, person of interest, missing person, or individual wanted in relation to a crime other than a petty or business offense, or Class B or C misdemeanor (5 ILCS 140/2.15).

#### **340.6 MONITORING CONTENT**

The Chief of Police will appoint a supervisor to review, at least annually, the use of Department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

#### **340.7 RETENTION OF RECORDS**

The Administrative Services Bureau Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

#### **340.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on Department sites.

## Private Person's Arrest

### **341.1 PURPOSE AND SCOPE**

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

### **341.2 POLICY**

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

### **341.3 ARRESTS BY PRIVATE PERSON**

A private person may arrest another when the person has probable cause to believe the other person has committed an offense other than an ordinance violation (725 ILCS 5/107-3).

### **341.4 OFFICER RESPONSIBILITIES**

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

### **341.5 PRIVATE PERSON'S ARREST FORM**

The arresting person should be asked to complete and sign the appropriate complaint. If the person fails or refuses to do so, the arrested individual should be released, unless the officer has a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

# Native American Graves Protection and Repatriation

## **342.1 PURPOSE AND SCOPE**

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### **342.1.1 DEFINITIONS**

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects and associated funerary objects** - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

**Native American human remains** - The physical remains of the body of a person of Native American ancestry.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## **342.2 POLICY**

It is the policy of the Aurora Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

## **342.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT**

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Coroner (20 ILCS 3440/3)
- Tribal land - Responsible Indian tribal official

#### **342.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

# Community Relations

## 343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

## 343.2 POLICY

It is the policy of the Aurora Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

## 343.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Dispatch Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Dispatch Center of their location and status during the foot patrol.

## 343.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

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- (a) Obtaining department-approved training related to his/her responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
  - 1. Identify and solve public safety problems within the community.
  - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Bureau of Neighborhood Policing Bureau Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

#### **343.5 SURVEYS**

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

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#### **343.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer.
- (e) Neighborhood Watch and crime prevention programs.

#### **343.7 INFORMATION SHARING**

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

#### **343.8 LAW ENFORCEMENT OPERATIONS EDUCATION**

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/fliers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

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a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

#### **343.9 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

#### **343.10 COMMUNITY ADVISORY COMMITTEE**

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Sergeant should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

##### **343.10.1 LEGAL CONSIDERATIONS**

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

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#### **343.11 TRANSPARENCY**

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

#### **343.12 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

# Firearms Restraining Orders

## 344.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving firearms restraining orders and accounting for firearms, any Firearm Owner's Identification Card, and concealed carry licenses obtained pursuant to those orders.

### 344.1.1 DEFINITIONS

Definitions related to this policy include:

**Firearms Restraining Order** - A court order prohibiting and enjoining a named person from having in his/her custody or control, purchasing, possessing, or receiving any firearms (430 ILCS 67/5).

## 344.2 POLICY

It is the policy of the Aurora Police Department to comply with state law, in properly accounting for firearms, any Firearm Owner's Identification Card, and concealed carry licenses obtained by the Department pursuant to such court orders.

## 344.3 FIREARMS RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a firearms restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for a firearms restraining order by the department (430 ILCS 67/1 et seq.)
- (b) Developing and maintaining procedures for the receipt and service of firearms restraining orders consistent with the requirements of 430 ILCS 67/50. Procedures should include:
  1. Acceptance of voluntarily surrendered firearms, any Firearm Owner's Identification Card, and concealed carry license from a person who is the subject of the restraining order.
  2. Assessing a firearms restraining order prior to service to determine whether the order should be served pursuant to the Warrant Service Policy and the Operations Planning and Deconfliction Policy.
  3. Preparing or obtaining a search warrant prior to attempting service of the firearms restraining order.
- (c) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving firearms restraining orders with appropriate training. Training should include determining when a petition is appropriate, the process for seeking a firearms restraining order, and the service of firearms restraining orders.
- (d) Reviewing each petition for a firearms restraining order (and associated affidavits or court documents, if applicable) to ensure compliance with this policy, department procedures, and state law.

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#### **344.4 FIREARMS RESTRAINING ORDERS**

An officer who reasonably believes that a firearms restraining order is appropriate should obtain supervisor approval prior to seeking an order.

##### **344.4.1 STANDARDS**

Firearms restraining orders may be appropriate if a person poses an immediate and present danger of causing personal injury to him/herself or others by having a firearm in his/her custody or control (430 ILCS 67/35; 430 ILCS 67/40).

##### **344.4.2 REQUIREMENTS OF PETITION**

An application for a firearms restraining order should be prepared consistent with state law and the procedures developed by the Firearms Restraining Order coordinator (430 ILCS 67/1 et seq.).

##### **344.4.3 NOTICE TO FAMILIES AND PERSONS AT RISK**

Upon the application for a firearms restraining order, officers should make a good faith effort to provide notice to a family or household member of the person who is the subject of the firearms restraining order and to any other person reasonably known to be at risk of violence.

Officers shall also make reasonable efforts to provide notice to any and all intimate partners if the petition alleges that the named person poses a significant danger of causing personal injury to them.

The notice shall include (430 ILCS 67/35; 430 ILCS 67/40):

- (a) An intention to petition the court for a firearms restraining order.
- (b) Information and referrals to appropriate resources, such as counseling services, domestic violence or stalking advocacy, if applicable.

Officers should document all reasonable efforts to provide notice.

#### **344.5 SERVICE**

Officers shall serve a copy of a firearms restraining order, including renewals or terminations of orders, and any accompanying notice of hearing and petition, on the person named in the order as soon as practicable if the named person was not present in court when the order was issued (430 ILCS 67/50). Service of firearms restraining orders takes precedence over the service of other orders, except for orders of a similar emergency nature.

If applicable, officers may serve a firearms restraining order upon the named person via short form notification (430 ILCS 67/50).

##### **344.5.1 SAFETY CONSIDERATIONS**

Upon receipt of a firearms restraining order, the operations director or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service.

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When appropriate based on the circumstances and department procedures, service of firearms restraining orders should be executed pursuant to the Operations Planning and Deconfliction Policy.

In no circumstances should fewer than two officers be present when a firearms restraining order is being served.

#### **344.5.2 SURRENDER OF FIREARMS, ANY FIREARM OWNER'S IDENTIFICATION CARD, AND CONCEALED CARRY LICENSE**

Officers serving a firearms restraining order should request that the person who is the subject of the order immediately surrender all firearms in his/her custody, control, or possession along with any Firearm Owner's Identification Card and concealed carry license issued to the person. Officers shall take custody of any items surrendered.

#### **344.5.3 RECEIPT OF COURT-ORDERED ITEMS**

A receipt identifying all surrendered items should be prepared by the officers and a copy given to the person. The officers should ensure the original receipt is forwarded to the Records Manager as soon as practicable.

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

(Officers shall notify the Department of State Police within 7 days of receipt of a concealed carry license (430 ILCS 66/70)).

#### **344.5.4 SEARCH WARRANTS**

If the person subject to the firearms restraining order refuses to surrender all items subject to the order or if an officer serving a firearms restraining order reasonably believes there are items ordered to be relinquished in the person's custody, control, or possession that have not been surrendered, the officer should consider whether to seek a search warrant.

Officers should be prepared to file a search warrant prior to attempting service of a firearms restraining order. Preparation and service of the search warrant should be done in accordance with the Warrant Service Policy.

#### **344.6 RECORDS HEAD RESPONSIBILITIES**

The Records Manager is responsible for mailing surrendered Firearm Owner's Identification Cards and concealed carry licenses to the Department of State Police (430 ILCS 67/40).

#### **344.7 RELEASE OF FIREARMS, FIREARM OWNER'S IDENTIFICATION CARD, AND CONCEALED CARRY LICENSE**

Any person requesting the release of any firearm, Firearm Owner's Identification Card, or license to carry a concealed weapon or firearm in Department custody pursuant to a firearms restraining order should be referred to the Evidence Unit.

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**344.8 RENEWAL OF FIREARMS RESTRAINING ORDER**

The Investigation Unit supervisor is responsible for the review of any firearms restraining order obtained by the Department to determine if renewal or extension of a firearms restraining order should be requested within the time prescribed by law (430 ILCS 67/45).

# Surrender of Firearm Owner Identification Card

## **345.1 PURPOSE AND SCOPE**

This policy will explain the responsibilities and processes related to the surrender of Illinois Firearm Owner Identification Cards (FOID) to this Department.

## **345.2 POLICY**

The Department will assist the Illinois State Police in accepting FOIDs surrendered by Aurora residents in keeping with Illinois statute (430 ILCS 65/9.5).

## **345.3 PROCESS**

The Aurora Police Department will ensure that upon notification from Illinois State Police of an Illinois FOID revocation previously issued to an Aurora resident or address, a review will be conducted confirming that the revoked FOID card holder is in compliance with all requirements of the law. The review shall be documented (430 ILCS 65/9.5).

The following should be noted:

- (a) Within 48 hours of receiving notice of the revocation, the card holder must surrender his/her FOID to the local law enforcement agency where the person resides.
- (b) The Department should provide the person a report number and transmit the FOID to the Department of State Police.
- (c) The cardholder must complete a Firearm Disposition Record (FDR) Form provided by the Illinois State Police requiring the person to disclose:
  1. The make, model and serial number of each firearm owned by or under the custody and control of the revoked person.
  2. The location where each firearm will be maintained during the prohibited term.
  3. If any firearm will be transferred to the custody of another person, the name, address and FOID number of the transferee.

For procedures related to this policy, see:

[\*\*VOLUNTARY SURRENDER\*\*](#)

[\*\*FOID REVOCATION NOTIFICATIONS\*\*](#)

[\*\*CRITICAL INCIDENT INTELLIGENCE CENTER RESPONSIBILITIES\*\*](#)

# Responding to Requests From Elected Officials

## **346.1 PURPOSE AND SCOPE**

Members of the Aurora Police Department regularly have interaction with elected officials. The purpose of this policy is to ensure that information regarding department related matters are not intentionally or unintentionally released.

## **346.2 POLICY**

The Aurora Police Department will ensure a prompt and thorough response to requests from elected officials or their designated representative. This policy applies to all forms of communication by all sworn employees below the rank of Commander and all civilian employees below the rank of Executive.

## **346.3 RESPONSE TO ELECTED OFFICIALS**

The Department defines elected officials as federal, state, county or local legislative or elected officials, candidates or their staff/representatives. (For the purpose of this policy, state's attorneys, circuit clerks, coroners's office employees, sheriff's and their assorted deputies, assistants and staff are not considered elected officials.)

In order to ensure that all requests from elected officials are responded to in a timely manner, the appropriate divisional lieutenant shall be designated as an official point of contact for communication with elected officials.

If an employee is contacted by an elected official regarding department-related matters, they shall forward the requests to the appropriate lieutenant. Department- related matter include, but are not limited to, police operations, investigations (internal and external), policies and procedures, and personnel issues. At no time shall any employee of this Department make any comment, agree to requests, or release any information to an elected official, except as otherwise allowed in this policy.

Divisional lieutenants will screen all outgoing department-related information with the Office of the Chief of Police before providing the appropriate response to elected officials.

## **346.4 QUALITY OF LIFE ISSUES/COMMUNITY EVENTS**

Area lieutenants, sergeants, and officers assigned to the Community Oriented Policing (COP) Unit may communicate with City Aldermen to discuss crime and quality of life issues related to their specific assigned areas. Officers shall not give information or their opinion on matters outside the scope of their assignment.

Personnel conducting community meetings may communicate with elected officials who are present, as appropriate, but if inquiries are received outside the scope of the community meeting, they shall be directed to a supervisor and the appropriate divisional lieutenant.

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#### **346.5 NOTIFICATION**

If an inquiry appears to be department-related, political in nature, media-related, outside the scope of their assignment, or there are requests for documentation, reports or recordings officers shall make notification to the appropriate divisional lieutenant.

#### **346.6 EXCEPTIONS**

This policy does not apply to matters that are of no reasonable concern to the Department, to include personal communications. It also does not apply to correspondence between labor representatives and elected officials regarding legitimate labor concerns.

# PepperBall Projectile Systems

## 347.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of Pepperball projectile systems

### 347.1.1 DEFINITIONS

**Active resistance** - If the subject(s) has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present potential harm to officers, him/herself or others.

**Aggressive** - Ready or likely to attack or confront.

**Area denial or area saturation** – A use of a PepperBall projectile system to deny access to an area or gain compliance of movement from an area. In this deployment, PepperBall projectiles will be launched to impact surrounding objects like walls, ground, automobile, and trees and must not be launched directly at a suspect.

**Civil unrest** - A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly.

**Direct impact** – A direct impact by a PepperBall projectile to an individual.

**Display** – Pointing the PepperBall projectile system in the direction of another person with no deployment of the PepperBall projectiles.

**Passive resistance** - Nonviolent opposition to authority, standing stationary, not moving upon lawful direction falling limply, or refusing to use their own power to move.

**PAVA** - Is one of the hottest capsaicinoids and is an amide of Pelargonic Acid and Vanillyamine (thus, PAVA). It is one of six capsaicinoids found in pepper plants. The PepperBall only contains purified non-oil based PAVA and is produced at a pharmaceutical grade. PAVA is also used in Tabasco sauce, spice packs, and cooking oils. PepperBall PAVA is non-flammable.

**PepperBall** - Non-lethal chemical agent delivery system that uses high- pressure air (large capacity hoppers), and CO2 (limited capacity magazines) to deliver PAVA powder projectiles from a safe distance. Combines chemical agent exposure with kinetic impact and pain. Effective on individuals as well as large groups of people for riot and crowd control.

## 347.2 USER RESPONSIBILITIES

- (a) All normal maintenance, charging or basic cleaning shall be the responsibility of personnel using the PepperBall projectile system. PepperBall operators who have not been certified as a PepperBall armorer shall not disassemble any Department PepperBall projectile system. If there is a mechanical problem with the PepperBall projectile system which is beyond the scope of the user to fix, the problem should be promptly reported to a supervisor who will determine if a PepperBall armorer should be

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contacted or if a different PepperBall projectile system will be temporarily re-assigned to the operator until the PepperBall projectile system is fixed.

- (b) PepperBall users shall confirm, at the beginning of their tour, that their PepperBall projectile system's tank is adequately filled. If the launcher's tank is not adequately filled, the user should contact a PepperBall armorer or any individual who is authorized to refill the tank.
- (c) The Training Division will ensure that the PepperBall projectile system tanks (HPA bottles) are visually inspected annually and the PepperBall SCBA tanks are tested via hydrostatic test every five years.
- (d) Any damaged, inoperative or outdated munitions/PepperBall projectile system, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

### **347.3 DEPLOYMENT OF PEPPERBALL PROJECTILE SYSTEM**

- (a) This policy does not require officers or sergeants to use or direct the use of PepperBall in place of other response options authorized by Policy. The safety of victims, hostages, uninvolved persons and officers takes priority over the safety of subjects engaged in violent criminal or suicidal behavior.
- (b) Before deployment, if possible, PepperBall operators deploying with PepperBall will notify the dispatcher/Sergeant and other officers by radio that they are deploying a PepperBall at their location.
- (c) Before deployment of PepperBall, the PepperBall operator should, when practical give verbal commands to gain compliance of the individual and to warn officers.
- (d) Officers must give the subject a reasonable opportunity to voluntarily comply when safe to do so.

#### **347.3.1 AUTHORIZED USE**

Deployment of the PepperBall projectile system as an area denial or saturation option is authorized in response to resistance or aggression that meets the definition of active resistance. Deployment of the PepperBall projectile system in a manner intended to impact a subject is approved when a person has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present potential harm to officers, themselves or others.

The deployment of the PepperBall projectile system in a manner intended to impact areas designated as deadly force areas for the purposes of less-lethal weapons is only authorized if deadly force would be authorized under the Use of Force Policy.

Some practical examples of when PepperBall munitions might be used are:

- (a) Controlling Uncooperative or Violent Suspects,
- (b) Standoff Situations with Multiple Suspects,

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- (c) Riot Control/Civil Unrest,
- (d) Cell Extractions,
- (e) Domestic Violence/Fights,
- (f) High-Risk Vehicle Stops (Vehicle Extraction),
- (g) Area Control (Not allowing suspects access to certain areas)

The PepperBall projectile system may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. After a PepperBall projectile system is used on a dangerous animal, and when safe to do so, the animal should be decontaminated. If the owner of the animal is known, notification should be made to the owner that the PepperBall launcher was used on their animal. PepperBall launchers/munitions shall not be used for the sole purpose of harming/tormenting an animal.

#### 347.3.2 UNAUTHORIZED USE

- (a) Officers are not authorized to draw or display the PepperBall projectile system except for training and inspection unless the circumstances create a reasonable belief that use of the PepperBall projectile system may be necessary.
- (b) Use of the PepperBall projectile system is prohibited:
  1. When the subject is in a position where a fall may result in serious bodily harm or death;
  2. Punitively for purposes of coercion;
  3. When a subject is cooperative or displays solely Passive resistance (e.g. standing stationary and not moving upon lawful direction falling limply, refusing to use their own power to move).
- (c) The PepperBall projectile system should not be used in the following circumstances unless there are compelling reasons to do so that can be clearly articulated:
  1. When the subject is in handcuffs or authorized restraints;
  2. When the subject is holding a firearm or deadly force is clearly justified, unless additional officer(s) are present to provide lethal cover to the officer and others present;
  3. When the subject is at the extremes of age (elderly and young children), physically disabled, or obviously pregnant;

#### 347.3.3 TARGETING CONSIDERATIONS

There are two types of reportable PepperBall projectile system applications:

- (a) Area denial or area saturation – A use of a PepperBall projectile system to deny access to an area or gain compliance of movement from an area. In this deployment, PepperBall projectiles will be launched to impact surrounding objects like walls, ground, automobile and trees and should not be launched directly at a suspect.

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- (b) Direct impact with PepperBall projectiles to an individual or animal.
  - 1. Officers should target the upper abdomen area for the primary impact area with PepperBall projectiles.
  - 2. Officers will not target at the head, neck or spine unless a deadly force situation exists, and the use of force is within department policy and state statute. It is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the PepperBall projectiles to a precise target area.
  - 3. Consider area saturation first by impacting surrounding objects like walls, ground, automobile, and trees.
  - 4. Justify each use of force.
  - 5. Always have a backup plan.

#### **347.3.4 ADDITIONAL CONSIDERATIONS**

- (a) When using the PepperBall projectile system, either for area saturation or as a direct impact device, operators should consider their surroundings and environment. For example, the direction of the wind, the presence of other persons/officers who may be affected by the introduction of a chemical munition into the area.
- (b) Officers should begin control and restraint procedures, including cuffing, as soon as it is reasonably safe and practical to do so to minimize the need for additional deployment of the PepperBall projectile system. The PepperBall projectile system operator and those assisting the operator should be aware that cross-contamination of PAVA powder is likely and use PPE to reduce cross-contamination;
- (c) Each PepperBall deployment requires an on-going assessment of:
  - 1. Responder safety
  - 2. Subject(s) compliance
  - 3. Chemical agent effectiveness
  - 4. The need to transition to another force level, tool, or tactic
  - 5. If reapplication of PepperBall projectiles is appropriate, an alternate impact location should be considered.

#### **347.4 TREATMENT FOR EXPOSURE**

Persons who are known to have been affected by a PepperBall projectile should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

#### **347.4.1 MONITORING/POST APPLICATION**

- (a) Officers should remove all persons known to have been exposed to PepperBall projectiles from the affected area as soon as it is safe and reasonable to do so.

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- (b) For the purposes of monitoring, an officer must remain with an exposed person from the time of exposure until the officer reasonably observes or believes that the person is no longer physically affected by the exposure.
- (c) Notify a supervisor when a PepperBall projectile system has been used.
- (d) Inform CDT personnel when a subject has been exposed to a PepperBall projectile.
- (e) Whenever PepperBall projectiles have been introduced into a residence, building interior, vehicle, or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned.
- (f) Officers must document the decontamination process in their use of force report.

#### **347.5 DOCUMENTATION**

- (a) Use of a PepperBall projectile system is a reportable use of force subject to the reporting requirements of our Policy. An incident/ offense report and use of force report must be completed by the PepperBall operator for all incidents involving the threat or deployment of a PepperBall projectile system.
- (b) Any accidental discharge of a PepperBall projectile system will be reported to the member's supervisor.

#### **347.6 TRAINING**

- (a) Instructors who have been certified as PepperBall instructors by PepperBall Inc. are the only individuals authorized to instruct on the PepperBall system.
- (b) Officers authorized to use the PepperBall system must successfully complete an initial in house training course, to include written exams and practical range qualification.

## **Chapter 4 - Patrol Operations**

# **Patrol Function**

## **400.1 PURPOSE AND SCOPE**

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-Department cooperation and information sharing.

### **400.1.1 FUNCTION**

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Aurora, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) When deemed necessary, officers should complete a crime prevention notice.
- (d) Calls for service, both routine and emergency in nature.
- (e) Investigation of both criminal and non-criminal acts.
- (f) The apprehension of criminal offenders.
- (g) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (h) The sharing of information between bureaus within the Department, as well as other outside governmental agencies.
- (i) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (j) Traffic direction and control.

### **400.1.2 TERRORISM**

It is the goal of the Aurora Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism related reports are forwarded to the Investigation Unit Supervisor in a timely fashion.

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## Policies

### ***Patrol Function***

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#### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-Department cooperation and information flow between the various bureaus of the Aurora Police Department.

##### **400.2.1 CRIME ANALYSIS UNIT**

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports may be electronically available.

##### **400.2.2 CRIME REPORTS**

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

##### **400.2.3 PATROL IN SERVICES**

Patrol supervisors, investigation sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol In Services as time permits.

##### **400.2.4 INFORMATION SHARING**

Several information sharing files will be maintained electronically and will be available for review by officers from all bureaus within the Department. These will include, but not be limited to, pass along, BOLO's and Investigative Bulletins.

##### **400.2.5 BULLETIN BOARDS**

Employees may not post or cause to be posted any material on bulletin boards or other surfaces without the permission of the Chief. If permission is granted, the material shall be posted only on those bulletin boards provided for such purposes.

Employees may not mark, alter, deface, or remove any posted notice of the Department or any notice posted without permission of the Chief.

#### **400.3 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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### *Patrol Function*

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Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

## Bias-Based Policing

### **401.1 PURPOSE AND SCOPE**

This policy provides guidance to department members that affirms the Aurora Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

#### **401.1.1 DEFINITIONS**

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### **401.2 POLICY**

The Aurora Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### **401.3 BIAS-BASED POLICING PROHIBITED**

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### **401.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

#### **401.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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### *Bias-Based Policing*

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To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **401.4.2 REPORTING STOPS**

The Chief of Police or the authorized designee shall ensure stop cards are created and available to members, and contain all of the information required by 625 ILCS 5/11-212 for traffic and pedestrian stops. Officers shall complete one of these cards when they detain, conduct a pat-down search of or arrest a pedestrian in a public place, issue a summons to a pedestrian, search a pedestrian's property or conduct a traffic stop. Officers shall document the stop on either a department Traffic Stop Data Sheet or a Pedestrian Stop Data Sheet.

#### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### **401.6 STATE REPORTING**

The Crime Analysis Unit shall compile the required data on the standardized law enforcement data compilation form and transmit the data to the Illinois Department of Transportation. This shall be done by March 1 for data collected during July through December of the previous calendar year, and by August 1 for data collected during January through June of the current calendar year (625 ILCS 5/11-212).

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## Policies

### *Bias-Based Policing*

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#### **401.7 ADMINISTRATION**

Each year, the Bureau of Neighborhood Policing Bureau Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report at the request of the Chief of Police, including public concerns and complaints. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the required state reporting forms, and the annual report if completed, and discuss the results with those they are assigned to supervise.

#### **401.8 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

# In Service Training

## **402.1 PURPOSE AND SCOPE**

In Service training is generally conducted at the beginning of the officer's assigned shift. In Service provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct In Service; however officers may conduct In Service for training purposes with supervisor approval.

In Service should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new Special Orders or changes in Special Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

## **402.2 PREPARATION OF MATERIALS**

The supervisor conducting In Service is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

## **402.3 RETENTION OF IN SERVICE TRAINING RECORDS**

Any procedure specific training shall be documented and forwarded to the Training Sergeant for inclusion in training records, as appropriate.

# Crime and Disaster Scene Integrity

## **403.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## **403.2 POLICY**

It is the policy of the Aurora Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## **403.3 FIRST RESPONDER CONSIDERATIONS**

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

## **403.4 SCENE RESPONSIBILITY**

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

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### *Crime and Disaster Scene Integrity*

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#### **403.5 SEARCHES**

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

##### **403.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

# Special Response Team

## 404.1 PURPOSE AND SCOPE

The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. The Special Response Team (SRT) also includes the Crisis Negotiation Team (CNT).

### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SRT are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to Department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken. For specific procedures related to this policy,

[See attachment](#)

### 404.1.2 SRT DEFINED

An SRT is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of Department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

## 404.2 POLICY

It shall be the policy of this Department to maintain an SRT and to provide the equipment, manpower, and training necessary to maintain an SRT. The SRT should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control.
- (b) Containment.
- (c) Entry/Apprehension/Rescue.

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. The preservation of innocent human life is paramount.

### 404.2.1 ORGANIZATIONAL PROCEDURES

This Department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

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### *Special Response Team*

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- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

#### 404.2.2 OPERATIONAL PROCEDURES

This Department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SRT Best Practices. Because such procedures are specific to SRT members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SRT operations (time permitting).
  - 1. All SRT team members should have an understanding of operational planning.
  - 2. SRT team training should consider planning for both spontaneous and planned events.
  - 3. SRT teams should incorporate medical emergency contingency planning as part of the SRT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
  - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SRT.
- (e) The appropriate role for a trained negotiator.

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### Special Response Team

- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
  1. Documentation of the incident.
  2. Transition to investigations and/or other units.
  3. Debriefing after every deployment of the SRT team.
    - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
    - (b) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    - (c) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment deployed.

#### **404.3 TRAINING NEEDS ASSESSMENT**

The SRT Commander shall conduct an annual SRT Training needs assessment to ensure that training is conducted within team capabilities and Department policy.

##### **404.3.1 INITIAL TRAINING**

SRT team operators and SRT supervisors/team leaders should not be deployed until successful completion of ILETSB-certified Basic SRT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed Department requirements or ILETSB standardized training recommendations.

##### **404.3.2 UPDATED TRAINING**

Appropriate team training for the specialized SRT functions and other supporting resources should be completed prior to full deployment of the team.

SRT team operators and SRT supervisors/team leaders should complete update or refresher training as certified by ILETSB, or its equivalent, as determined by the SRT Commander.

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#### 404.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SRT function at the organizational level to ensure personnel who provide active oversight at the scene of SRT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SRT or Critical Incident Commander course or its equivalent. SRT command personnel should attend an ILETSB-certified SRT commander or tactical commander course, or its equivalent.

#### 404.3.4 SRT ONGOING TRAINING

The training shall be coordinated by the SRT Commander. Monthly training exercises may include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SRT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SRT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Twice each year, each SRT team member shall perform the mandatory SRT handgun qualification course. The qualification course shall consist of the SRT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SRT Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Each SRT team member shall complete twice each year SRT qualification course or demonstrate proficiency for any specialty weapon issued to, or used by, the team member during SRT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the SRT Commander. Team members who fail to qualify or demonstrate proficiency on their specialty weapon may not utilize the specialty weapon on SRT operations until qualified. Team members who fail to qualify or demonstrate proficiency must retest within 30 days. Failure to qualify or demonstrate proficiency with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

#### 404.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

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#### 404.3.6 SCENARIO BASED TRAINING

SRT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

#### 404.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SRT training file shall be maintained with documentation and records of all team training.

### **404.4 UNIFORMS, EQUIPMENT, AND FIREARMS**

#### 404.4.1 UNIFORMS

SRT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

#### 404.4.2 EQUIPMENT

SRT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

#### 404.4.3 FIREARMS

Weapons and equipment used by SRT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

#### 404.4.4 OPERATIONAL READINESS INSPECTIONS

The SRT Commander shall appoint an SRT supervisor to perform operational readiness inspections of all unit equipment at least twice each year. The result of the inspection will be forwarded to the SRT Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SRT facility and equipment maintained or used in SRT vehicles. All SRT members shall conduct frequent inspections of personal equipment, and upon finding any deficiencies shall report those deficiencies to the SRT Commander.

### **404.5 MANAGEMENT/SUPERVISION OF SRT**

The Commander of the SRT shall be selected by the Chief of Police upon recommendation of staff.

#### 404.5.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Commander designated by the Chief of Police or the authorized designee, the SRT shall be managed by a lieutenant.

#### 404.5.2 TEAM LEADERS

The Negotiation Team and each Special Weapons and Tactics Team will be supervised by team leaders.

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The team leaders shall be selected by the SRT Commander.

The following represent the supervisor responsibilities for the SRT.

- (a) The Negotiation Team leader's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SRT Commander.
- (b) The SRT leader's primary responsibility is to supervise the operations of the SRT Team, which will include deployment, training, first line participation, and other duties as directed by the SRT Commander.

### **404.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

#### **404.6.1 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a request to their appropriate Bureau Commander. A copy will be forwarded to the SRT Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

#### **404.6.2 TRAINING OF NEGOTIATORS**

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Illinois Law Enforcement Training Standards Board (ILETSB) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

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Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

#### **404.7 SRT TEAM ADMINISTRATIVE PROCEDURES**

SRT was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Response Team.

##### **404.7.1 SELECTION OF PERSONNEL**

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Bureau Commander, a copy of which will be forwarded to the SRT Commander and other SRT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SRT Commander. The testing process will consist of an oral board, physical agility, SRT basic handgun, and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the SRT Commander. Applicants will be evaluated by the following criteria:
  1. Recognized competence and ability as evidenced by performance.
  2. Demonstrated good judgment and understanding of critical role of SRT member.
  3. Special skills, training, or appropriate education as it pertains to this assignment.
  4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SRT-related duties. The test and scoring procedure will be established by the SRT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SRT basic handgun: Candidates will be invited to shoot the SRT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on his/her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

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- (e) Eye and Ear examination: Candidates will be sent for an eye and ear examinations by the SRT Commander prior to any recommendations for selection.
- (f) A list of successful applicants shall be submitted to staff, by the SRT Commander, for final selection.

#### 404.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SRT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SRT Team members. Any member of the SRT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

#### 404.8 OPERATION GUIDELINES FOR SRT

The following procedures serve as guidelines for the operational deployment of the SRT. Generally, the SRT and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SRT Commander.

##### 404.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SRT is to respond to the scene. Upon final determination by the Divisional Lieutenant, he/she will notify the SRT Commander.

##### 404.8.2 APPROPRIATE SITUATIONS FOR USE OF SRT

The following are examples of incidents which may result in the activation of the SRT:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

##### 404.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Patrol Lieutenant. Deployment of the Aurora Police Department SRT in response to requests by other agencies must be authorized by a Bureau Commander.

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#### 404.8.4 MULTI-JURISDICTIONAL SRT OPERATIONS

The SRT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOUs, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SRT operations will regularly be conducted; SRT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Aurora Police Department SRT team shall operate under the policies, procedures and command of the Aurora Police Department when working in a multi-agency situation.

#### 404.8.5 MOBILIZATION OF SRT

The On-Scene supervisor shall make a request to the Divisional Lieutenant for the SRT. The Divisional Lieutenant shall then notify the SRT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Divisional Lieutenant's office by the SRT Commander. The Divisional Lieutenant will then notify the Patrol Bureau Commander as soon as practical.

The Divisional Lieutenant should advise the SRT Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SRT Commander or supervisor shall then call selected officers to respond.

#### 404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the SRT, field personnel should, if reasonably practicable:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
  1. Securing any subject or suspect who may surrender.
  2. Taking action to mitigate a deadly threat or behavior.

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- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once the SRT has arrived, all negotiations should generally be halted to allow the negotiators and SRT time to set up.
- (f) Be prepared to brief the SRT Commander on the situation.
- (g) Plan for, and stage, anticipated resources.

#### **404.8.7 ON-SCENE COMMAND RESPONSIBILITIES**

Upon arrival of the SRT at the scene, the Incident Commander shall brief the SRT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SRT Commander, whether to deploy the SRT. Once the Incident Commander authorizes deployment, the SRT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SRT. The Incident Commander and the SRT Commander (or his/her designee) shall maintain communications at all times.

#### **404.8.8 COMMUNICATION WITH SRT PERSONNEL**

All of those persons who are non-SRT personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his/her designee.

## Ride-Alongs

### **405.1 PURPOSE AND SCOPE**

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

#### **405.1.1 ELIGIBILITY**

Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Ride-Along within previous 12 month period
- Denial by any supervisor

#### **405.1.2 AVAILABILITY**

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times will be approved for 4 hours. Exceptions to this schedule may be made as approved by the Chief of Police, Bureau Commander, or Patrol Lieutenant.

### **405.2 PROCEDURE TO REQUEST A RIDE-ALONG**

Generally, ride-along requests will be scheduled by the Patrol Lieutenant. The participant will complete a ride-along waiver form ( [see attachment](#) ). Information requested will include a valid ID or Illinois driver's license, address, and telephone number.

The Patrol Lieutenant or the authorized designee will schedule a date based on availability.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

#### **405.2.1 PROGRAM REQUIREMENTS**

Once approved, civilian ride-alongs will be allowed to ride no more than once every 12 months. An exception would apply to the following: City Employees, Chaplains, police applicants, Citizen's Police Academy Alumni Association members and all others with approval of the Patrol Lieutenant.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

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Ride-along requirements for police cadets are covered in the Police Cadets Policy.

#### **405.2.2 SUITABLE ATTIRE**

The Patrol Lieutenant or field supervisor may refuse a ride along to anyone not properly dressed.

#### **405.2.3 PEACE OFFICER RIDE-ALONGS**

Off-duty members of this Department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Patrol Lieutenant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

#### **405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK**

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and an Automated check through LEADS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Aurora Police Department).

#### **405.2.5 SPOUSE/SIGNIFICANT OTHER RIDE-ALONG**

Spouses, boyfriends or girlfriends shall be assigned to ride with another officer.

### **405.3 OFFICER'S RESPONSIBILITY**

The officer shall advise the telecommunicator that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The telecommunicator will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time. The Patrol Lieutenant shall be immediately notified of any injury or noteworthy incident involving the ride-along.

The Divisional Lieutenant is responsible for maintaining and scheduling ride-alongs. All completed original ride-along forms shall be forwarded to the Records section. Any injury or noteworthy incident involving the ride-along shall be documented or reported appropriately.

### **405.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.

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- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

# Hazardous Material Response

## **406.1 PURPOSE AND SCOPE**

Hazardous materials present a potential harm to employees resulting from their exposure.

### **406.1.1 HAZARDOUS MATERIAL DEFINED**

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure. Hazardous materials are characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## **406.2 HAZARDOUS MATERIAL RESPONSE**

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify type of hazardous substance. Identification can be determined by placard, driver's manifest or statements from the person transporting the material.
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas dependent on substance. Voluntary evacuation should be considered; however depending on the substance, mandatory evacuation may be necessary.

## **406.3 REPORTING EXPOSURE(S)**

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an accident incident report ( [see attachment](#) ) that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

### **406.3.1 SUPERVISOR RESPONSIBILITY**

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

# Hostage and Barricade Incidents

## 407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

### 407.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

## 407.2 POLICY

It is the policy of the Aurora Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

## 407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, Department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

### 407.3.1 EMERGENCY COMMUNICATIONS

Should circumstances at the scene permit, Department supervisors or negotiators may promptly contact the Office of the State Attorney for assistance in obtaining an ex parte order to intercept audio communications at the scene (725 ILCS 5/108B-3).

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Additionally, Department negotiators or individuals summoned by officers to provide assistance, may use an eavesdropping device, including a camera or audio device, during an ongoing hostage and barricade incident when such use is necessary to protect the safety of officers or members of the general public (720 ILCS 5/14-3(o)).

Department negotiators may employ the use of electronic overhear devices during an active hostage, crisis, or barricade incident, or any incident wherein there is a clear and present danger of imminent death or great bodily harm, without prior judicial approval, where the officer reasonably believes that an order permitting the use of the device would issue were there a prior hearing (725 ILCS 108A-6). It is required, however, that judicial approval be sought within 48 hours of the commencement of a device or its continued use must be terminated (725 ILCS 5/108(b)).

Department supervisors or negotiators shall contact the Office of the State Attorney for assistance in obtaining an ex parte order to intercept audio communications within 48 hours of commencement or continuation of the use of overhear devices (725 ILCS 5/108B-3), and are warned that failure to do so may result in the inadmissibility of the evidence obtained during its use.

#### **407.4 FIRST RESPONDER CONSIDERATIONS**

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

##### **407.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

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- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

#### 407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

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- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### **407.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Response Team (SRT) response if appropriate and apprising the SRT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Dispatch Center.

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- (i) Identify a media staging area outside the outer perimeter and have the Department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.
- (l) For additional procedures related to supervisor responsibilities, please refer to the [Standard Operating Procedures](#).

#### **407.6 SPECIAL RESPONSE TEAM RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the SRT Commander, whether to deploy the SRT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SRT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SRT. The Incident Commander and the SRT Commander or the authorized designee shall maintain communications at all times.

#### **407.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

# Response to Bomb Calls

## **408.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to assist members of the Aurora Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

## **408.2 POLICY**

It is the policy of the Aurora Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

## **408.3 RECEIPT OF BOMB THREAT**

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established Department evidence procedures.

The member receiving the bomb threat should ensure that a supervisor is immediately advised and informed of the details. This will enable a supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

## **408.4 GOVERNMENT FACILITY OR PROPERTY**

A bomb threat targeting a government facility may require a different response based on the government agency.

### **408.4.1 AURORA POLICE DEPARTMENT FACILITY**

If the bomb threat is against the Aurora Police Department facility, the supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the Police Department, as he/she deems appropriate.

### **408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a county or municipal facility within the jurisdiction of the Aurora Police Department that is not the property of this Department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as a supervisor deems appropriate.

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#### **408.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

#### **408.5 PRIVATE FACILITY OR PROPERTY**

When a member of this Department receives notification of a bomb threat at a location in the City of Aurora, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  1. No evacuation of personnel and no search for a device.
  2. Search for a device without evacuation of personnel.
  3. Evacuation of personnel without a search for a device.
  4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Patrol Lieutenant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

#### **408.5.1 ASSISTANCE**

The Patrol Lieutenant should be notified when police assistance is requested. The Patrol Lieutenant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Patrol Lieutenant determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

### **408.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone, at a minimum of 300 feet.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Patrol Lieutenant including:
  - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

#### **408.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

##### **408.7.1 CONSIDERATIONS**

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes.
- (g) Search for additional or secondary devices.
- (h) Preserve evidence.
- (i) Establish an outer perimeter and evacuate if necessary.
- (j) Identify witnesses.

##### **408.7.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional Department personnel, such as investigators and forensic services
- Field supervisor
- Patrol Lieutenant
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- PIO

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- Other government agencies, as appropriate

#### 408.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

#### 408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Patrol Lieutenant should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

# Crisis Intervention Team

## **409.1 PURPOSE AND SCOPE**

Police work by nature will bring officers into contact with persons who are emotionally or mentally unstable. The instability may be due to a number of factors, including drug/alcohol dependency, emotional trauma, or some form of mental illness. Regardless of the reason, the concern of the officer coming into contact with such a person is for the welfare of that person, the community, and the officer.

It is the policy of the Department to use, whenever possible, a specially trained group of sworn officers, known as the Crisis Intervention Team (CIT), who will respond to the mentally ill in crisis. CIT members will handle only those incidents that do not rise to a critical incident or to a high risk incident.

### 409.1.1 DEFINITIONS

**Critical Incident** - Any incident that requires additional resources (personnel, equipment, etc.), and/or extra-ordinary response that needs to be brought to the scene in an emergency situation. Critical incidents include disasters, demonstrations, and high risk incidents.

**Crisis Intervention Team (CIT)** - Specifically trained officers designated to handle situations involving the mentally disturbed in crisis.

**High Risk Incident** - Any situation that poses a significant pre-determined threat to officers, subjects/suspects/consumers, and/or citizens where officers are equipped with standard duty weapons and tactics. High risk incidents includes such situations as: hostage taking, barricaded subject (criminal suspect or suicidal individual), sniper, armed subject in schools, etc.

**Mental Health Consumer** - A subject that is suffering from mental illness and is in need of intervention to assist and connect them with the resources and services available.

## **409.2 DUTIES AND RESPONSIBILITIES**

### (a) Telecommunications Protocols

1. Upon receipt of a 911 or non-emergency call, and time permitting, the Telecommunications Operator should attempt to determine if the subject of the requested police OR Fire/EMS services is a person who may be suffering a mental health crisis or emergency, and who may benefit from having a CIT Officer respond.
2. If EMS is requested by the caller, specifically for suicidal and/or homicidal ideations or threats, or if the caller is a threat to him/herself or others, or are "out of control," but there was no act of self-harm (cutting, suicide attempt, overdose, or other injury) or physical illness or disability present, police services should be dispatched first. An officer on scene may then request an ambulance for transport for a psychological evaluation or treatment and evaluation of a physical

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condition. This could avoid possible conflicts in policies, procedures and primary call jurisdiction.

3. The dispatching Telecommunicator should:
  - (a) Request a CIT volunteer over the air if one is not already the recommended primary reporting officer responsible for said district call.
  - (b) Assign a CIT officer from the list of active CIT officers on shift, to respond to assist the primary officer.
  - (c) If no CIT officer is available in the District/Area, a CIT officer assigned to another District/Area may respond with supervisory approval.
- (b) Whenever feasible, a CIT officer should respond to calls involving mental health consumer to de-escalate the crisis.
- (c) CIT officers should develop a rapport with those individuals that are routinely in crisis. Additionally, CIT officers may complete well-being checks on select individuals.
- (d) CIT supervisors may assign CIT officers to visit mental health consumers who repeatedly request, or who are the subject of, first responder services of the City of Aurora. The purposes of these visits could include one or more of the following:
  1. Determine what services are needed, either currently or during crisis incidents. The possible services include both first responder services and mental health services.
  2. Determine if the subject is a risk to him/herself, his/her family, or the community.
  3. Make referrals to appropriate services, resources, or programs, for the consumer or the family of the consumer.

### **409.3 CRISIS INTERVENTION TEAM UTILIZATION**

- (a) Whenever possible, a CIT officer will be dispatched to incidents involving a confirmed or suspected mentally ill person in crisis.
- (b) If a CIT officer was not designated as the primary unit, the primary unit officer(s) shall continue to have reporting responsibility for the call for service unless the responding CIT officer requests to take primary responsibility or is designated by the on scene supervisor as the primary officer.
- (c) If the CIT officer is not the primary officer, he/she shall be responsible for completing a CIT supplemental report that documents his/her actions, responses, referrals, and observations.
- (d) Should the need for a CIT officer arise when none are working, a patrol supervisor shall determine if a CIT officer needs to be called out. The supervisor may check with neighboring police jurisdictions to see if a trained CIT member is available from that jurisdiction prior to calling out an Aurora CIT member.

# Petitions and Applications for Involuntary Admissions

## **410.1 PURPOSE AND SCOPE**

This policy provides guidelines for when officers may place an individual in temporary limited custody, pursuant to an Involuntary Petition for Admission (405 ILCS 5/1-100 et seq.).

## **410.2 POLICY**

It is the policy of the Aurora Police Department to protect the public and individuals through legal and appropriate use of the involuntary petition process. For specific procedures related to this policy, refer to the [Procedures for Completing Petitions for Involuntary Admission](#).

## **410.3 AUTHORITY**

Involuntary Petitions or Applications: An officer responding to or handling a call necessitating a Petition for Involuntary Admission, may take that person into custody and transport him/her to an approved mental health facility when the officer has reasonable grounds to believe the person is in need of immediate hospitalization to protect him/herself or others from physical harm (405 ILCS 5/3-606).

Upon arrival at the facility, the officer should complete the written petition for involuntary admission, which includes (405 ILCS 5/3-601):

- A detailed statement of the reason for the petition, including observed signs and symptoms, a description of any acts, threats, other behavior or pattern of behavior, and the time and place of occurrence.
- The name and address of the spouse, parent, guardian, substitute decision-maker, if any, and close relative, or if none, the name and address of a known friend. If this information is unavailable, the officer shall state that diligent inquiry was made.

If the petition is not completed by the officer transporting the person, the transporting officer's name, badge number and Department shall be included in the petition (405 ILCS 5/3-606).

### **410.3.1 MINORS**

CHILDREN – Mental Health: An officer may take a minor into custody and transport the minor to a mental health facility when there is reasonable grounds to believe that the minor has a mental illness or emotional disturbance of such severity that hospitalization is necessary to protect him/herself or others from physical harm, and that the minor is likely to benefit from inpatient treatment (405 ILCS 5/3-503; 405 ILCS 5/3-504(b)).

Upon arrival at the facility, the officer should complete the the narrative for the *application* for involuntary admission and shall further include (405 ILCS 5/3-503; 405 ILCS 5/3-504(b)):

- A detailed statement of the reason for the commitment, including a description of any acts or significant threats, and the time and place of occurrence.

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- The name, address and telephone number of any witness.
- If an officer determines it is in the best interest of the minor to be transported for an evaluation, pursuant to this policy and statute, utilizing an Application/Petition for Involuntary Admission, AND a parent or guardian attempts to interfere, or refuses services or transport, a report to DCFS for medical neglect or child endangerment (in cases of threatened suicidal or homicidal ideations or threat of physical harm) shall be made, as required as a mandatory reporter.

#### **410.3.2 VOLUNTARY EVALUATION**

If an officer encounters an individual who may qualify for an involuntary petition and limited custody, or has otherwise requested help with a mental illness or crisis that may not rise to the level of limited custody and involuntary petition, but has explicitly called and requested transportation to a facility for a psychological evaluation, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport, or arrange for such transport, for the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to an involuntary petition, or provide adequate services to address their crisis on a voluntary basis.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

#### **410.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving an individual who may qualify for a an involuntary petition should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Involuntary petitions should be preferred over arrest for individuals who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

#### **410.5 TRANSPORTATION**

When transporting any individual for a consumer requested psychological evaluation or involuntary petition, the transporting officer should have the Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

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Officers may transport individuals in a transport van and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Patrol Lieutenant approval is required before transport commences.

#### **410.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written petition for involuntary admission and remain present to provide clarification of the grounds for detention, upon request (405 ILCS 5/3-606).

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

#### **410.7 DOCUMENTATION**

The officer should complete a petition for involuntary admission, provide it to the facility staff member assigned to the individual and retain a copy of the petition for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

##### **410.7.1 NOTIFICATION TO ILLINOIS STATE POLICE**

A member who reasonably determines that a person poses a clear and present danger because he/she has engaged in verbally or physically threatening behavior (e.g., violent, suicidal or assaultive threats or actions), shall ensure this information is reported to the Illinois State Police (ISP) within 24 hours (430 ILCS 65/8.1). The fact that the ISP has been notified and the manner of notification should be documented.

#### **410.8 CRIMINAL OFFENSES**

When an individual who may qualify for a voluntary or involuntary admission has committed a serious criminal offense that would normally result in an arrest and transfer to a detention facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to a detention facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a voluntary or involuntary admission or petition.

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In the supervisor's judgment, the individual may instead be arrested and transported to the appropriate mental health facility in lieu of processing. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this Department to retain/regain custody of the individual, Department resources (e.g., posting a guard) and other relevant factors in making this decision.

#### **410.9 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for a petition or evaluation (involving a risk to self or others to suicidal or homicidal ideations or that clearly lack capacity for rational thought), the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any confiscated firearm or other weapon that has been taken into custody.

##### **410.9.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS**

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer should detail those facts and circumstances in a report. The report should be forwarded to the Investigation Unit, which shall be responsible for contacting the Illinois State Police Firearms Services Bureau.

#### **410.10 TRAINING**

This Department will endeavor to provide training approved by the Illinois Law Enforcement Training and Standards Board on interaction with mentally disabled persons, civil commitments and crisis intervention.

# Foreign Diplomatic and Consular Representatives

## **411.1 PURPOSE AND SCOPE**

This policy provides guidelines to ensure that members of the Aurora Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## **411.2 POLICY**

The Aurora Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

For additional information and forms related to this policy, members should refer to: [The State Department website](#).

## **411.3 CLAIMS OF IMMUNITY**

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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### Foreign Diplomatic and Consular Representatives

#### **411.4 ENFORCEMENT ACTION**

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers

#### **411.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

#### **411.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

**Aurora Police Department**  
Policies

*Foreign Diplomatic and Consular Representatives*

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No note b	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No note b	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes note a	Yes	Yes	Yes	No for official acts Yes otherwise note a	No immunity or inviolability note a
Career Consul Officer	Yes if for a felony and pursuant to a warrant note a	Yes note d	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise note a	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employee	Yes note a	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise note a	No immunity or inviolability note a
Int'l Org Staff note b	Yes note c	Yes note c	Yes	Yes note c	No for official acts Yes otherwise note c	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No note b	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

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### Foreign Diplomatic and Consular Representatives

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

# Notice to Appear or Summons Releases

## **412.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide members of the Aurora Police Department with guidance on when to release adults who are suspected offenders on a summons or notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

## **412.2 POLICY**

The Aurora Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a summons or notice to appear when authorized to do so.

## **412.3 RELEASE**

Whenever a peace officer is authorized to arrest a person without a warrant he/she may be released on issuance of a summons or notice to appear (65 ILCS 5/1-2-9; 725 ILCS 5/107-12).

## **412.4 CONSIDERATIONS**

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

### **412.4.1 DETENTION FACILITY RELEASE**

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the detention facility, with supervisor approval.

# Rapid Response and Deployment

## **413.1 PURPOSE AND SCOPE**

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

## **413.2 POLICY**

The Aurora Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

## **413.3 PROCEDURE**

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using two or more officers whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the officers have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.
- (e) The availability of rifles, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.
- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).
- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if

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reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

#### **413.4 TRAINING**

The Training Sergeant should include rapid response to critical incidents in the Department training plan.

This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

#### **413.5 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

#### **413.6 PLANNING**

The Bureau of Neighborhood Policing Bureau Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.

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- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

#### 413.6.1 SCHOOL SAFETY DRILLS

The Training Sergeant should work with the administration of public and private elementary and secondary schools that offer education to persons under 21 to schedule annual on-site drills within 90 days after the first day of the school year to respond to school shooting incidents (105 ILCS 128/15; 105 ILCS 128/20).

# Immigration Violations

## **414.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to members of the Aurora Police Department relating to immigration and interacting with federal immigration officials.

## **414.2 POLICY**

It is the policy of the Aurora Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## **414.3 VICTIMS AND WITNESSES**

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Illinois constitutions.

## **414.4 ENFORCEMENT**

An officer should not stop, arrest, search, detain or continue to detain a person solely based on an individual citizenship or immigration status. If an individual is detained, and an officer has facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law, the officer shall contact federal authorities as soon as possible for purposes of clarifying or confirming the nature of the status by NCIC or notification by LEADS. An officer should not detain any individual, for any length of time, solely on the basis of any immigration detainer or non-judicial immigration warrant (5 ILCS 805/1 et seq.)

## **414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

## **414.6 FEDERAL REQUESTS FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

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#### **414.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; 5 ILCS 805/5):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

##### **414.7.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 or any other hold request unless the person has been charged with a federal crime or the detainer is accompanied by a judicial warrant. Notification to the federal authority issuing the detainer should be made prior to the release (5 ILCS 805/15).

#### **414.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). The Investigation Unit supervisor is designated to complete the law enforcement certification for a U visa.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). The Investigation Unit supervisor is designated to complete a law enforcement declaration for a T visa (5 ILCS 825/10).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  2. The certification form should be completed within 90 business days of the request unless (5 ILCS 825/10):
    - (a) There is a written agreement with the victim or the victim's representative extending the time to complete the certification form.
    - (b) The victim is eligible for expedited completion of the certification form.

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3. Complete and reissue a certification form within 90 days of a request to reissue by a victim unless the circumstances of the victim require that the completion and reissuance of the certification form be expedited (5 ILCS 825/10).
  - (d) Provide written notice to the victim or the victim's representative if it cannot be determined based on the evidence that the victim is qualified for a U visa or T visa (5 ILCS 825/10).
  - (e) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### 414.8.1 NON-DISCLOSURE OF IMMIGRATION STATUS

No member shall disclose the immigration status of the victim or the person requesting the certification form unless authorized in writing by the individual or as required by law (5 ILCS 825/10).

#### 414.8.2 PUBLICATION OF DECLARATION AND CERTIFICATION FORM PROCESS

The Investigation Unit supervisor should make the department's procedures for certification requests publicly available for victims and their representatives (5 ILCS 825/10).

### **414.9 TRAINING**

The Training Sergeant should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

# Emergency Utility Service

## 415.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this Department should be handled in the following manner.

### 415.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Dispatch Center.

### 415.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The appropriate utility company or Public Works should be promptly notified.

### 415.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the public water equipment and may maintain other municipal utility equipment as well. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

### 415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Dispatch Center.

## 415.2 TRAFFIC SIGNAL MAINTENANCE

### 415.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Dispatch Center of the location and problem with the signal. The telecommunicator should make the necessary notification to the proper maintenance agency.

# Field Training

## 416.1 PURPOSE AND SCOPE

The Field Training Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Aurora Police Department.

It is the policy of this Department to assign all new police officers to a structured Field Training Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, skillful, productive and professional manner.

## 416.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

### 416.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of three years of patrol experience, two of which shall be with this Department.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Possess an ILETSB certificate.

### 416.2.2 TRAINING

An officer selected as an FTO shall successfully complete the Department-approved FTO course prior to being assigned as an FTO.

All FTOs may complete an FTO update course approved by this Department every three years while assigned to the position of FTO.

## 416.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program will be supervised by a Patrol Lieutenant selected by the Patrol Bureau Commander or his/her designee and shall when practical, have completed the ILETSB certified (40 hour) Field Training Officer's Course.

The responsibilities of the FTO Program Supervisor include the following:

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- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor the overall FTO Program.
- (g) Maintain liaison with academy staff on recruit performance during the academy.
- (h) Develop ongoing training for FTOs.

The FTO Program supervisor will be required to successfully complete an ILETSB approved Field Training Administrator's Course, preferably within one year of appointment to this position.

#### **416.4 TRAINEE DEFINED**

Any newly appointed officer to the Aurora Police Department who has successfully completed an ILETSB training course.

#### **416.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program.

##### **416.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual ( [see attachment](#) ) at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Aurora Police Department. The manual is not intended to cover every contingency, but will be periodically reviewed and adjusted as appropriate. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Aurora Police Department.

#### **416.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **416.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.

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- (b) Review the Daily Observation Report (DOR) with the trainee.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off on all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

#### 416.6.2 FTO SERGEANT

The FTO sergeant shall review and approve the DOR's and forward them to the designated Field Training Lieutenant.

#### 416.6.3 FIELD TRAINING LIEUTENANT

The Field Training Lieutenant will review and approve the DOR's submitted by the FTO through the FTO program sergeant.

#### 416.6.4 PROBATIONARY OFFICER

At the completion of the Field Training Program, the probationary officer shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

### **416.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) DOR's
- (b) End of phase evaluations.
- (c) A Certificate of Completion personnel memo certifying that the trainee has successfully completed the required number of hours of field training.

# Aircraft Accidents

## 417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

### 417.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

## 417.2 POLICY

It is the policy of the Aurora Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

## 417.3 DOCUMENTATION

All aircraft accidents occurring within the City of Aurora shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of APD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

### 417.3.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

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- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

#### **417.3.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

#### **417.4 ARRIVAL AT SCENE**

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

#### **417.5 INJURIES AND CASUALTIES**

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

#### **417.6 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and

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the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

#### **417.7 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

#### **417.8 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

#### **417.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the

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surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

# Obtaining Air Support Assistance

## **418.1 PURPOSE AND SCOPE**

The use of a law enforcement air support can be invaluable in certain situations. This policy specifies potential situations where the use of an air support may be requested and the responsibilities for making a request.

## **418.2 REQUEST FOR AIR SUPPORT ASSISTANCE**

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

### **418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY**

After consideration and approval of the request for air support, the supervisor will call the closest agency having air support available. The supervisor will apprise that agency of the specific details of the incident prompting the request.

### **418.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED**

Law Enforcement air supports may be requested under any of the following conditions:

- (a) When the air support is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the air supports may reduce such hazard.
- (c) When the use of the air supports will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When air support is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

# Contacts and Temporary Detentions

## 419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

### 419.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by officers in the field to check an individual for weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

## 419.2 POLICY

The Aurora Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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#### **419.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Aurora Police Department to strengthen community involvement, community awareness, and problem identification.

##### **419.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

#### **419.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

#### **419.5 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

##### **419.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

##### **419.5.3 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to a supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, a supervisor should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Unit.

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When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### 419.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

#### **419.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
  1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

#### **419.8 STOP RECEIPTS**

Whenever an officer stops a person in a public place and pat-down searches the person or the person's property, the officer should issue a stop receipt providing the reason for the stop and containing the member's name and badge number (725 ILCS 5/107-14).

# Criminal Organizations

## 420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Aurora Police Department appropriately utilizes criminal intelligence systems and information files to support investigations of criminal organizations and enterprises.

### 420.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or associates.

## 420.2 POLICY

The Aurora Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this Department to collect and share relevant information while respecting the privacy and legal rights of the public.

## 420.3 CRIMINAL INTELLIGENCE SYSTEMS

No Department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for Department use.

Any criminal intelligence system approved for Department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for Department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 420.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this Department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any

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supporting documentation for an entry shall be retained by the Records Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

**420.3.2 SWORD SYSTEM ENTRIES**

It is the designated supervisor's responsibility to approve the entry of any information into the Statewide Organized Criminal Gang Database (SWORD) criminal intelligence system (20 ILCS 2605/2605-305). Entries into such a database should be based upon on reasonable suspicion of criminal activity or actual criminal activity, and should be supported by documentation, where documentation is available.

The designated supervisor may approve creation or submission of information into the SWORD criminal intelligence system when the individual has been arrested and there is a reasonable belief that the individual is a member or affiliate of an organized gang. The designated supervisor may notify the appropriate prosecutor of the individual's alleged gang membership or gang affiliate status (20 ILCS 2640/15).

**420.4 INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain information that is necessary to actively investigate whether a person or group qualifies for entry into the Department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

**420.4.1 FILE CONTENTS**

An information file may only contain information and documents that will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in an information file:

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**420.4.2 FILE REVIEW**

The contents of an information file shall be entered into the appropriate system.

**420.5 INFORMATION RECOGNITION**

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

**420.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

An information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in an information file, such information should be provided by the supervisor responsible for the information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

**420.7 CRIMINAL STREET GANGS**

The Special Operations Group supervisor should ensure that there are an appropriate number of Department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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#### **420.8 TRAINING**

The Training Sergeant or the authorized designee should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or information file.
- (e) The review of information files.

# Mobile Video/Audio

## 421.1 PURPOSE AND SCOPE

The Aurora Police Department has equipped most marked and unmarked department cars with in-car video and audio recording systems for the purpose of recording events to assist officers in the performance of their duties by providing a visual and/or audio record of patrol related activities when permitted by law (720 ILCS 5/14-J(h)). This policy provides guidance on the use of these systems.

### 421.1.1 LAW

Laws related to this policy concerning eavesdropping and exemptions can be found [here](#) and [here](#) respectively.

### 421.1.2 DEFINITIONS

**Audio Recording** - Electronic recording of conversation or other spoken words.

**DVR** - Digital Video Recorder

**Enforcement Stop** (as defined by [720 ILCS 5/14-3\(h\)](#)) - An action by a law enforcement officer in relation to enforcement and investigation duties, including but not limited to, traffic stops, pedestrian stops, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests for identification, or responses for emergency assistance.

**Hard Drive** - It houses the hard disk, where all the audio and video files are physically located.

**In-Cabin Microphone** - The manufacturers recommended microphone, usually located in the headliner of the vehicle.

**In-Car Video Audio System** - A departmentally provided video recording system, mounted in both marked and unmarked police vehicles, consisting of a camera, display, in-cabin microphone, wireless microphone, and DVR.

**USB** - A small data storage device with a built-in USB connection.

**Wireless Microphone** - The manufacturers recommended wireless microphone.

## 421.2 OFFICER RESPONSIBILITIES

Inspection and general maintenance of the in-car video/audio equipment shall be the responsibility of the officer assigned to the vehicle. In-car video/audio equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.

- (a) Prior to beginning tours of duty, and when time permits, officers operating a departmental vehicle equipped with an in-car video/audio system shall ensure that the system is operating properly.

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- (b) Officers shall ensure the in-car video/audio system has powered up when the vehicle's ignition has been turned on and that the correct time and date are displayed on the unit's monitor.
- (c) Officers shall ensure that the wireless microphone transmitter is adequately charged, synced to the recording equipment, and remotely activates the in-car video/audio system. The officer shall wear the microphone on the front of their vest, their lapel, or duty belt, and in such a manner that provides for the most optimal audio quality.
- (d) The officer shall log into the system under their name, and log out at the end of their tour.
- (e) Officers shall ensure that all cameras are properly positioned and adjusted to record events, and that the windshield and camera lens are clean and free of debris and obstructions.
- (f) Officers shall ensure that the in-car video/audio system has the adequate amount of free recording space on the system to complete the tour of duty; generally 30 GB or more of space on the hard drive will be sufficient (hard drive icon will indicate yellow when less than 30 GB remain). If the officer determines there is not sufficient recording space available for the tour, they shall contact an immediate supervisor.
  - 1. The supervisor shall conduct a manual download of the DVR, if necessary, prior to placing the vehicle back into service.
- (g) Officers shall ensure that the in-car video/audio system is capturing both audio and video by triggered (activation of wireless microphone or emergency overhead lights) and manual (pressing record on the monitor) system activations. This test recorded event shall be reviewed in squad by the officer, to ensure video and audio were captured.
- (h) Officers shall immediately report malfunctioning, damaged, or missing in-car camera equipment to an immediate supervisor prior to placing the squad car into service.
  - (a) The supervisor shall determine if the vehicle should be placed into service.
  - (b) The officer reporting the malfunction or damage shall enter a help desk ticket, describing in detail the malfunction or damage.
  - (c) If equipment is found to be missing, the officer shall complete an interoffice correspondence to the Administrative Services lieutenant.
  - (d) Any officer who intentionally disables or damages any part of the in-car video/audio recording or transmitting equipment will be held accountable and subject to criminal and/or internal disciplinary action.

### **421.3 ACTIVATION OF THE IN-CAR VIDEO/AUDIO SYSTEM**

- (a) This policy is not intended to describe every possible situation in which the in-car video/audio system may be used, although there are many situations when its use is appropriate. An officer may activate the system in compliance with the exemptions listed in 720 ILCS 5/14-3(h). All recorded events may only be made with

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the simultaneous use of the in-car video/audio system. No recordings may be made using any other recording devices.

1. A uniformed officer, after having announced their office, may record audio and video without consent when performing any enforcement and investigative duties, including but not limited to, traffic stops, pedestrian stops, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests for identification, or responses to requests for emergency assistance.
  2. During enforcement and investigative duties, officers shall, when practical, audio record citizen contacts.
  3. Officers may not audio record citizens during consensual contacts not rising to the level of enforcement or investigative duties, without the consent of the citizen.
- (b) The in-car video/audio system is designed to begin recording whenever the unit's emergency lights are activated, when remotely activated through the wireless microphone, when an impact of sufficient severity causes crash sensor activation, or when the unit's record button is pressed. The system remains recording until it is turned off manually by pressing the stop button. The wireless microphone worn on the officer will automatically record when video is activated.

#### **421.4 REQUIRED ACTIVATION OF THE IN-CAR VIDEO/AUDIO SYSTEM**

- (a) The in-car video/audio system shall be activated as soon as practical during enforcement and investigative duties, including but not limited to:
  1. During traffic stops.
    - (a) Officers should, when practical, utilize the zoom feature on the camera.
  2. During pedestrian stops and/or requests for identification.
  3. During motorist assists.
  4. During roadside safety checks.
  5. During vehicular pursuits.
  6. During emergency response to a call for service.
- (b) When a person is detained and placed in the rear of the patrol vehicle, or transportation van:
  1. Officers shall when practical activate the in-cabin camera(s) whenever a person is detained and placed in the rear of the transportation van or a patrol vehicle. The camera shall be activated prior to the subject being placed in the transportation van or vehicle, and shall not be turned off until after the subject has been removed.
  2. Officers shall, when practical, activate the in-cabin microphone and/or body worn wireless microphone whenever a person is detained and placed in the rear of the transportation van or a patrol vehicle.

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3. If transporting in the van, the interior dome light shall be turned on prior to placing subjects into compartments.
4. Officers are not required to activate the in-cabin camera(s) when transporting subjects to or from a location outside the Chicagoland area (Cook, DuPage, Kane, Kendall, Lake, McHenry and Will).

#### **421.5 CESSATION OF RECORDING**

- (a) Once activated, the in-car video/audio system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all field interviews of witnesses and victims have been completed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, is conducting traffic control, or in other similar situations.
- (b) At the conclusion of a recorded event, the officer shall "tag" the event by selecting the closest applicable event descriptor from the provided list.

#### **421.6 WHEN ACTIVATION IS NOT REQUIRED**

Activation of the in-car video/audio system is not required when exchanging information with other officers, during breaks, lunch periods, when not in service or on routine patrol.

#### **421.7 SUPERVISOR RESPONSIBILITIES**

- (a) Supervisors shall be responsible for reviewing reports to ensure that recordings have been placed into evidence.
- (b) Any supervisor may request a recording be retained as evidence in an incident or as part of a complaint investigation.
- (c) Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that notification has been made to the Administrative Services Lieutenant.
- (d) In the event that an incident arises that requires the immediate retrieval of a recorded event (e.g. serious crime scenes, officer involved shootings, serious officer involved accidents), a supervisor shall respond to the scene. If the event is 16 GB or less, the supervisor may opt to remove the USB flash drive for manual download of video to the server. If the recorded event is greater than 16 GB, a larger capacity USB drive shall be used. If the USB is removed by a supervisor, it shall be their responsibility to ensure the recorded event is uploaded to the server and entered as evidence.

#### **421.8 REVIEW OF IN-CAR VIDEO/AUDIO RECORDINGS**

- (a) Officers may view their digital videos in their patrol unit, or on a computer in a report writing room to further their investigation into a criminal or administrative matter. Officers will not play back any portion of the recorded event to the arrestee or violator without a supervisor's approval.

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1. Duplication/Release of Video
  - (a) Recorded video, other than that video which is evidence, shall not be duplicated except with approval of the Chief of Police through a written request, or at the State's Attorney's Office's request.
  - (b) Requests for recorded video provided to persons or agencies outside the criminal justice system shall be reviewed on a case by case basis, and if approved, duplicated on discs provided by the requesting person or agency.
2. Use of Video for Training.
  - (a) Recorded video containing material that is deemed beneficial by the training division may be utilized with the approval of the Chief of Police. Any officer may recommend videos be used for department training.

#### **421.9 DOCUMENTING IN-CAR VIDEO/AUDIO USE**

- (a) If an incident is recorded with the video/audio system, the existence of that recording shall be documented at the beginning of the officer's report.
- (b) If the video/audio captured of an incident is reviewed prior to writing the report, the officer shall note this at the beginning of the officer's report.
- (c) In some circumstances it is not possible to capture valuable images of the incident due to conditions or the location of the camera. In those instances, the reasons for the diminished value of the video should be explained.

#### **421.10 RECORDING MEDIA STORAGE AND INTEGRITY**

All recordings not entered as evidence will be retained for a minimum of 90 days on the server and disposed of in compliance with the established records retention schedules (720 ILCS 5/14-3(h) (15)).

#### **421.11 IN-CAR VIDEO/AUDIO**

- (a) Officers who reasonably believe that an in-car video/audio recording is likely to contain evidence relevant to a criminal offense, or a potential claim against the officer, the Aurora Police Department, or the City of Aurora should indicate this in an appropriate report. Officers shall ensure relevant recordings are copied and entered as evidence.
  - (a) Officers shall create a disk of the video/audio recording and properly submit it as evidence.
  - (b) The property custodian will be responsible for fulfilling duplication requests provided by the Records Division.

# Mobile Data Computer Use

## **422.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between Department members and the Dispatch Center.

## **422.2 POLICY**

Aurora Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

## **422.3 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

## **422.4 RESTRICTED ACCESS AND USE**

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

### **422.4.1 USE WHILE DRIVING**

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **422.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by a supervisor or other Department-established protocol, all calls for service assigned by a telecommunicator should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a telecommunicator.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

##### **422.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

##### **422.5.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

### **422.6 EQUIPMENT CONSIDERATIONS**

#### **422.6.1 MALFUNCTIONING**

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Dispatch Center. It shall be the responsibility of the telecommunicator to document all information that will then be transmitted verbally over the police radio.

#### **422.6.2 BOMB CALLS**

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

# Public Recording of Law Enforcement Activity

## **423.1 PURPOSE AND SCOPE**

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this Department. In addition, this policy provides guidelines for situations where the recordings may be evidence (50 ILCS 706/10-20).

## **423.2 POLICY**

The Aurora Police Department recognizes the right of persons to lawfully record members of this Department who are performing their official duties. Members of this Department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

## **423.3 RECORDING LAW ENFORCEMENT ACTIVITY**

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (720 ILCS 5/14-2; 50 ILCS 706/10-20).
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to (50 ILCS 706/10-20):
  1. Inciting others to violate the law.
  2. Being so close to the activity as to present a clear safety hazard to the officers.
  3. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
  4. Engaging in any other action that could interfere with an officer's ability to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations or protect the public safety and order.

## **423.4 OFFICER RESPONSE**

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

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Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **423.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

#### **423.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

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2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a Department device.

Recording devices and media that are seized will be submitted within the guidelines of the Evidence Unit Policy.

#### **423.7 DISCIPLINE**

Departmental discipline consistent with the Performance Complaints Policy and criminal prosecution may result from unlawful confiscation or destruction of a public recording of law enforcement activity (50 ILCS 706/10-20).

# Marijuana Use

## 424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of cannabis under the Illinois Compassionate Use of Medical Cannabis Program Act (the Act) (410 ILCS 130/1 et seq.).

### 424.1.1 DEFINITIONS

Definitions related to this policy include (410 ILCS 130/10):

**Authorized amount** - No more than 2.5 ounces of usable cannabis unless the person has a Department of Public Health-approved quantity waiver for more than 2.5 ounces. The pre-mixed weight of cannabis used in making cannabis-infused products shall apply toward the authorized amount of cannabis.

**Cardholder** - A person who has been issued a valid registry identification card or valid provisional registration by the Department of Public Health (410 ILCS 130/55).

**Dispensary** - An organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to cardholders.

**Medical use of cannabis** - The acquisition, administration, delivery, possession, transfer, transportation, or use of cannabis to treat or alleviate a person's debilitating medical condition or symptoms associated with the debilitating medical condition.

**Qualifying patient** - A person who has been diagnosed by a physician, an advanced practice registered nurse, or a physician assistant as having a debilitating medical condition listed in 410 ILCS 130/10(h).

**Registered designated caregiver** - A person who has a valid registry identification card to assist a qualifying patient with the medical use of cannabis.

**Registry identification card** - A document issued by the Department of Public Health that identifies a person as a registered qualifying patient or registered designated caregiver.

**Usable cannabis** - The seeds, leaves, buds, and flowers of the cannabis plant. It does not include the stalks and roots of the plant or the weight of any non-cannabis ingredients combined with cannabis, such as ingredients added to prepare a topical administration, food, or drink.

## 424.2 POLICY

It is the policy of the Aurora Police Department to prioritize resources to avoid making arrests related to cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

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Illinois medical cannabis laws are intended to provide protection from arrest and prosecution to those who comply with the registration requirements of the law and who use, possess or provide care to mitigate the symptoms of certain chronic or debilitating medical conditions, or produce or deliver cannabis. However, Illinois medical cannabis laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of cannabis. The Aurora Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Illinois law and the resources of the Department.

#### **424.3 INVESTIGATION**

Investigations involving the possession, delivery, production or use of cannabis generally fall into one of two categories:

- (a) Investigations when no person makes a medicinal claim
- (b) Investigations when a medicinal claim is made by a cardholder

##### **424.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery, production, or use of cannabis or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use of marijuana (410 ILCS 705/10-5). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

##### **424.3.2 INVESTIGATIONS INVOLVING A CARDHOLDER**

No enforcement action should be taken when a person is in possession of, delivers, or uses cannabis or cannabis paraphernalia when the following amounts of cannabis are not exceeded (410 ILCS 130/25; 410 ILCS 130/10; 410 ILCS 705/10-5):

- (a) 2.5 ounces of cannabis obtained from a dispensary
- (b) More than 2.5 ounces of cannabis obtained from a dispensary if the person has a Department of Public Health-approved quantity waiver
- (c) Five plants more than 5 inches tall (unless properly licensed to possess more plants under a special license)

The total amount possessed between the patient and caregiver shall not exceed the patient's adequate supply.

Despite the existence of a valid registry identification card, if there is evidence that the conduct related to cannabis was not for the purpose of treating or alleviating the qualifying patient's medical condition or symptoms associated with the medical condition, a criminal investigation should occur (410 ILCS 130/25(a)-(d)).

Registered qualifying patients and their designated caregivers are required to possess their registry identification cards at all times when engaging in the medical use of cannabis (410 ILCS

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130/70). However, officers who reasonably believe that a person who does not have a registry identification card in his/her possession has been issued a card may treat the investigation as if the person has the card in his/her possession.

#### 424.3.3 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving cannabis possession, delivery, production, or use (410 ILCS 130/25):

- (a) No person may be arrested solely for:
  1. Selling cannabis paraphernalia to a cardholder, if the person is employed and registered as a dispensing agent of a dispensary.
  2. Being in the presence or vicinity of the medical use of cannabis.
  3. Assisting a qualifying patient in possession of a registry identification card with the act of administering cannabis.
- (b) Cannabis, cannabis paraphernalia, illegal property, or interest in legal property that is possessed, owned, or used in connection with the medical use of cannabis may not be seized or forfeited. However, nothing in this policy prohibits cannabis exceeding the authorized amounts or unrelated to any cannabis that is possessed, manufactured, transferred, or used under the Act from being seized or forfeited
- (c) Possession of, or application for, a registry identification card or registration certificate does not itself constitute reasonable suspicion or probable cause to search, nor does it preclude the existence of other independent probable cause.
- (d) Because enforcement of medical cannabis laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
  1. The suspect has been identified and can be easily located at another time.
  2. The case would benefit from review by a person with expertise in medical cannabis investigations.
  3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
  4. There are any other relevant factors, such as available department resources and time constraints.
- (e) Registered cultivation centers and dispensaries, as well as their officers, agents, and employees, may not be searched or seized solely because they are a cultivation center or dispensary, or are officers, agents, or employees of such facilities.
- (f) Before proceeding with enforcement related to a cultivation center, officers should consider conferring with appropriate legal counsel or the medical department of the state police (410 ILCS 705/15-135).

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### Marijuana Use

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#### 424.3.4 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person (410 ILCS 130/30):

- (a) Undertakes any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct.
- (b) Possesses or uses cannabis:
  1. In a school bus, except as provided under 105 ILCS 5/22-33.
  2. On the grounds of any preschool, or primary, or secondary school, except as provided under 105 ILCS 5/22-33.
  3. In any correctional facility.
  4. In a vehicle, except that a person may possess medical cannabis if it is in a reasonably secured, sealed, container and is reasonably inaccessible while the vehicle is moving (see 625 ILCS 5/11-502.15 for how recreational marijuana may be transported in a motor vehicle).
  5. In a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.
- (c) Uses cannabis:
  1. In any motor vehicle.
  2. In any place except a private residence where an individual could reasonably be expected to be observed by others, except as provided under 105 ILCS 5/22-33.
  3. Knowingly in close physical proximity to anyone under the age of 18, except as provided under 105 ILCS 5/22-33.
  4. As an active duty law enforcement officer, correctional officer, correctional probation officer, or firefighter.
  5. As a person with a school bus permit or a Commercial Driver's License (CDL).
- (d) Smokes medical cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act.
- (e) Operates, navigates, or is in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis, in violation of Sections 11-501 and 11-502.1 of the Illinois Vehicle Code.
- (f) Uses or possesses cannabis if that person does not have a debilitating medical condition and is not a registered qualifying patient or registered designated caregiver.
- (g) Allows another person who is not allowed to use cannabis under the Act to use cannabis that a cardholder is allowed to possess.
- (h) Transfers cannabis to any person contrary to the provisions of the Act
- (i) Drives any vehicle in violation of Section 11-503 of the Illinois Vehicle Code (reckless driving).

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### Marijuana Use

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#### **424.4 FEDERAL LAW ENFORCEMENT**

Officers should provide information regarding a cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

#### **424.5 EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES**

The Evidence Unit supervisor should ensure that cannabis, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. The Evidence Unit supervisor is not responsible for caring for live cannabis plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Unit supervisor should return to the person from whom it was seized any useable cannabis, plants, drug paraphernalia or other related property.

The Evidence Unit supervisor should not destroy cannabis that was alleged to be for medical purposes except upon receipt of a court order.

The Evidence Unit supervisor may release cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit supervisor.

## Bicycle Patrol Unit

### **425.1 PURPOSE AND SCOPE**

The Aurora Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### **425.2 POLICY**

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor.

### **425.3 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a request to their appropriate supervisor. A copy will be forwarded to the Bike Patrol supervisor.

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

#### **425.3.1 BICYCLE PATROL UNIT SUPERVISOR**

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant and will be supervised by the Area 3 Patrol Lieutenant or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Bureau of Neighborhood Policing Bureau.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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### *Bicycle Patrol Unit*

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#### **425.4 TRAINING**

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

#### **425.5 UNIFORMS AND EQUIPMENT**

Officers shall wear the Department-approved uniform and safety equipment while operating the Department bicycle. Safety equipment includes Department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other Department-approved shirt with Department badge and patches and Department-approved bicycle patrol pants or shorts.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other Department equipment needed while on bicycle patrol.

#### **425.6 CARE AND USE OF PATROL BICYCLES**

Officers will be assigned a specially marked and equipped patrol bicycle and an attached gear bag.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a Police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors and front lights satisfying the requirements of the Illinois Vehicle Code (625 ILCS 5/11-1507). A bicycle is a police vehicle as authorized by 625 ILCS 5/1-162.3.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle may be equipped with an oscillating, rotating or flashing red and/or blue warning light that is visible from the front, sides, or rear of the bicycle (625 ILCS 5/12-215).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

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### *Bicycle Patrol Unit*

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If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a Department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

#### **425.7 OFFICER RESPONSIBILITY**

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers operating an authorized emergency vehicle may park or stand, irrespective of the provisions of the Illinois Vehicle Code (625 ILCS); proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation; exceed the maximum speed limits so long as he/she does not endanger life or property; disregard regulations governing direction of movement or turning in specified directions (625 ILCS 5/11-205).

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

# Foot Pursuits

## **426.1 PURPOSE AND SCOPE**

This policy provides guidelines to assist officers in making the decision to initiate or continue a pursuit of suspects on foot.

## **426.2 POLICY**

It is the policy of this Department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

## **426.3 DECISION TO PURSUE**

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances present at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

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- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

#### **426.4 GENERAL GUIDELINES**

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the telecommunicator or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm, radio, or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there

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is no immediate threat to Department members or the public if the suspect is not immediately apprehended.

- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

### **426.5 RESPONSIBILITIES IN FOOT PURSUITS**

#### **426.5.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the telecommunicator of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

#### **426.5.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

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#### 426.5.3 THE DISPATCH CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the telecommunicator is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying a sergeant as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

#### 426.5.4 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, a supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

### **426.6 REPORTING REQUIREMENTS**

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

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Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

# Homeless Persons

## **427.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Aurora Police Department recognizes that members of the homeless community are often in need of special protection and services. It is the goal of the Aurora Police Department to address these needs in balance with the overall mission of this Department. Therefore, officers will consider the following when serving the homeless community.

### **427.1.1 POLICY**

It is the policy of the Aurora Police Department to provide law enforcement services and to protect the rights, dignity and private property of all members of the community, regardless of their socioeconomic status. Homelessness is not a crime and members of this Department will not use homelessness solely as a basis for detention or law enforcement action.

## **427.2 HOMELESS COMMUNITY LIAISON**

If appropriate for proper handling of contacts with homeless persons and adherence to this policy, the Chief of Police will designate a member of this Department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all Department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of those areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include the following:
  1. Proper posting of notices of trespass and clean-up operations.
  2. Proper retention of property after clean-up, including procedures for owners to reclaim their property in accordance with the Evidence Unit Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this Department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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### *Homeless Persons*

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1. This should include what constitutes a reasonable expectation of privacy for the property of a homeless person (775 ILCS 45/5).

#### **427.3 FIELD CONTACTS**

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers may consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest. However, nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

##### **427.3.1 OTHER CONSIDERATIONS**

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

#### **427.4 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public (775 ILCS 45/10(a)(7)). Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of homeless persons.

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### *Homeless Persons*

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When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the Department Homeless Liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform a supervisor or the Department Homeless Liaison Officer if such property appears to involve a trespass, is a blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer or a supervisor to address the matter in a timely fashion.

#### **427.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT**

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Petitions and Applications For Involuntary Admissions policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

#### **427.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or Departments when a significant impact to our environment has or is likely to occur. Significant impacts to the environment may warrant a report, investigation, supporting photographs and supervisor notification.

# Firearm Concealed Carry

## **428.1 PURPOSE AND SCOPE**

This policy provides guidance for responding to situations involving individuals who possess concealed carry handgun licenses under the provisions of the Illinois Firearm Concealed Carry Act (430 ILCS 66/1 et seq.).

## **428.2 POLICY**

The Aurora Police Department respects the rights of individuals to carry concealed handguns in compliance with the Illinois Firearm Concealed Carry Act.

It is the policy of the Aurora Police Department to not unreasonably interfere with or discriminate against individuals who lawfully carry concealed handguns.

## **428.3 OFFICER RESPONSIBILITY**

When an officer initiates an investigative stop, including a traffic stop, and determines that any persons contacted, including passengers, are in possession of concealed firearms and are license holders, the duration of the contact may only be extended by the amount of time reasonably necessary to verify the validity of the license or to verify that possession of the weapon is lawful, absent reasonable suspicion of other criminal activity.

If an officer reasonably believes a person is a clear and present danger because the person has engaged in verbally or physically threatening behavior (e.g., violent, suicidal or assaultive threats or actions), the officer shall report this information to the Illinois State Police (ISP) within 24 hours (430 ILCS 65/8.1). The fact that ISP has been notified and the manner of notification should be documented.

The officer should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent). Officers are cautioned that a search warrant may be needed before seizing weapons or entering a residence or other place to search, unless a lawful, warrantless entry has already been made (e.g., exigent circumstances, consent).

### **428.3.1 OFFICER SAFETY**

If an officer reasonably believes it is necessary for the safety of anyone present, the officer may secure a firearm or direct that it be secured during any contact with a licensee lawfully carrying a firearm or non-resident lawfully transporting a firearm in a vehicle. The officer shall return the firearm to the person after it is determined he/she is not a threat to the safety of any person present unless he/she is being transported to another location for treatment, in which case the officer shall proceed as provided in the Firearms in Non-Custody Situations section of this policy (430 ILCS 66/10(h-1)).

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### *Firearm Concealed Carry*

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#### **428.4 FIREARMS IN CUSTODY SITUATIONS**

No person shall be transported in a department vehicle or be brought into a department facility or other prohibited facility while armed. If no other reasonable accommodation for the firearm is available, officers should take possession of the firearm, safely secure it during transport and retain possession until the person is released. If the person is not released, the firearm will be submitted to the Evidence Unit as evidence or for safekeeping.

If a licensee's vehicle is towed and his/her firearm is in the vehicle, officers should handle the vehicle inventory in a manner that is consistent with the Vehicle Towing Policy. The officer should remove any firearms and submit them to the Evidence Unit for either safekeeping or evidence, whichever is appropriate for the circumstances.

If the firearm is locked in a storage container inside the vehicle and is not considered evidence, officers should ask the licensee whether he/she prefers to have the firearm secured for safekeeping in the Evidence Unit or left with the vehicle. If the licensee chooses to leave the firearm with the vehicle, his/her decision should be documented in the incident report or towed vehicle report.

The handling officer should provide a receipt, along with instructions for regaining possession of the firearm. Any firearm retained and stored for safekeeping shall be returned to the lawful owner, without fees, in accordance with the Evidence Unit Policy.

#### **428.5 FIREARMS IN NON-CUSTODY SITUATIONS**

If a licensee who is in lawful possession of a firearm is encountered under circumstances where he/she cannot adequately secure the firearm, (i.e., is incapacitated or being transported to the hospital for medical reasons, see also the [attached](#) form for this situation), the firearm shall be retained and submitted to the Evidence Unit for safekeeping. In those situations when a firearm is turned over to a member of this agency for safekeeping by emergency medical services, it shall be done in accordance with the current MOU with the emergency medical services.

The handling officer should provide a receipt documenting the make, model, caliber and serial number of the firearm, along with instructions for regaining possession of the firearm. Any firearm retained and stored for safekeeping shall be returned to the lawful owner, without fees, in accordance with the Evidence Unit Policy (430 ILCS 66/10(h-1)).

#### **428.6 OBJECTIONS TO LICENSE APPLICATIONS**

State law allows law enforcement agencies to file an objection to a license applicant when there is reasonable suspicion that the applicant is a danger to him/herself or others, or poses a threat to public safety (430 ILCS 66/15(a)). Any member who becomes aware of a license applicant who the member reasonably suspects is a danger to him/herself or others, or who poses a threat to public safety should promptly forward an incident report or a memorandum, as appropriate, to the Chief of Police or the authorized designee for approval and forwarding to ISP.

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### *Firearm Concealed Carry*

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#### **428.7 SURRENDER OR SEIZURE OF LICENSES**

Members receiving a concealed carry license that has been voluntarily surrendered to the Department because it has been revoked, suspended or denied shall provide the individual surrendering the license with a receipt and ensure that the license is forwarded to ISP (430 ILCS 66/70).

Officers should seize concealed carry licenses when the officer serves an order of protection and the person served is known to possess a concealed carry license. A notification of the order and the license must be forwarded to ISP within seven days of the date the order was served (430 ILCS 66/70).

It is a misdemeanor for a person to fail to surrender a concealed carry license within 48 hours of receiving notice of the revocation, denial or suspension of the license. Officers observing a license in the possession of a person whose license has been revoked, suspended or denied should consider seizing the license as evidence, if there are articulable facts that establish the person was aware of the revocation, suspension or denial. If the license is seized as evidence, ISP should be notified as soon as practicable. A copy of the report should be forwarded to ISP.

# Suspicious Activity Reporting

## 429.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 429.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 429.2 POLICY

The Aurora Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism, and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 429.3 RESPONSIBILITIES

The Investigation Bureau Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for Department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Bureau Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **429.4 REPORTING AND INVESTIGATION**

Any Department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

# Medical Aid and Response

## **430.1 PURPOSE AND SCOPE**

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

## **430.2 POLICY**

It is the policy of the Aurora Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

## **430.3 FIRST RESPONDING MEMBER RESPONSIBILITIES**

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Dispatch Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.
  3. Number of patients, sex, and age, if known.
  4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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#### **430.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **430.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Petitions and Applications for Involuntary Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **430.6 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **430.7 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

#### **430.8 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

One Department member at the scene may assist in the air ambulance communications. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

#### **430.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member should use an AED only after he/she has successfully completed a course of instruction in accordance with the standards of a nationally recognized organization or rules existing under the AED Act, 410 ILCS 4/20.

##### **430.9.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in Department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Administrative Lieutenant who is responsible for ensuring appropriate maintenance.

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Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member using an AED shall notify the Dispatch Center as soon as possible and request response by EMS (410 ILCS 4/20).

#### **430.9.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

#### **430.9.3 AED TRAINING AND MAINTENANCE**

The Administrative Lieutenant or the authorized designee shall ensure that the Aurora Police Department is equipped with at least one operational and functional AED and that all AED are appropriately maintained and tested (55 ILCS 5/3-6040; 65 ILCS 5/11-1-13; 410 ILCS 4/20).

Records of all maintenance and testing should be maintained in accordance with the established records retention schedule.

The Training Sergeant shall ensure that an adequate number of members receive training in the use of an AED (55 ILCS 5/3-6040; 65 ILCS 5/11-1-13; 410 ILCS 4/20).

### **430.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

The Training Sergeant shall maintain written procedures to manage the Department's acquisition, storage, transportation, training and administration of opioid overdose medication (20 ILCS 301/5-23).

Members who have received training may administer opioid overdose medication in accordance with protocol specified by the health care professional who prescribed the overdose medication for use by the member (20 ILCS 301/5-23).

#### **430.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

Any member who administers an opioid overdose medication should contact the Dispatch Center as soon as possible and request response by EMS.

#### **430.10.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

#### **430.10.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Training Sergeant should ensure training is provided to members authorized to administer opioid overdose medication that includes information and training on drug overdose prevention,

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recognition, the administration of an overdose medication and care for the person after administration of the medication as provided in 20 ILCS 301/5-23.

#### **430.11 FIRST AID TRAINING**

Subject to available resources, the Training Sergeant should ensure officers receive periodic first aid training appropriate for their position.

# Civil Disputes

## **431.1 PURPOSE AND SCOPE**

This policy provides members of the Aurora Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Illinois law.

## **431.2 POLICY**

The Aurora Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this Department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

## **431.3 GENERAL CONSIDERATIONS**

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters.

## **431.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **431.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **431.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **431.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

# First Amendment Assemblies

## **432.1 PURPOSE AND SCOPE**

This policy provides guidance for responding to public assemblies or demonstrations.

## **432.2 POLICY**

The Aurora Police Department respects the rights of people to peaceably assemble. It is the policy of this Department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## **432.3 GENERAL CONSIDERATIONS**

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disorderly conduct. However, officers shall not take action or fail to take action solely based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- Engage in assembly or demonstration-related discussion with participants.
- Harass, confront or intimidate participants.
- Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe Department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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#### 432.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating Department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

Care should be taken to ensure that any simultaneous audio recording does not violate the Illinois Eavesdropping Act (720 ILCS 5/14-2; 720 ILCS 5/14-3).

#### 432.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### 432.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### 432.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 432.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multi-jurisdictional event.
- (g) Liaison with demonstration leaders and external agencies (e.g., MOU with Planned Parenthood [see attachment](#) ).
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.

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- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of portable recording devices.

#### 432.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

#### **432.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### **432.7 USE OF FORCE**

Use of force is governed by current Department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to

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harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this Department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **432.8 ARRESTS**

The Aurora Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, detention facility and courts (see Notice to Appear and Summons Releases Policy).

#### **432.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **432.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

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promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

#### **432.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Dispatch Center records/tapes
- (g) Media accounts (print and broadcast media)

##### **432.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

#### **432.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

## LGBTQ+ Liaison

### **433.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that the Aurora Police Department establishes, maintains, strengthens, and enhances the relationship between the Lesbian, Gay, Bi-sexual, Transgender, and Questioning/Queer (LGBTQ+) community.

### **433.2 POLICY**

It is the policy of the Aurora Police Department to provide law enforcement services, and to protect the rights, dignity and private property of all members of the community, regardless of their sexual orientation and/or gender identity.

### **433.3 LGBTQ+ LIAISON**

The Chief of Police will designate a member of this department to act as the LGBTQ+ Liaison. The Liaison serves as a contact for community leaders, residents, and businesses within the LGBTQ+ community. The liaison works to enhance the department's goal of maintaining an open line of communication by establishing partnerships with LGBTQ+ organizations.

#### **433.3.1 DUTIES AND RESPONSIBILITIES**

The Aurora Police Department actively seeks to understand its LGBTQ+ community's needs to ensure fair and equitable representation. The LGBTQ+ Liaison strengthens the relationship between the LGBTQ+ community and the Aurora Police Department by creating mutual trust and confidence in the police through community involvement, departmental education, and the provision of fair and professional policing services. The Liaison position is to help to ensure that all employees maintain one of the main tenants of the Aurora Police Department, which is to treat everyone with dignity and respect.

- (a) The responsibilities of the LGBTQ+ Liaison include the following:
- (b) Serve as a single point of contact between the Aurora Police Department and the LGBTQ+ community.
- (c) Assist, advise, and consult with the Aurora Police Department leadership and other officers on cases involving the LGBTQ+ community or LGBTQ+ issues.
- (d) Assist in training for members of the department on LGBTQ+ topics.
- (e) Meet with, and provide, business owners, community groups, and individuals of the LGBTQ+ community information on relevant law enforcement issues.
- (f) Be a point of contact for the LGBTQ+ community to express its concerns about crimes directed against the LGBTQ+ community.
- (g) Collaborate with community leaders, residents, and businesses to design and implement public safety projects and programs to establish a closer, more effective dialogue between the police and the LGBTQ+ community.
- (h) Identify and attend training related to LGBTQ+ topics.

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- (i) Facilitate an overall open relationship between the LGBTQ+ community and the Aurora Police Department.
- (j) Serve as a resource to families with a “questioning” member who is in need of social support services, but does not know how or where to obtain them.
- (k) Work with other staff members to maintain current policy regarding LGBTQ+ issues.

## **Chapter 5 - Traffic Operations**

# Traffic Function and Responsibility

## **500.1 PURPOSE AND SCOPE**

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

## **500.2 OFFICER DEPLOYMENT**

Several factors are considered in the development of deployment schedules for officers of the Aurora Police Department. Traffic crash information provided by the Illinois Department of Transportation is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

### **500.2.1 TRAFFIC DIVISION RELATED EQUIPMENT**

The Traffic Division shall purchase and maintain specialized equipment to investigate traffic enforcement, traffic crashes and conduct follow-up investigations.

### **500.2.2 TRAFFIC DIVISION RESPONSIBILITIES**

- Conducting follow-up investigations of reported traffic crashes.
- Truck permits and overweight enforcement.
- Administration and processing of vehicles towed by the Department.
- Traffic surveys for the Department and the City.
- Traffic plans and escort for special events.

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- (f) School crossing guards.
- (g) Traffic related equipment for uniformed patrol.
- (h) Administration and processing of vehicles towed and/or impounded by the Department.

#### **500.3 ENFORCEMENT**

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This Department does not establish ticket quotas. The number of citations issued by any officer shall not be used as criterion for evaluating officer overall performance, but the number of traffic stops completed, arrests, written warnings, and crime prevention measures are appropriate evaluation criterion (55 ILCS 5/5-1136; 65 ILCS 5/11-1-12).

##### **500.3.1 WARNINGS**

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

##### **500.3.2 CITATIONS**

Citations should be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

##### **500.3.3 PARKING ENFORCEMENT**

When an employee has made a decision that some type of parking ticket is required for an observed violation he or she shall issue an Ordinance Violation Notice.

##### **500.3.4 PHYSICAL ARREST**

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Criminal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Reckless homicide.
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs.
- (c) Felony or misdemeanor hit-and-run.
- (d) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

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#### **500.4 STOP RECEIPTS**

Whenever an officer stops a motorist under 725 ILCS 5/107-14 and pat-down searches the person or the person's property, the officer should issue a stop receipt providing the reason for the stop and containing the member's name and badge number.

#### **500.5 SEIZURE OF ITEMS**

Officers who reasonably believe that any certificate of title, registration card, permit, license, registration plate, license plate, disability license plate, parking decal or device, or registration sticker is fictitious, expired, revoked, cancelled, suspended or unlawfully issued shall seize such items for return of the items to the Secretary of State (625 ILCS 5/2-111).

#### **500.6 HIGH-VISIBILITY VESTS**

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

##### **500.6.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

#### **500.7 CAR DOOR OPENINGS**

- (a) It shall be the policy of the Department to only attempt to open the vehicles of people who have locked themselves out if the circumstances indicate an urgent situation. Examples of an urgent situation include, but are not limited to, the following:
  1. A child is locked in the vehicle.
  2. A person locked in the vehicle needs medical assistance.
  3. An animal is locked inside the vehicle under conditions that endanger the health and/or safety of the animal.
  4. The vehicle is running.
- (b) Door openers are maintained in the Bureau of Neighborhood Policing sergeants' offices. Door openers may be assigned by the Patrol sergeants, or an officer

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may voluntarily check one out for the duration of his/her shift. Some officers have personally-owned door openers, which may also be carried and used.

- (c) An employee receiving a request from a person for a car door opening shall determine if the circumstances indicate an urgent situation.
  - 1. If the employee receiving an urgent request is an officer, s/he will attempt to open the vehicle if s/he has a door opener available. If the officer does not have a door opener, s/he shall notify Telecommunications of the need for the door to be opened.
  - 2. When a Telecommunications operator is advised of an urgent need to open a locked vehicle, s/he shall:
    - (a) Put out a general dispatch to all Area cars for a voluntary response.
    - (b) If there is no immediate response from an Area car, an Area sergeant shall be sent to the scene.
  - 3. If the situation does not indicate an urgency, the person needing assistance shall be informed in a courteous and professional manner that the Department does not provide door opening services for “non-urgent” situations, and that they must make other arrangements to open their car door.
- (d) If the person needing assistance asks for a referral for anyone who can assist them, they shall be provided with all the names on the “Door Opening” list, which is maintained in Telecommunications. It shall then be up to the person needing assistance to contact one of the companies for assistance. A departmental employee may not place any calls to the locksmith companies.

### **500.8 SCHOOL CROSSING GUARDS**

- (a) School crossing guards are employees of the Department and are under the direct supervision of the Traffic Division sergeant.
- (b) The Department provides school crossing guards at selected locations as decided by the Chief, within budgetary and employment guidelines. The Chief shall certify crossing guards after they have been trained by the Traffic Division. The training shall be in compliance with the United States Department of Transportation guidelines.
- (c) When a request is made for a school crossing guard, the Traffic Division shall conduct a study for the necessity and feasibility of providing a crossing guard. Such studies shall include:
  - (a) The amount of vehicular and pedestrian traffic.
  - (b) The type or roadway.
  - (c) The age of the school children to be assisted.
- (d) The Traffic Division shall have the primary responsibility to schedule crossing guards
- (e) Crossing guards that are unable to report to duty for any reason shall contact the Traffic Division as soon as possible. The Traffic Division will arrange for replacements when a crossing guard is unable to be at the assigned location.

# Traffic Crash Reporting

## **501.1 PURPOSE AND SCOPE**

The Aurora Police Department prepares traffic crash reports in compliance with the Illinois Department of Transportation, Division of Traffic Safety Illinois Traffic Crash Report (Form SR1050) Manual and as a public service makes traffic crash reports available to the community with some exceptions.

## **501.2 RESPONSIBILITY**

The Traffic Sergeant will periodically review the Illinois Traffic Crash Report Manual and ensure conformity with this policy.

## **501.3 TRAFFIC CRASH REPORTING**

All traffic crash reports taken by members of this department shall be forwarded to a supervisor for approval. A complete diagram and narrative will be completed for each crash report.

## **501.4 REPORTING SITUATIONS**

### **501.4.1 TRAFFIC CRASHES INVOLVING CITY VEHICLES**

Traffic crash investigation reports shall be taken when a City-owned vehicle is involved in a traffic crash upon a roadway or highway or on private property when any damage or injury results. Whenever there is damage to a police vehicle, the reported damage shall be entered into the Records Management System, and notification to the Administrative Services Lieutenant.

Photographs of the crash scene and squad damage shall be taken by a traffic investigator or a supervisor.

### **501.4.2 TRAFFIC CRASHES WITH POLICE DEPARTMENT EMPLOYEES**

When an employee of this department, either on-duty or off-duty, is involved in a traffic crash within the jurisdiction of the Aurora Police Department resulting in a serious injury or fatality, the Traffic Division shall be notified, and an outside agency may be required (50 ILCS 727/1-10(c)).

The term serious injury is defined as any injury that may result in a fatality.

### **501.4.3 TRAFFIC CRASHES WITH OTHER CITY EMPLOYEES OR OFFICIALS**

The Traffic Sergeant or on-duty Patrol Lieutenant may request assistance from an allied agency, the County Sheriff, or the Illinois State Police for the investigation of any traffic crash involving any City official or employee where a serious injury or fatality has occurred.

### **501.4.4 TRAFFIC CRASHES ON PRIVATE PROPERTY**

Generally, traffic crash reports shall not be taken for traffic crashes occurring on private property, unless there is a death or injury to any person involved, damage to the property of any one person in excess of \$1,500 (or \$500 if any of the involved vehicles are uninsured in violation of 625 ILCS

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5/7-601), a hit-and-run violation, one or both vehicles are towed due to damage, other criminal traffic violation or a school bus is involved. A Crash Report may be taken at the discretion of any supervisor (625 ILCS 5/11-406).

#### **501.4.5 TRAFFIC CRASHES ON ROADWAYS OR HIGHWAYS**

Traffic crash reports shall be taken when they occur on a roadway or highway within the jurisdiction of this Department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the crash.
- (b) When there is damage to the property of any one person valued over \$1500 (or \$500 if any of the involved vehicles are uninsured in violation of 625 ILCS 5/7-601), including the driver.
- (c) When there is an identifiable violation of the Illinois Vehicle Code or similar local ordinance.
- (d) When a report is requested by any involved drivers.
- (e) Whenever a school bus is involved.

#### **501.4.6 <P>ACTS OF DELIBERATE INTENT INVOLVING MOTOR VEHICLES</P>**

Vehicle collisions which are caused only as a result of the intentional actions of one of the involved drivers shall be documented on an Offense report.

### **501.5 NOTIFICATION OF TRAFFIC DIVISION SUPERVISOR**

In the event of a serious injury or death related traffic crash, a supervisor shall notify the Traffic Division to relate the circumstances of the traffic crash and seek assistance from the Traffic Division. In the absence of a Traffic Sergeant, any supervisor may assign an accident investigator to investigate the traffic crash.

#### **501.5.1 SUPERVISORY DISCRETION**

A supervisor may, if appropriate to the circumstances, request assistance from an allied agency, the County Sheriff, or the Illinois State Police for the investigation of any traffic crash.

# Vehicle Towing

## **502.1 PURPOSE AND SCOPE**

This policy provides guidance related to vehicle towing.

## **502.2 POLICY**

The Aurora Police Department will tow vehicles when appropriate and in accordance with the law.

## **502.3 REMOVAL OF VEHICLES DUE TO HAZARD**

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through the Dispatch Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the Department member (625 ILCS 5/4-203).

Vehicles that are not the property of the City should not be driven by Department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

## **502.4 ARREST SCENES**

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

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#### **502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS**

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

##### **502.5.1 PLACING A HOLD ON A TOWED VEHICLE**

- (a) At times a vehicle may require a hold to be placed on the vehicle.
  - 1. A person arrested for Driving under the influence of alcohol may have a hold placed on his or her vehicle. (625 4-203e 5/ILCS1)
  - 2. A hit and run vehicle, where the driver has not been identified.
  - 3. A person arrested for driving while license revoked or suspended and has no insurance may have a hold placed on his or her vehicle. (6255/6-303ILCS).
  - 4. A hold may be placed on a vehicle when the vehicle is being impounded.
- (b) In cases as these the driver of the tow truck shall be so notified and the notation of the hold indicated on the Report of Towed Vehicle.

##### **502.5.2 VEHICLE IMPOUNDMENTS**

- (a) Officers may tow and impound vehicles that are used in violation of certain City Ordinances or State Statutes as outlined in City of Aurora Ordinance 29-48. The officer shall have probable cause to believe that the vehicle was being operated on a public street within the city of Aurora while in violation of the ordinances and/or state statutes listed in the ordinance.
- (b) The owner of the vehicle must have prior knowledge that the vehicle is being used by the violator and had not objected to said use.
- (c) Officers shall impound a vehicle that was used in the violation of:
  - 1. 625 ILCS 5/6-303 Suspended/Revoked Driver's License in conjunction with 625 ILCS 5/3-707 Operation of Uninsured Motor Vehicle.
  - 2. 625 ILCS 5/6-101 No Valid Driver's License in conjunction with 625 ILCS 5/3-707 Operation of Uninsured Motor Vehicle.
  - 3. 625 ILCS 5/11-501 Driving Under the Influence
- (d) Officers shall complete the Notice of Vehicle Seizure and Impoundment form and Vehicle Impound Synopsis when they impound a vehicle.

#### **502.6 RECORDS**

Telecommunications shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

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#### 502.6.1 VEHICLE TOW SHEET PARTS AND DISTRIBUTION

- (a) The Tow Report is a three part carbon-less form printed on white, yellow and pink paper.
- (b) Once the report is completed the officer shall have the tow truck driver sign the form in the appropriate place. The officer shall give the tow truck driver the pink copy of the form. The pink copy will be retained by the towing firm.
- (c) When the owner claims the vehicle, the towing firm will instruct the owner to sign the tow disposition form in the appropriate place. The towing firm will also be responsible for indicating the date and time the vehicle was claimed.
- (d) The white and yellow copies of the form shall be submitted to the towing officer's sergeant who shall forward the copies to the Traffic Division, or to the telecommunications section for LEADS entry.
- (e) LEADS entry is required for tows upon which a hold or impound has been placed, or vehicles with no hold where no notification to the owner of the vehicle was able to be made in regards to the tow.
- (f) The Traffic Section shall keep the white copy for their records, until such time as a tow disposition is received. The yellow copy shall be forwarded to the Records Section to be scanned and indexed.

#### 502.6.2 NOTICE OF IMPOUND

A notice should be sent of impound tows to all registered owners, lienholders and others having a recorded interest in the vehicle within 48 hours, excluding weekends and holidays, but in no event shall the notice be sent later than 10 business days after the tow. Notice shall be sent to all such individuals by certified mail (625 ILCS 5/4-205). The notice shall include:

- (a) The name, address and telephone number of the Aurora Police Department.
- (b) The location where the vehicle is stored.
- (c) A description of the vehicle, including:
  1. Color.
  2. Manufacturer year.
  3. Make and model.
  4. License plate number and/or Vehicle Identification Number (VIN).
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
- (f) A request for disposition for the vehicle and any information regarding a public sale of the vehicle, if applicable.

If the registered owner, lienholder or other persons having a recorded interest in the vehicle cannot be immediately determined, the notice shall be sent no later than two days after such determination can be made (625 ILCS 5/4-205).

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#### **502.7 TOWING SERVICES**

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation system established by the Department for tow services should be followed (625 ILCS 5/4-203.5).

##### **502.7.1 TOW ROTATION LIST**

The Traffic Sergeant is responsible for ensuring that tow rotation lists to be used by Department members when authorizing tows is established and maintained (625 ILCS 5/4-203.5). All complaints regarding the process for inclusion on a tow rotation list or the use of a tow rotation list shall be forwarded to the Patrol Commander.

Members should only deviate from the rotation list in the following circumstances (625 ILCS 5/4-203.5):

- (a) A safety emergency justifies deviation.
- (b) The tow service next on the list is incapable of or not properly equipped for handling a specific task related to the tow that requires special skills or equipment.
- (c) A tow company specified by the owner.

Members should document the reason for any deviation.

Towing firms are prohibited from soliciting tows that have not been requested by a member or the owner or operator of a disabled vehicle. Members should tell any such tow operator who is present or arrives to leave the scene (625 ILCS 5/4-203.5).

#### **502.8 VEHICLE INVENTORY**

The contents of all vehicles towed at the request of Department members shall be inventoried and listed on the tow report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.

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- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will be opened for inventory purposes if the container can be opened without damaging it.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report.

When practicable and appropriate, cash, jewelry or other small valuables located during the inventory process should be removed from the vehicle and given to the owner or person in control of the vehicle.

A copy of the tow sheet will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of Department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

### **502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY**

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the Department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

# Citation Issuance, Dismissal, Correction, and Voiding

## **503.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for citations and the procedure for dismissal, correction, and voiding of citations.

## **503.2 RESPONSIBILITIES**

The Records Manager shall be responsible for the development and design of all Department citations in compliance with County standards, state law, or the Illinois Supreme Court.

The Records Unit shall be responsible for the supply and accounting of all citations issued to employees of this Department.

## **503.3 ISSUANCE OF CITATIONS**

Whenever possible officers shall write certain non-aggravated violations on a local ordinance. Those times that local ordinance charges may not be used are:

- (a) When the ICC is for any one of the aggravated traffic offenses.
- (b) When multiple tickets are issued, one of which is a violation listed below, all ICC's shall be State Charges.

Aggravated traffic violations include leaving the scene of a personal injury accident, driving while license revoked or suspended, reckless driving, aggravated fleeing or attempting to elude a police officer, or other felonies contained in the vehicle code

For guidance on Driving Under the Influence, Officers should refer to the Impaired Driving policy.

## **503.4 DISMISSAL OF CITATIONS**

Employees of this Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the generating member's Bureau Commander. Upon a review of the circumstances involving the issuance of the citation, it is the decision of the Bureau Commander to recommend dismissal of the citation. If approved, the citation will be forwarded to the prosecutor's office with a request for dismissal. All recipients of citations whose request for the dismissal of a citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the prosecutor to dismiss the citation. Upon dismissal of the citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Bureau Commander for review.

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#### **503.5 VOIDING CITATIONS**

Voiding a citation may occur when a citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Unit.

#### **503.6 CORRECTION OF CITATIONS**

When a citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Unit. The Records Unit shall prepare a letter of correction to the State's Attorney's Office having jurisdiction and to the recipient of the citation.

#### **503.7 DISPOSITION OF CITATIONS**

The court and file copies of all citations issued by members of this Department shall be forwarded to a supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with this Department, all employees issued citations books shall return any unused citations to the Records Unit.

# Impaired Driving

## **504.1 PURPOSE AND SCOPE**

This policy provides guidance to those Department members who play a role in the detection and investigation of driving under the influence (DUI).

## **504.2 POLICY**

The Aurora Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Illinois's impaired driving laws.

## **504.3 INVESTIGATIONS**

Any DUI investigation should be documented using the appropriate forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Illinois or another jurisdiction.

## **504.4 FIELD TESTS**

The Training Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

### **504.4.1 MEDICAL CANNABIS CARDHOLDER**

A person who is a medical cannabis card holder and is reasonably suspected of driving or in actual physical control of a motor vehicle upon the public highways of this state while impaired by the use of cannabis is deemed to have consented to standardized field sobriety tests (625 ILCS 5/11-501.9(a)).

## **504.5 CHEMICAL TESTS**

A person implies consent under Illinois law to a chemical test or tests, and to providing the associated sample, under any of the following:

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- (a) The arresting officer has probable cause to believe that the person was driving or in actual physical control of a vehicle while under the influence of alcohol, drugs, intoxicating compounds or any combination thereof (625 ILCS 5/11-501.1).
- (b) The person is arrested for driving a vehicle involved in a motor vehicle accident resulting in personal injury or death of any person (625 ILCS 5/11-401).
- (c) The person was driving or in actual physical control of a vehicle and involved in a personal injury or fatality accident (625 ILCS 5/11-501.6).
- (d) The person is under the age of 21, was driving or in actual physical control of a vehicle and the officer has probable cause to believe that the person has consumed any amount of an alcoholic beverage (625 ILCS 5/11-501.8).

Chemical tests shall be taken pursuant to the standards promulgated by the Department of State Police (625 ILCS 5/11-501.2(a)).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 504.5.1 STATUTORY NOTIFICATIONS

An officer requesting that a person submit to a chemical test, or to a field sobriety test during an investigation of a medical marijuana cardholder driving while impaired by the use of cannabis, shall provide the person with the mandatory statutory warning.

If the person refuses to acknowledge in writing receipt of the warning regarding failure to submit to a chemical test, the officer shall document on the warning that the person refused to sign (See generally, 625 ILCS 5/11-501.1; 625 ILCS 5/11-501.6; 625 ILCS 5/11-501.8; 625 ILCS 5/11-501.9).

#### 504.5.2 BREATH SAMPLES

The Court Detention Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Court Detention Technicians obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Court Detention Sergeant.

#### 504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (625 ILCS 5/11-501.2(a) (2)). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

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Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be treated as a refusal. However, that arrestee may be required to complete another available and viable test.

#### **504.5.4 URINE SAMPLES**

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer of the same sex as the person giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

#### **504.5.5 DESIGNATION OF CHEMICAL TESTS**

The Traffic Sergeant shall designate which type of chemical tests may be administered by officers.

Officers may generally administer up to two additional tests of urine or other bodily substance even if a blood or breath test, or both, has been administered (625 ILCS 5/11-501.1(a); 625 ILCS 5/11-501.6(a); 625 ILCS 5/11-501.8(a)).

#### **504.6 REFUSALS**

When an arrestee refuses to provide a chemical sample during a DUI investigation, or to submit to field sobriety tests during an investigation of a medical marijuana cardholder driving while impaired by the use of cannabis, officers should:

- (a) Advise the arrestee of the requirement to provide a sample or submit to field sobriety tests (see generally, 625 ILCS 5/11-501.1; 625 ILCS 5/11-501.6; 625 ILCS 5/11-501.8; 625 ILCS 5/11-501.9).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

#### **504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL**

Upon refusal to submit to a chemical test, or to submit to a field sobriety test during an investigation of a medical marijuana cardholder driving while impaired by the use of cannabis as required by law, officers shall personally serve the notice of statutory summary suspension or revocation upon the person and take possession of any state-issued license to operate a motor vehicle that is held

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by that person and issue the person a temporary driving permit (625 ILCS 5/11-501.1(f); 625 ILCS 5/11-501.9).

#### 504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to a crash investigation or medical treatment of the person.
- (c) Exigent circumstances exist and the person was driving or in actual physical control of a vehicle while under the influence of alcohol, drugs, intoxicating compounds or any combination thereof and caused death or personal injury to another person (625 ILCS 5/11-501.2).

#### 504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

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3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

## **504.7 ARREST AND INVESTIGATION**

### 504.7.1 ADDITIONAL TESTING

A person submitting to a chemical test may have qualified medical personnel of his/her own choosing administer an additional chemical test (625 ILCS 5/11-501.2).

### 504.7.2 PRELIMINARY BREATH SCREENING TEST

An officer having reasonable suspicion to believe that a person is DUI may, prior to arrest, request that the person provide a sample of his/her breath for a preliminary breath screening (PBS) test using a portable device approved by the Department of State Police. The person may refuse the test, however, if a test is administered, the results may be used by the officer for the purpose of determining whether probable cause exists to require a chemical test as authorized by 625 ILCS 5/11-501.1 and 625 ILCS 5/11-501.2 (625 ILCS 5/11-501.5).

### 504.7.3 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test or submits to a test that discloses a prohibited alcohol or drug concentration, the officer shall immediately submit a sworn statement of such fact to the circuit court of venue and the Secretary of State (SOS) (625 ILCS 5/11-501.1(d)).

If a medical marijuana card holder refuses to submit to field sobriety tests or submits to a test that discloses impairment by the use of cannabis, the officer shall immediately submit a sworn statement of such fact to the circuit court of venue and the SOS (625 ILCS 5/11-501.9(e)).

### 504.7.4 COLLISIONS

An officer having probable cause to believe that a motor vehicle driven by or in actual physical control of a person under the influence of alcohol, other drugs, or intoxicating compounds or any combination thereof has caused the death or personal injury of another person, shall request that the person submit to a chemical test (625 ILCS 5/11-501.2(c)(2)).

### 504.7.5 REPORTING

The Records Division shall ensure that the Department complies with all state reporting requirements pursuant to 20 ILCS 2630/5.

### 504.7.6 IMPOUNDMENT

An officer making an arrest for DUI should tow the vehicle driven by the arrestee. An impound hold shall be placed on the vehicle if the officer reasonably believes the person under arrest for

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DUI is likely, upon release, to commit a subsequent violation of Section 11-501. The impound shall be for a period of:

- (a) 12 hours after the time of arrest for the first violation of Section 11-501
- (b) 24 hours after the time of arrest for a second violation of Section 11-501
- (c) 48 hours after the time of arrest for a third violation of 11-501

A vehicle impounded for DUI may be released prior to the conclusion of the impound period if:

- (a) the vehicle was not owned by the arrestee, provided the lawful owner possess a valid driver's license, proof of ownership, and the ability to operate the motor vehicle in a safe manner.
- (b) the vehicle is owned by the arrestee, and they provide written permission to another person to operate such vehicle who possess a valid driver's license and the ability to operate the motor vehicle in a safe manner.

(625 ILCS 5/4–203)

#### **504.8 RECORDS UNIT RESPONSIBILITIES**

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

##### **504.8.1 WARNING NOTIFICATION**

The Records Manager shall forward the warning notification and sworn report in accordance with 625 ILCS 5/11-501.1, 625 ILCS 5/11-501.6, 625 ILCS 5/11-501.8, and 625 ILCS 5/11-501.9.

#### **504.9 ADMINISTRATIVE HEARINGS**

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the SOS.

Any officer who receives notice of required attendance at an administrative license suspension hearing should promptly notify the prosecuting attorney.

#### **504.10 TRAINING**

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

# Disabled Vehicles

## **505.1 PURPOSE AND SCOPE**

All law enforcement agencies having responsibility for traffic enforcement should develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

## **505.2 POLICY**

It is the policy of the Aurora Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

## **505.3 OFFICER RESPONSIBILITY**

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the telecommunicator should be advised of the location of the disabled vehicle and the need for assistance. The telecommunicator should then assign another available officer to respond for assistance as soon as practical.

## **505.4 EXTENT OF ASSISTANCE**

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

### **505.4.1 MECHANICAL REPAIRS**

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

### **505.4.2 RELOCATION OF DISABLED VEHICLES**

The relocation of disabled vehicles by members of this Department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

### **505.4.3 RELOCATION OF DISABLED MOTORIST**

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The Department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

# Abandoned or Derelict Vehicle Violations

## 506.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Aurora City Ordinance or state laws regulating abandoned or derelict vehicles.

### 506.1.1 DEFINITIONS

Definitions related to this policy include:

**Abandoned vehicle** - Means any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any vehicle that has been left unattended for any amount of time and is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic; or for 2 hours or more on a toll highway, interstate highway, or expressway or expressway; or on a highway in an urban district 10 hours or more; or outside of an urban district for 24 hours or more; or on private property for 7 consecutive days or more (625 ILCS 5/4-201; 625 ILCS 5/4-203).

**Derelict vehicle** - Means any inoperable, unregistered, discarded motor vehicle, regardless of title, that constitutes a danger, hazard, or blight (625 ILCS 5/4-301).

## 506.2 TOWING AN ABANDONED VEHICLE FROM ROADWAY

- (a) 48 Hour Violation -- No Current Registration
  1. An officer may tow a vehicle found to be in violation of the 48 hour parking ordinance immediately if the vehicle has no current registration.
- (b) 48 Hour Violation -- Current registration
  1. An officer investigating a vehicle found to be in violation of the 48 hour parking ordinance that has current registration may not tow the vehicle, but instead should:
    - (a) Affix an orange warning sticker on the driver's side window.
    - (b) Add notes to the dispatch ticket to include the current state (condition) of the vehicle and actions taken (ie tire marked, warning sticker issued, etc.)
    - (c) Check back on vehicle after 48 hours. Or, if called back after 48 hours, confirm notes from previous dispatch.
    - (d) Once confirmed the vehicle is in violation of the 48 parking ordinance complete tow sheet and tow vehicle.
    - (e) Officers who receive notice from another City department (ie Property Standards, Streets, etc.) should not tow a vehicle with a current registration until steps A-D have been followed.

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#### **506.3 PROCESSING DERELICT OR ABANDONED VEHICLES AS JUNK**

If this Department elects or is otherwise required to process a derelict or abandoned vehicle as a junk vehicle the Department shall, within 15 days complete the following (625 ILCS 5/3-117.1):

- (a) Surrender the junk vehicle's certificate of title, salvage certificate, certificate of purchase, or a similarly acceptable out of state document of ownership to the Secretary of State along with an application for a junking certificate.
- (b) Dispose of the vehicle as junk upon receipt of the junking certificate.

Vehicles or vehicle parts that have had the manufacturer's identification number removed, altered, defaced or destroyed shall be identified in compliance with 625 ILCS 5/4-107(i) before processing as junk.

## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## **600.1 PURPOSE AND SCOPE**

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

## **600.2 POLICY**

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

In instances of Arson, refer to the current Memorandum of Understanding with the Aurora Fire Department ( [see attachment](#) )

## **600.3 INITIAL INVESTIGATION**

### **600.3.1 OFFICER RESPONSIBILITIES**

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

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

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#### 600.3.2 SUPERVISOR RESPONSIBILITIES

Offense reports shall be reviewed by an Investigation supervisor prior to case assignment to determine if further investigation is warranted.

Upon reviewing the reports, the supervisor may determine that sufficient information is not included in the report to continue the investigation. The report shall then be sent back to the originating officer through his or her supervisor for the additional information.

Should an officer become involved in an investigation prior to case assignment, that officer shall handle that investigation in the appropriate manner without waiting for it to be assigned.

Investigation supervisors will assign cases for follow-up investigation to investigators based on a combination of factors which include, but are not limited to:

- Specialized skill or knowledge.
- Specific training or expertise.
- Available manpower.
- Caseload considerations.

The officer assigned a case will become the lead investigator for that report. This does not eliminate other investigators from working on those reports as information becomes available.

The Investigation supervisor will utilize the department's Case Management System for case assignment. The Case Management System tracks when cases are assigned, due, completed and status.

On a regular basis the Investigation Section supervisors will meet with each investigator for case assignment and responsibility. It is imperative that reports be handled in a professional and timely manner and this will be taken into account, in terms of general supervision, performance appraisal, etc.

Additional information on a report may become available after the report has been cleared or filed. The case investigator shall be reassigned to that case and continue the investigation if needed.

#### 600.3.3 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

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

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#### 600.4.1 AUDIO/VIDEO RECORDINGS

All custodial interrogations at the Aurora Police Department of suspects in investigations of offenses as provided in 725 ILCS 5/103-2.1 shall be electronically recorded in their entirety (motion picture, audiotape or videotape, or digital recording) (725 ILCS 5/103-2.1; 705 ILCS 405/5-401.5). Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes. Electronic recordings of a custodial interrogation in connection with an investigation for the offenses listed in 725 ILCS 5/103-2.1 shall be preserved until the conclusion of all criminal proceedings, including the exhaustion of habeas corpus appeals or the prosecution is barred by law (725 ILCS 5/103-2.1(c); 705 ILCS 405/5-401.5(c)).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

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

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

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

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- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

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

For procedures related to the discontinuation of cases, please refer to the Aurora Police Department Procedures Manual: [Case Status Designations Procedures](#).

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

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

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

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this Department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using Department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than Department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

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

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

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

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

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

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

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

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

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

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Bureau Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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

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

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

# Asset Forfeiture

## 601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Aurora Police Department seizes property for forfeiture or when the Aurora Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

### Property subject to forfeiture -

- (a) Profits, proceeds, property, etc. derived from or used for crimes set forth in 725 ILCS 5/124B-10 may be subject to forfeiture
- (b) Receipts obtained, and any interests in, claims against, receipts from, or property or rights resulting from calculated and gang criminal drug conspiracies (720 ILCS 570/405; 720 ILCS 570/405.2)
- (c) Profits, proceeds, property, etc. forfeitable through civil action under the Illinois Controlled Substances Act, the Cannabis Control Act, the Illinois Food, Drug and Cosmetic Act, or the Methamphetamine Control and Community Protection Act
- (d) Counterfeit trademark items and instrumentalities used for a violation of the Counterfeit Trademark Act (765 ILCS 1040/9)
- (e) Vehicles, vessels, or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit any of the offenses identified in 720 ILCS 5/36-1
- (f) Illegal gambling devices or funds (720 ILCS 5/28-5)
- (g) Profits, proceeds, property, etc. derived or used to launder money or conduct unlawful financial transactions (720 ILCS 5/17-10.6; 720 ILCS 5/29B-5)
- (h) Any interest in any enterprise, real property, or personal property including money in violation of the Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law (720 ILCS 5/33G-6)
- (i) Any profits, proceeds and property derived or used or intended for use in any manner to facilitate street gang related activity (740 ILCS 147/40)

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**Seizure** - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

#### **601.2 POLICY**

The Aurora Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Aurora Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

#### **601.3 ASSET SEIZURE**

Property may be seized for forfeiture as provided in this policy.

##### **601.3.1 PROPERTY SUBJECT TO SEIZURE**

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property that is subject to forfeiture because it constitutes evidence of a crime and may be legally seized as part of a criminal investigation, search warrant or by other court order.
- (b) Property seized without a court order when there is probable cause to believe that the property is subject to forfeiture, the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable (i.e., property would be lost without immediate seizure), and the seizure is authorized by statute, as in:
  1. Seizure of vessels, vehicles, and aircraft under the Criminal Code of 2012 (720 ILCS 5/36-1.1).
  2. Money laundering (720 ILCS 5/29B-6).
  3. The Illinois Controlled Substances Act (725 ILCS 150/3.1).
  4. The Cannabis Control Act (725 ILCS 150/3.1).
  5. The Illinois Food, Drug and Cosmetic Act (410 § 620/3.23; 725 ILCS 150/3.1).
  6. The Methamphetamine Control and Community Protection Act (725 ILCS 150/3.1).

Officers may request the Attorney General or any state attorney seek a court order to seize property when there is probable cause to believe that it may be subject to forfeiture upon a successful criminal prosecution (725 ILCS 5/124B-805; 725 ILCS 5/124B-150).

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

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

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#### 601.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the statutory or state attorney's current minimum forfeiture thresholds.
- (b) If reasonably known to the officer, property held by a person known as an "innocent owner" or a "lender" who did not have knowledge or intent that would reasonably justify a seizure (720 ILCS 5/29B-17; 725 ILCS 5/124B-130; 725 ILCS 150/8)
- (c) Property that the officer reasonably believes would be excessive as it relates to the offense in question (720 ILCS 5/36-3.1; 725 ILCS 150/9.5)

#### 601.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following (720 ILCS 5/36-1.2; 725 ILCS 150/3.2):

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry, and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

#### 601.5 MAINTAINING SEIZED PROPERTY

The Evidence Unit supervisor is responsible for ensuring compliance with the following:

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

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- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

#### **601.6 FORFEITURE REVIEWER**

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

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

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

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

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

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

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

#### **601.7 DISPOSITION OF FORFEITED PROPERTY**

Distribution and use of forfeited assets related to the Food, Drug and Cosmetic Act, Illinois Cannabis Control Act, Illinois Controlled Substance Act, and Methamphetamine Control and Community Protection Act should be conducted in accordance to the procedures set forth in the Drug Asset Forfeiture Procedure Act (410 ILCS 620/3.23; 720 ILCS 550/12; 720 ILCS 570/505; 720 ILCS 646/85; 725 ILCS 150/13.2)

Distribution and use of forfeited assets related to obscenity offenses should be conducted pursuant to the procedures set forth in 725 ILCS 5/124B-420.

Distribution and use of forfeited assets related to child pornography should be conducted pursuant to the procedures set forth in 725 ILCS 5/124B-505.

Distribution and use of forfeited assets related to computer and financial crimes should be conducted pursuant to the procedures set forth in 725 ILCS 5/124B-605.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

# Informants

## 602.1 PURPOSE AND SCOPE

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

### 602.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 602.2 POLICY

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

## 602.3 USE OF INFORMANTS

### 602.3.1 INITIAL APPROVAL

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

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

### 602.3.2 JUVENILE INFORMANTS

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

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

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

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#### 602.3.3 INFORMANT AGREEMENTS

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

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

#### **602.4 INFORMANT INTEGRITY**

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

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

#### 602.4.1 UNSUITABLE INFORMANTS

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

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provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

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

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

### **602.5 INFORMANT FILES**

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

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

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

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

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

- (a) Name and aliases

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

### **602.6 INFORMANT PAYMENTS**

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

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

An Investigative supervisor will discuss the above factors with an Investigations Lieutenant and recommend the type and level of payment.

#### **602.6.1 PAYMENT PROCESS**

Approved payments to an informant should be in cash and documented on the informant payout sheet.

#### **602.6.2 REPORTING OF PAYMENTS**

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such

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documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

#### **602.6.3 AUDIT OF PAYMENTS**

The Narcotics Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

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

#### **602.7 CRIME STOPPERS**

The Aurora Police Department shall have liaison for the Aurora Area Crime Stoppers and the Department. That liaison will be responsible for maintaining a log of all incoming calls to the designated number. Information received through Crime Stoppers will be forwarded to the appropriate personnel for follow-up investigation, if applicable. The rules, regulations and policies are set by the Board and contained in their bylaws.

# Felony Investigation Discovery

## **603.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for proper management of discovery issues in homicide and “non-homicide felony” investigations as mandated by 725 ILCS 5/114-13.

## **603.2 INVESTIGATIVE MATERIALS**

When the Department participates in an investigation of a homicide or “non- homicide felony,” it shall exercise due diligence to provide to the State’s Attorney’s Office all investigative materials that have been generated or come into the possession of the department concerning the homicide or “non-homicide felony.”

Investigative materials include, but are not limited to, reports and memoranda. In homicide investigations, investigative materials also include field notes.

## **603.3 COMPLIANCE**

The Investigation Bureau Commander or the authorized designee, shall implement appropriate procedures, including the periodic review of all homicide and “non-homicide felony” case files to ensure that all investigative materials and exculpatory evidence has been provided to the State’s Attorney’s Office when they are presented for prosecution.

All Department personnel shall document in writing the tendering of investigative materials to the State’s Attorney’s Office and include the date, description of materials transmitted and to whom the materials were tendered.

The Department shall cooperate with all requests for investigative materials made by the State’s Attorney in a timely and efficient manner.

## **603.4 CONTINUING OBLIGATIONS**

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

# Eyewitness Identification

## 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this Department employ eyewitness identification techniques (725 ILCS 5/107A-2).

### 604.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 604.2 POLICY

The Aurora Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (725 ILCS 5/107A-2):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) Notice that if an audio/video recording of the lineup is made it will be of the persons in the lineup and the witness.
- (j) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (k) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary to ensure compliance with 725 ILCS 5/107A-2 and applicable judicial decisions. The Investigation Unit supervisor shall prepare written guidelines setting forth when simultaneous lineups may be conducted rather than sequential lineups.

#### **604.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses shall view suspects or a lineup individually and outside the presence of other witnesses (725 ILCS 5/107A-2). Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses. Witnesses should be separated or monitored and the lineup administrator shall ensure that all eyewitnesses are monitored to prevent them from conferring with one another while waiting to view the lineup and during the lineup (725 ILCS 5/107A-2).

Whenever feasible, the eyewitness identification procedure shall be audio and/or video recorded and the recording should be retained according to current evidence procedures. If the witness

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refuses to allow a recording of the process, the refusal shall be recorded and the member shall document in the report that no recording was made and the reason (725 ILCS 5/107A-2).

#### **604.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup shall not be involved in the investigation of the case or know the identity of the suspect (725 ILCS 5/107A-2).

In no case should the member presenting a lineup to a witness know which photograph or person in the live lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

##### **604.6.1 ADDITIONAL CONSIDERATIONS**

Members presenting a lineup shall also ensure that (725 ILCS 5/107A-2):

- (a) Only one suspect is presented in a photo lineup and a minimum of five filler photos is utilized.
- (b) When practicable there should be five filler subjects used in a live lineup. In no case will fewer than three filler subjects be used.
- (c) No writings or information related to the persons presented is visible or made known to the witness.
- (d) If the witness requests to view a photograph or person again, he/she may do so, but only after first viewing each person or photograph.
- (e) If the witness identifies a person as the perpetrator, he/she shall not be provided with any information concerning the person until after the lineup is completed.
- (f) An automated computer program or other device may be used to display a photo lineup to an eyewitness provided the member administering the lineup cannot view the photos until completion of the lineup process.

#### **604.7 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications.

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When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  1. The length of time the witness observed the suspect.
  2. The distance between the witness and the suspect.
  3. Whether the witness could view the suspect's face.
  4. The quality of the lighting when the suspect was observed by the witness.
  5. Whether there were distracting noises or activity during the observation.
  6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

#### **604.8 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification shall be documented in the case report (725 ILCS 5/107A-2). If practicable, an audio or video recording of the witness statements shall be made.

If a photographic lineup is utilized, the actual photographic lineup presented to the witness shall be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report. If a live lineup is utilized, a photograph or other visual recording shall be included in the case report (725 ILCS 5/107A-2).

If an automated computer process or other similar device is used to conduct a photographic lineup, the results of that lineup, including the photographs displayed, will be saved in a manner that permits the process to be repeated and shall be made part of the case report.

## Brady Material Disclosure

### **605.1 PURPOSE AND SCOPE**

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (e.g., *Brady v Maryland*) to a prosecuting attorney.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

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

### **605.2 POLICY**

The Aurora Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Aurora Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### **605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION**

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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

If a member of this Department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and Department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or Department counsel should be requested to file a motion in order to initiate an in camera review by the court.
  1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
  1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

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

#### **605.5 INVESTIGATING BRADY ISSUES**

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

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**605.6 TRAINING**

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

# Unmanned Aerial System (UAS) Operations

## 606.1 PURPOSE AND SCOPE

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

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft or drone of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

## 606.2 POLICY

Unmanned aerial systems may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations and the Illinois Freedom from Drone Surveillance Act (725 ILCS 167/1, et seq.).

## 606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant, exigent circumstances, or those situations authorized by the Illinois Freedom from Drove Surveillance Act, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). When use is authorized, operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current or ensuring that all operators and observers have a current FAA Remote Pilot Certificate (Part 107).
- Obtaining any and all necessary FAA waivers (night operations, etc.)
- Register all UAS's with the FAA.

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- Ensuring that all authorized operators and required observers have completed all required FAA and Department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization of the Chief of Police or the authorized designee, said designee shall be a supervisor.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules and the Illinois Freedom from Drove Surveillance Act.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, especially regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic program reports to the Chief of Police.

#### **606.5 USE OF UAS**

Only operators authorized through a COA or who possess a current FAA Remote Pilot Certificate, and who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

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

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### Unmanned Aerial System (UAS) Operations

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

The Aurora Police Department may not use the UAS to gather information except (725 ILCS 167/15):

- (a) To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates there is a risk.
- (b) Pursuant to a search warrant based on probable cause. The warrant must be limited to a period of 45 days, renewable by a judge upon showing good cause for subsequent periods of 45 days.
- (c) Upon reasonable suspicion that under particular circumstances, swift action is needed to prevent imminent harm to life, forestall the imminent escape of a suspect or prevent the destruction of evidence. The use of a UAS under this paragraph is limited to a period of 48 hours. Within 24 hours of UAS initiation under this paragraph, the Chief of Police must report its use, in writing, to the State's Attorney.
- (d) To locate a missing person while not also undertaking a criminal investigation.
- (e) To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. The use of the UAS under this paragraph on private property requires either a search warrant or lawful consent to search.
- (f) To obtain information necessary for the determination of whether a disaster or public health emergency should be declared, to manage a disaster by monitoring weather or emergency conditions, to survey damage, or to coordinate response and recovery efforts.

#### 606.5.1 PRIVATE UAS OWNERS

This policy and its restrictions apply to the Department's directed use of a UAS owned by a private third party and information gathered by a UAS voluntarily submitted to the Department by a private third party (725 ILCS 167/40).

#### **606.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

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### Unmanned Aerial System (UAS) Operations

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

Within 30 days of UAS use, the Program Coordinator shall destroy all information gathered by the UAS except when there is reasonable suspicion that the information contains evidence of criminal activity, or the information is relevant to an ongoing investigation or pending criminal trial (725 ILCS 167/20).

The disclosure of information gathered by the UAS is prohibited except to another government agency when there is reasonable suspicion that the information contains evidence of criminal activity, or the information is relevant to an ongoing investigation or pending criminal trial (725 ILCS 167/25).

#### **606.8 REPORTING**

The Program Coordinator shall report the following:

- Annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UAS's owned by the Aurora Police Department (725 ILCS 167/35).
- Within 24 hrs of UAS initiation, notifying the appropriate State's Attorney's Office of any uses that would require such notification, as required by the Illinois Freedom from Drone Surveillance Act.

The Remote Pilot in Charge shall report the following:

- Within 10 days, notify the FAA (via the FAA website) of an accident in the following situations:
  - Serious Injury to any person or loss of consciousness
  - Damage to any property, other than the UAS, unless one of the following conditions is satisfied (a) the cost of repair including materials and labor does not exceed \$500.00 or (b) the fair market value of the property does not exceed \$500.00 in the event of a total loss.
- Immediately notify the program coordinator of any damage to the UAS, related equipment or to another person's property.
- Immediately notify the FAA, any adjacent airport and the program coordinator of a "fly away"
- Prior to the end of their shift, document the use of the UAS on departmental UAS forms, and complete a follow-up police report to document the use of the UAS if an official police report was taken.

# Sexual Assault Investigations

## 607.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims (725 ILCS 203/15).

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 607.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any of the following (725 ILCS 203/10):

- (a) Any crime or attempted crime defined in 720 ILCS 5/11-1.20 through 720 ILCS 5/11-1.60 of the Criminal Code of 2012
- (b) Any crime or attempted crime defined in sections 720 ILCS 5/12-13 through 720 ILCS 5/12-16 of the Criminal Code of 1961
- (c) Any act of nonconsensual sexual conduct or sexual penetration as defined in 720 ILCS 5/11-0.1 of the Criminal Code of 2012
- (d) Any act of nonconsensual sexual conduct or sexual penetration as defined in 720 ILCS 5/12-12 of the Criminal Code of 1961

## 607.2 POLICY

It is the policy of the Aurora Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

### 607.2.1 WRITTEN GUIDELINES

The Investigation Unit supervisor should ensure that written procedures are in place for members responding to reports of sexual assaults or assigned to these investigations. These procedures shall be consistent with the Illinois Attorney General guidelines on response to, and investigation of, sexual assaults (725 ILCS 203/15).

## 607.3 QUALIFIED INVESTIGATORS

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

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations (50 ILCS 705/10.19).
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

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### *Sexual Assault Investigations*

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- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.

#### **607.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

##### **607.4.1 REPORTING REQUIREMENTS**

Written reports shall include to the extent reasonably known to the reporting member the following (725 ILCS 203/20):

- (a) The victim's name or other identifier
- (b) The victim's contact information
- (c) The time, date and location of the offense
- (d) Information provided by the victim
- (e) The suspect's description and name, if known
- (f) The names of persons with information relevant to the time before, during or after the offense, and their contact information
- (g) The names of medical professionals who conducted a medical forensic examination of the victim, and any information provided about the offense
- (h) Whether an Illinois State Police Sexual Assault Evidence Collection Kit was completed, the name and contact information for the hospital, and whether the victim consented to testing of the Evidence Collection Kit by law enforcement
- (i) Whether a urine or blood sample was collected and whether the victim consented to testing of a toxicology screen by law enforcement
- (j) Information the victim related to medical professionals during a medical forensic examination and which the victim consented to disclose to law enforcement
- (k) Other relevant information

##### **607.4.2 THIRD-PARTY COMPLAINTS**

A written report shall be completed even if the information regarding a sexual assault or sexual abuse is reported by a third party, unless the third party fails to provide the following (725 ILCS 203/22):

- (a) His/her name and contact information
- (b) Affirmation that the victim of the sexual assault or sexual abuse gave consent to the third party to provide information about the sexual assault or sexual abuse

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#### **607.4.3 JURISDICTIONAL ISSUES**

If the sexual assault investigation determines that the sexual assault occurred outside the jurisdiction of Aurora, the Investigations Lieutenant should ensure that the report is forwarded to the appropriate agency within 24 hours by fax or email (725 ILCS 203/20).

Within 24 hours of receiving a report from a law enforcement agency in another jurisdiction regarding a sexual assault that occurred in our jurisdiction, the Investigations Lieutenant should ensure that a written confirmation or receipt is sent by fax or email or delivered in person. The written confirmation shall contain the name and identifier of the officer who is confirming receipt of the report and a name and contact phone number that will be given to the victim (725 ILCS 203/20).

In all reported or suspected cases of sexual assault that may have occurred in another jurisdiction, a report should still be written and forwarded to the appropriate law enforcement agency within 24 hours unless the other agency promptly responds to the location of the initiating interview and takes responsibility for the investigation (725 ILCS 203/20). If an agency from the other jurisdiction responds to take responsibility for the investigation, the Aurora member who initially responded should report any statements obtained up until that point, relevant observations and the name and contact information of the member of the agency that is taking responsibility for the investigation.

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

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. An Investigation Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

#### **607.6 CRIMINAL INVESTIGATION OF AN OFFICER**

Any member uncovering or receiving a complaint of a criminal sexual assault involving an officer of the Aurora Police Department should as soon as practicable notify his/her supervisor, who should immediately notify his/her chain of command so that the Chief of Police can contact an outside agency to conduct the criminal investigation (5 ILCS 815/10).

The Chief of Police or the authorized designee may pursue an intergovernmental or interagency agreement to facilitate such an investigation should it be needed (5 ILCS 815/20).

An administrative investigation of the involved officer may be conducted pursuant to the Personnel Complaints Policy and will be conducted in a manner that does not interfere with the criminal investigation (5 ILCS 815/15).

#### **607.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence, and

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preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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

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

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

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

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

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

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

Victims should be permitted to have an advocate present during the medical evidentiary and physical examination whenever reasonably practicable. Victims may also have an additional person present for support during the examination (725 ILCS 120/4.6).

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

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

Biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be collected.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should still be collected and stored appropriately.

### **607.8.1 MEMBER RESPONSIBILITIES**

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

- (a) Take custody of sexual assault evidence as soon as practicable. Sexual assault evidence collected from a forensic examination shall be collected within five days after the completion of the exam.
- (b) Document the date and time the sexual assault evidence is picked up from a hospital and the date and time the sexual assault evidence was sent to a lab.

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- (c) Prior to submitting forensic examination evidence for testing, obtain the appropriate written consent from the victim or authorized representative (410 ILCS 70/6.5(a)).
- (d) Document the date when consent was given by a victim to have his/her forensic examination evidence tested.
- (e) Submit any sexual assault evidence for testing within 10 business days of the consent of the victim or authorized representative.
- (f) Not be present in the examination room during a medical examination, unless summoned in an emergency (77 Ill. Adm. Code 545.60).

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

#### **607.8.2 RELEASE PROTOCOL**

The Investigation Unit supervisor shall ensure that a procedure is in place for responding to a victim who wants to sign a consent form for the release of sexual assault evidence for testing (725 ILCS 203/30).

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

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

A qualified Department member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

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

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

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

Classification of a sexual assault case as unfounded requires the Investigation Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

#### **607.10 CASE REVIEW**

An Investigation Unit supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

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- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

#### 607.10.1 INVENTORY REPORT

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

#### 607.11 TRAINING

Training will be provided to (725 ILCS 203/20; 50 ILCS 705/10.19):

- (a) Members who are first responders. This includes:
  1. Initial response to sexual assaults.
  2. Legal issues.
  3. Victim advocacy.
  4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  1. Interviewing sexual assault victims.
  2. Medical and legal aspects of sexual assault investigations.
  3. Serial crimes investigations.
  4. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  5. Techniques for communication with victims to minimize trauma.

# Operations Planning and Deconfliction

## 608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis. These could include but are not limited to: suspected fortified locations, reasonable risk of violence or reason to suspect that persons anticipate the operation.

## 608.2 POLICY

It is the policy of the Aurora Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 608.3 OPERATIONS DIRECTOR

The operations director is the SRT Commander or the authorized designee.

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

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

## 608.4 RISK ASSESSMENT

### 608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers should complete a risk assessment form in those high risk situations as defined in this policy.

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

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

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the Divisional Lieutenant. If the Divisional Lieutenant determines the incident is not a high risk incident, no SRT notification is necessary. If it is determined that a high risk incident does exist, the SRT Commander will be notified.

The Divisional Lieutenant and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

#### 608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  1. Special Response Team (SRT)
  2. Additional personnel
  3. Outside agency assistance
  4. Special equipment
  5. Medical personnel

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6. Persons trained in negotiation
  7. Additional surveillance
  8. Canines
  9. Evidence Unit or analytical personnel to assist with cataloguing seizures
  10. Forensic specialists
  11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate Department members or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

**608.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

**608.6 OPERATIONS PLAN**

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

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**608.6.1 OPERATIONS PLAN RETENTION**

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

**608.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and

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responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) Any persons or items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the operations director to ensure that the Dispatch Center is notified of the time and location of the operation.
  - 2. If the radio channel needs to be monitored by Telecommunications dedicated dispatcher should be assigned to monitor the operation.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **608.8 SRT PARTICIPATION**

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

#### **608.9 MEDIA ACCESS**

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

#### **608.10 OPERATIONS DEBRIEFING**

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

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#### **608.11 TRAINING**

Officers and SRT members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

# Warrant Service

## **609.1 PURPOSE AND SCOPE**

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

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

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

## **609.2 POLICY**

It is the policy of the Aurora Police Department to balance the safety needs of the public, the safety of Department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

## **609.3 OPERATIONS DIRECTOR**

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

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

## **609.4 SEARCH WARRANTS**

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

## **609.5 ARREST WARRANTS**

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

#### **609.6 WARRANT PREPARATION**

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

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

#### **609.7 HIGH-RISK WARRANT SERVICE**

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and legal to do so under 720 ILCS 5/26-4. The warrant service may be audio-recorded if done in an open and conspicuous manner or with the consent of all parties (720 ILCS 5/14-2).

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- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

#### **609.8 DETENTIONS DURING WARRANT SERVICE**

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

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

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

#### **609.9 ACTIONS AFTER WARRANT SERVICE**

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

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

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

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

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Aurora Police Department are utilized appropriately. Any concerns regarding the requested use of Aurora Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Divisional Lieutenant should assume this role.

If officers intend to serve a warrant outside Aurora Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Aurora Police Department when assisting outside agencies or serving a warrant outside Aurora Police Department jurisdiction.

#### **609.11 MEDIA ACCESS**

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

#### **609.12 TRAINING**

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

## **Chapter 7 - Equipment**

# Department Owned and Personal Property

## 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

## 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any Department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

## 700.3 ASSIGNMENT AND SURRENDER OF DEPARTMENT PROPERTY

Certain pieces of property /equipment are assigned to each employee. Upon separation from the service, employees are required to surrender all Department property in their possession. Failure to return all items shall cause the individual to reimburse the Department for the fair market value of the property.

## 700.4 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Bureau Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The

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supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police or the authorized designee who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

#### **700.4.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.5 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.5.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded via the chain of command to the appropriate Bureau Commander.

#### **700.6 PURCHASING OF DEPARTMENT PROPERTY AND/OR EQUIPMENT**

- (a) The Administrative Services Division Lieutenant shall be responsible for all purchases.
- (b) The Administrative Services Division Lieutenant shall be the central contact person representing the Department on all matters dealing with purchases.
- (c) All contacts by Department personnel with the City Purchasing Department or Finance Department regarding purchases shall be done through the Administrative Services Division Lieutenant.

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- (d) All merchandise and checks received at the Department shall go through the Administrative Services Division Lieutenant.
- (e) The Administrative Services Division Lieutenant shall arrange to have the merchandise and/or checks forwarded to the proper person or division.
- (f) Any employee requesting unusual or uncommon item(s) shall order items with forethought given to supply sources and delivery schedules.
- (g) The Administrative Services Division Lieutenant may choose to purchase items from an open account with various vendors for the purchase of inexpensive items.
- (h) Purchases may be made from the petty cash fund for emergency purposes and only when the item(s) requested is not in stock, normal delivery would hamper the efficient operation of the Department and the Department does not have an open account with a vendor to supply the item.
- (i) Except in extreme cases a purchase request shall be completed prior to the purchase of any piece of property/equipment. In those rare occasions where a purchase had to be made on an emergency basis and an employee needs to be reimbursed for the purchase, the employee shall keep all receipts for the purchase of the item. The employee shall write an interoffice correspondence regarding the transaction and submit all paperwork to the Administrative Services Division Lieutenant for reimbursement.

# Personal Communication Devices

## **701.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

## **701.2 POLICY**

The Aurora Police Department allows members to utilize Department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

## **701.3 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCDs issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

## **701.4 DEPARTMENT-ISSUED OR FUNDED PCD**

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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#### **701.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to the provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any Department business-related communication.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work related business may result in the department being compelled through subpoena, FOIA request, and/or court order to access the PCD in order to copy data regarding relevant material to either/or criminal investigations, civil investigations, and internal matters. In such an instance the employee shall provide access to the relevant information requested through subpoena, FOIA request, and/or court order to the police department to review and disseminate as required.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in Department business-related communications.

#### **701.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct Department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall

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endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

- (d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official Department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official Department business unless on an authorized break.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

### **701.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

### **701.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles while performing official duties should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (625 ILCS 5/12-610.2). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **701.9 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information

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is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other Department communications network.

# Vehicle Maintenance

## **702.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that Department vehicles are appropriately maintained.

## **702.2 POLICY**

The City of Aurora will service Department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

## **702.3 GENERAL DUTIES**

Members are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained and properly refueled and present a clean appearance.

## **702.4 DEFECTIVE VEHICLES**

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

Documents describing the correction of the safety issue shall be promptly filed with the vehicle history.

### **702.4.1 DAMAGE OR POOR PERFORMANCE**

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### **702.4.1 SEVERE USE**

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### **702.4.3 REMOVAL OF WEAPONS**

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

## **702.5 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, patrol vehicles shall be refueled at the end of a shift if it has less than one-quarter tank of fuel. Patrol vehicles shall only be refueled at the authorized location.

For procedures related to the use of a WEX card, refer to the Aurora Police Department - Procedures Manual: [WEX Gas Card Procedures](#).

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#### **702.6 WASHING OF VEHICLES**

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle provided for shredding this material.

## Vehicle Use

### **703.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Aurora to provide assigned take-home vehicles.

### **703.2 POLICY**

The Aurora Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

### **703.3 USE OF VEHICLES**

#### **703.3.1 ASSIGNED VEHICLES**

The Area 3 Lieutenant shall assign vehicle numbers on a yearly basis.

#### **703.3.2 OTHER USE OF VEHICLES**

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the appropriate supervisor.

#### **703.3.3 INSPECTIONS**

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

Any vehicle taken out of service for any reason other than routine service or mechanical issues should be done with the approval of a supervisor. If a vehicle requires any type of unusual cleaning or decontamination (e.g., as a result of a biohazard, infestation, potential drug exposure), a

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supervisor should be consulted regarding whether the vehicle should be cleaned by a Department member or sent to an outside vendor.

For procedures related to unreported damage to department vehicles, refer to the Aurora Police Department - Procedures Manual: [Unreported Damage To Department Vehicles Procedure](#).

#### 703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 703.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

#### 703.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

#### 703.3.7 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Dispatch Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

#### 703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

#### 703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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#### 703.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

#### 703.3.11 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

#### 703.3.12 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Members attending training at the department are authorized to park privately owned vehicles in the front lot designated for training. Privately owned motorcycles shall be parked in designated areas.

### **703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

#### 703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

An employee who has been issued a citation (parking or traffic), while on-duty operating a Department vehicle, shall submit in writing to their immediate supervisor a complete and detailed explanation of the occurrence.

#### 703.4.2 PRISONER TRANSPORT VAN

Arrestees should be transported in the Prisoner Transport Van.

#### 703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Aurora is a prime consideration

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for assignment of a take-home vehicle. Members who reside outside the City of Aurora may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
  - (a) In circumstances when a member has been placed on call by the Chief of Police and there is a high probability that the member will be called back to duty.
  - (b) When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
  - (c) When the member has received permission from the Chief of Police.
  - (d) When the vehicle is being used by the Chief of Police, Deputy Chief, Bureau Commanders or members who are in on-call administrative positions.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
  1. No key should be left in the vehicle.
  2. All weapons shall be secured while the vehicle is unattended.
  3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

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- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
  - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
  - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for reporting any issues which require the care and maintenance of the vehicle.

#### **703.4.4 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the City. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department.
- (c) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (d) All weapons shall be removed from any vehicle left for maintenance.

#### **703.4.5 ENFORCEMENT ACTIONS**

When driving a take-home vehicle to and from work outside of the jurisdiction of the Aurora Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

#### **703.5 UNMARKED VEHICLES**

Unmarked vehicles are assigned to various bureaus and their use is restricted to the respective bureau and the assigned member, unless otherwise approved by a supervisor.

#### **703.6 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. When a crash report is needed within our jurisdiction, it shall be the responsibility of the involved officers supervisor to complete the report.

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Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crash Reporting Policy).

Damage to any department vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the a supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

#### **703.7 ATTIRE AND APPEARANCE**

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

#### **703.8 TOLL ROAD USAGE**

Law enforcement vehicles while performing emergency services or duties are not required to pay toll road charges (605 ILCS 10/19).

Members operating department vehicles for any reason other than in the discharge of their official duties shall pay the appropriate toll charge or utilize the appropriate toll way transponder.

Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

# Cash Handling, Security and Management

## **704.1 PURPOSE AND SCOPE**

This policy provides guidelines to ensure Department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Evidence Unit and Informants policies.

## **704.2 POLICY**

It is the policy of the Aurora Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of Department operations and ensure the public trust.

## **704.3 PETTY CASH FUNDS**

The Chief of Police shall identify persons responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the appropriate member.

## **704.4 PETTY CASH TRANSACTIONS**

The appropriate member shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

## **704.5 PETTY CASH AUDITS**

The City finance representative shall perform an audit no less than once every year.

Transference of fund management to another member shall require a separate petty cash audit and involve a member of the City finance.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

## **704.6 ROUTINE CASH HANDLING**

Members who routinely accept payment for Department services shall discharge those duties in accordance with the procedures established for those tasks.

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#### **704.7 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property.

Cash in excess of \$2,500 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. This process shall include the completion of an appropriate report or record entry.

#### **704.8 CITY CREDIT CARDS**

City credit cards may be issued to employees to facilitate and expedite the purchase of small-dollar items that, in the past, have been made using purchase orders, checks, or petty cash. Only employees authorized by the Chief shall be issued a credit card.

Employees using the City credit card shall only purchase items related to City or Department business.

Credit card bills will be processed through the finance department guidelines.

## Fitness Room

### **706.1 PURPOSE AND SCOPE**

It is the policy of the Aurora Police Department to encourage its employees to reach and maintain optimal levels of physical fitness. To reinforce this ideal the Aurora Police Department has provided a special fitness room for employees to exercise.

### **706.2 FITNESS ROOM PROCEDURES**

- (a) To maintain a safe atmosphere in which employees can work out and exercise, it is necessary to establish some rules for using and maintaining the fitness room.
- (b) The following list is not meant to be all encompassing or all-inclusive, but rather a general list of rules and guidelines for use of the fitness room.
  - 1. Prior to using the fitness room, employees shall be required to sign the City of Aurora's Liability Waiver.
  - 2. Employees may not use the fitness room during their normal working hours. The fitness room is to be used by employees on their own time and at periods that are most convenient for them.
  - 3. Employees shall ensure that all equipment is placed back in its proper position for the next person to use. This includes putting away weights, returning benches to their original positions, etc.
  - 4. Employees shall only have water in the fitness room. This prohibition is designed to prevent sticky substances from getting on the fitness equipment or the floor.
  - 5. Safety bars are included with the Power Rack system in the fitness room. These bars allow employees to use this piece of equipment when working out and exercising alone and still maintain a level of safety. These safety bars may not be removed and shall be properly adjusted when this piece of equipment is used.
  - 6. Employees shall become familiar with the fitness room equipment before they begin to use it. A Fitness Room Manual has been placed in the fitness room which includes the owner's manuals for each piece of the cardiovascular equipment.
  - 7. Employees may not obstruct the entrance door to the fitness room with fitness equipment, including free weights.

### **706.3 MAINTENANCE OF THE FITNESS ROOM**

- (a) Employees shall clean up their workout area at the conclusion of their workout, including wiping sweat off machines and discarding empty water bottles.

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- (b) Any substantial cleaning that is needed shall be reported to the janitorial staff.
- (c) Any mechanical problems with any of the fitness room equipment shall be reported to the Administrative Services Lieutenant who shall be responsible for ensuring that the equipment is repaired or replaced as is necessary.

# Personal Protective Equipment

## 706.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 706.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 706.2 POLICY

The Aurora Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 706.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 706.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 29 CFR 1910.95, 820 ILCS 219/25 and 56 Ill. Adm. Code 350.700.

## 706.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the

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prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 29 CFR 1910.133, 820 ILCS 219/25 and 56 Ill. Adm. Code 350.700.

#### **706.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as necessary.

#### **706.7 RESPIRATORY PROTECTION**

The Administrative Services Bureau Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

##### **706.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 706.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per Department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 706.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.

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- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

#### 706.7.4 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

#### 706.7.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

### 706.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
  1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the Department records retention schedule, 29 CFR 1910.1020, 820 ILCS 219/25 and 56 Ill. Adm. Code 350.700.

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#### **706.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; 820 ILCS 219/25; 56 Ill. Adm. Code 350.700).

## **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.

# 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.

## 801.1 RESPONSIBILITIES

### 801.1.1 EMERGENCY COMMUNICATIONS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to an Emergency Communications Manager. The Emergency Communications Manager is directly responsible to the Support Services Commander. The Telecommunications Manager shall be assisted by three telecommunications supervisors.

The responsibilities of the Emergency Communications Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Dispatch Center in coordination with other supervisors.
- (b) Scheduling and maintaining telecommunicator time records.
- (c) Supervising, training and evaluating telecommunicators.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Dispatch Center information for release.
- (f) Maintaining the Dispatch Center database systems.
- (g) Maintaining and updating the Dispatch Center procedures manual.
  - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  - 2. Ensuring compliance with established policies and procedures.
  - 3. Ensuring compliance with any ICC, FCC or other requirements for emergency communications systems, equipment and personnel certification.
- (h) In coordination with the Office of Professional Standards, handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

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#### 801.1.2 ADDITIONAL PROCEDURES

The Emergency Communications Manager should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for telecommunicators (e.g., Command Staff contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Handling misdirected, silent and hang-up calls.
- (i) Handling private security alarms, if applicable.
- (j) Radio interoperability issues.

#### 801.1.3 EMERGENCY COMMUNICATIONS SHIFT SUPERVISOR

The Emergency Communication Shift Supervisor shall work under the direction of the Emergency Communications Manager. General responsibilities include:

- (a) Overseeing the efficient and effective operation of the Dispatch Center.
- (b) Overseeing Lead Operators assigned to their respective shift.
- (c) Assisting the Lead Operators in the scheduling and maintenance of time records.
- (d) Assisting with problem solving and enforcement of Department rules and policies.
- (e) Assisting with the evaluation of assigned personnel.
- (f) Other duties as may be assigned.

#### 801.1.4 LEAD OPERATORS

The Lead Operators work under the direction of the Emergency Communications Shift Supervisor. They provide immediate supervision of personnel assigned to their respective shift. General responsibilities include:

- (a) Overseeing the efficient and effective operation of the Dispatch Center.
- (b) Overseeing the telecommunicators assigned to their respective shift.
- (c) Scheduling and maintenance of time records.
- (d) Assisting with problem solving and enforcement of Department rules and policies.
- (e) Assisting with the evaluation of assigned personnel.
- (f) May perform the role of a telecommunicator.

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- (g) Other duties as may be assigned.

#### **801.1.5 TELECOMMUNICATORS**

Telecommunicators report to the Emergency Communications Manager. The responsibilities of the telecommunicator include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  1. Emergency 9-1-1 lines.
  2. Business telephone lines.
  3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  4. Radio communications with Department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
  5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of Department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through the Dispatch Center, Department and other law enforcement database systems (e.g., ILETS, NCIC).
- (d) Monitoring Department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying a supervisor of emergency activity, including, but not limited to:
  1. Vehicle pursuits.
  2. Foot pursuits.

#### **801.2 POLICY**

It is the policy of the Aurora 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.

#### **801.2 CALL HANDLING**

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the telecommunicator will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?

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- What?
- When?
- Who?

If the telecommunicator determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the telecommunicator determines that the caller is a limited English proficiency (LEP) individual, the telecommunicator should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Dispatch Center, the telecommunicator should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the telecommunicator is unable to identify the caller's language, the telecommunicator will contact the contracted telephonic interpretation service and establish a three-party call connecting the telecommunicator, the LEP individual and the interpreter.

Telecommunicators should be courteous, patient and respectful when dealing with the public and other Department members.

#### **801.2.1 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 person reporting an emergency should not be placed on hold until the telecommunicator has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. A supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

#### **801.2.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the telecommunicator to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the telecommunicator returning to the telephone line or when there will be a delay in the response for service.

#### **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

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security procedures should be established in a separate operations manual for the Dispatch Center.

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

#### **801.7 DOCUMENTATION**

It shall be the responsibility of the Dispatch Center to document all relevant information on calls for service or self-initiated activity. Telecommunicators shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

#### **801.8 CONFIDENTIALITY**

Information that becomes available through the Dispatch Center may be confidential or sensitive in nature. All members of the Dispatch Center 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.

#### **801.9 RADIO COMMUNICATIONS**

The police radio system is for official use only, to be used by telecommunicators to communicate with Department members in the field. All transmissions shall be professional and made in a calm,

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businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the telecommunicator with their radio identification call signs and current location.
- (b) Telecommunicators acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the telecommunicator advised of their status and location.
- (d) Member and telecommunicator acknowledgements shall be concise and without further comment unless additional information is needed.

The Emergency Communications Manager 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.

#### **801.9.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

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

#### **801.9.2 RADIO IDENTIFICATION**

Radio call signs are assigned to Department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Members should use their call signs when initiating communication with the telecommunicator. The use of the call sign allows for a brief pause so that the telecommunicator 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.

#### **801.9 TRAINING AND CERTIFICATION**

Telecommunicators providing EMD pre-arrival instructions shall be trained on the department-approved priority reference system and shall retrain annually (210 ILCS 50/3.70).

The Training Sergeant should ensure telecommunicators complete the sexual assault and sexual abuse training curriculum established in 20 ILCS 2605/2605-53(b) and 83 Ill. Adm. Code 1325.415..

## Evidence Unit

### **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 but is not limited to 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 tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for submission. The officer shall document the release of property in the police report.

#### **802.3.1 PROPERTY SUBMISSION PROCEDURE**

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

- (a) Complete the evidence section of the police report 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 with the submitting employee's initials and the date submitted using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the evidence label in the appropriate space on packaging.
- (e) A copy of the evidence report shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in an authorized location. Submit the completed evidence report into a numbered locker indicating the location of the property.

#### 802.3.2 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor. 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 submitted into evidence. All such items shall be stored in the designated blast cabinet.

#### 802.3.3 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 submission.
- (b) License plates found not to be stolen or connected with a known crime, should be submitted as found property.
- (c) All bicycles and bicycle frames require an evidence report. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence technicians, or placed in the bicycle storage area until an evidence technicians can log the property.
- (d) All cash submitted as evidence will be in accordance with the Cash Handling, Security and Management policy.

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

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

Certain items require special consideration and shall be submitted 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 ejection port). Firearms shall be submitted separately from ammunition). A designate member shall be responsible to check guns recovered, forfeited, or seized by all department officers through the BATF computer.
- (c) Property with more than one known owner.
- (d) Fireworks, explosives or flammable liquids/gases shall be photographed and submitted and secured in the blast cabinet.
- (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. Syringes should additionally be placed in a plastic bag after being secured in the syringe tubes.

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

##### **802.4.2 PACKAGING NARCOTICS AND CANNABIS**

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in an evidence locker, accompanied by one copy of the evidence report. 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 a plastic bag of appropriate size available in the bag and tag room. The reporting officer shall secure and initial their sealed package. Cannabis shall be packaged for evidence in a paper bag or envelope. If cannabis needs to be separated from its original container in which it was seized, the cannabis should be placed in a secondary paper bag or envelope and sealed into the appropriate external paper bag or envelope for labeling.

A completed label shall be attached to the outside of all packaging.

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

Evidence personnel receiving custody of evidence or property shall record his/her signature, the date the property was received and where the property will be stored on the bottom of the evidence report.

A property number shall be obtained for each item or group of items. This number shall be recorded on property tag and the bottom of the evidence report.

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Any changes in the location of property held by the Aurora Police Department shall be noted in the master chain.

#### **802.6 PROPERTY CONTROL**

Each time the evidence personnel receives property or releases property to another person, he/she shall enter this information on the master chain. Officers desiring property for court shall contact the property custodian at least 24 hours prior to the court day, excluding weekends and holidays.

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

Every time property is released or received, an appropriate entry on the master chain 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 Unit. This request may be filled out any time after submission 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 on the master chain and the request for laboratory analysis.

The property custodian releasing the evidence must complete the required information on the master chain. The lab forms will be transported with the property to the examining laboratory, or will have been completed online via the secure website. Upon delivering the item involved, the system will record the delivery time on both copies or in the computer system, 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, if applicable.

The Evidence Unit 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 on the master chain, stating the date and to whom released.

The evidence personnel 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. This will be completed via the transfer sheet.

The return of the property should be recorded on the master chain, indicating date and the person who returned the property.

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#### 802.6.4 AUTHORITY TO RELEASE PROPERTY

The reporting or investigating 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, address and working phone number of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator 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 or the authorized designee 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).

An evidence technician or a property custodian 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 master chain. After release of all property entered on the master chain, the master chain shall be forwarded to the Records Unit for filing with the case. If some items of property have not been released the master chain will remain with the Evidence Unit. Upon release, the proper entry shall be documented in the master chain.

#### 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.

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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 CONTROL OF NARCOTICS AND DANGEROUS DRUGS**

The evidence unit will be responsible for the storage, control, and destruction of all narcotics, dangerous drugs and drug paraphernalia coming into the custody of this department. This includes forwarding the property to the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency, for disposition if required (720 ILCS 600/5(e)).

#### **802.6.8 RELEASE OF FIREARMS**

Any firearm held for safekeeping shall be returned to the person from whom it was obtained or to the lawful owner upon presentation of a valid Illinois Firearm 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 Investigations supervisor and the prosecutor's office or as otherwise ordered by the court. Seized firearms shall only be released to the lawful owner and only upon presentation of a valid FOID 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.

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

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

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

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

#### **802.6.11 OTHER MATTERS**

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

#### **802.6.12 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

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otherwise. 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 custodian 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 a supervisor or investigator.

##### **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 possession for over 6 months may be deposited in the treasury of the City of Aurora. The Department shall make reasonable inquiry and efforts to identify and notify the owner or other

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person entitled to possession, prior to the conversion of money to the City (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 monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas may be conducted annually as directed by the Chief of Police.
- (c) An annual audit, which shall be 10% of each section of evidence held by the Department may be conducted by a Bureau Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.

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

The Evidence Unit 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
- (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)

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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 Unit 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 Unit supervisor will ensure that no biological evidence is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant or the defendant's estate
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim (725 ILCS 203/30)
- (e) The Investigation Unit 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

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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 Investigation Unit 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)).

# NIBIN Program Policy

## **803.1 PURPOSE AND SCOPE**

The primary purpose of the National Integrated Ballistics and Information Network (NIBIN) is to provide automated ballistics evaluations and provide actionable investigative leads in a timely manner. Qualified firearms examiners or technicians enter cartridge casing evidence into the Integrated Ballistic Identification System. A qualified firearms examiner or NIBIN technician is defined as a person who has successfully completed the Bureau of Alcohol, Tobacco, Firearms and Explosives approved NIBIN Acquisition Training or BrassTrax Data Acquisition Course. These images are correlated against the database. Law enforcement can search against evidence from their jurisdiction, neighboring jurisdictions, and against any or all jurisdictions across the country in order to identify NIBIN Leads. A NIBIN Lead is defined as a high probability match; however it has not been confirmed by microscopic comparison by a firearms examiner. NIBIN Leads shall be used for investigative purposes only. A NIBIN Lead shall not be used as the sole basis for a search or arrest warrant. Investigators should request that a firearms examiner confirm the hit via microscopic comparison to confirm that it is in fact a NIBIN Hit if necessary for the establishment of probable cause.

The purpose of this policy is to set forth standards, methodologies and safety protocols for the use of NIBIN by the Aurora Police Department, as well as for the sharing of NIBIN technology with area law enforcement agencies.

## **803.2 POLICY**

The NIBIN program of the Aurora Police Department shall adhere to the [Minimum Required Operating Standards \(MROS\)](#) as established by the Crime Gun National Executive Board. The timelines for acquisition, correlation, and lead dissemination contained in that document as well as any document published by the National NIBIN Board are adopted as the timelines for the Aurora Police Department NIBIN Program. Each of the Minimum Required Operating Standards in the most current version of that document are incorporated into this policy by reference.

Further, the Aurora Police Department NIBIN Program is intended to be a regional initiative in partnership with the Bureau of Alcohol, Tobacco, Firearms and Explosives. This relationship is memorialized in the memorandum of understanding between the Aurora Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) dated May 22, 2018. That memorandum of understanding governs the aspects of the program addressed therein. Nothing in this policy shall be construed to override or supersede that memorandum of understanding or the MROS.

## **803.3 PROCEDURE**

Any firearm coming into the possession of the Aurora Police Department as evidence or found property shall be evaluated for processing into NIBIN. Additionally, law enforcement agencies from the surrounding area will be invited to participate in the Aurora Police Department/ATF NIBIN

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program at the mutual discretion of the Aurora Police Department and ATF. Firearms, cartridge casings, and projectiles will not be submitted to the NIBIN protocol until any fingerprinting or trace evidence examination has either been completed or deemed to be unnecessary or inappropriate.

#### 803.3.1 PRELIMINARY FIREARM EXAMINATION

- (a) In general, NIBIN test firing is mandatory for all semi-automatic pistols including .22 caliber, semi-automatic rifles, and long guns that use handgun ammunition. Firearms that are not typically test fired include revolvers, single shot or bolt action rifles, shotguns, weapons never fired, or firearms deemed unsafe, inoperable, or incomplete.
- (b) Possible reasons for not test firing include: the firearm is unsafe, it was deemed unsuitable for NIBIN entry; it was never fired and was never licensee-transferred; the firearm is contaminated in such a way as to make it a potential bio-hazard; a NIBIN partner has already test fired and submitted the firearm for NIBIN entry; or the firearm is a law enforcement officer (LEO) issued firearm and involved in an officer involved shooting. LEO firearms from officer-involved shootings are not test fired and are not entered into NIBIN.
- (c) When examining the firearm, proper safety procedures shall always be followed.

#### 803.3.2 TEST FIRING OF FIREARMS

- (a) If the firearm is determined to be suitable for entry into the NIBIN system, it will be test fired twice with unaltered, complete, live rounds provided for this purpose and approved for use in the NIBIN program. The two test fired casings will be collected and the one that represents the best marking will be selected for entry into the BrassTrax machine. Upon the completion of the test fire, the firearm will be returned to evidence.
- (b) The test fired cases will be placed in an envelope and retained for a period of not less than 6 months from the date of the test firing.

#### 803.3.3 EVIDENTIARY FIRED CARTRIDGE CASINGS

All cartridge casings should be collected from crime scenes or any other location at which they are discovered. After fingerprinting or trace evidence examination has either been completed or deemed to be unnecessary or inappropriate, the casings will be examined by a qualified firearms examiner or NIBIN technician in order to determine the number of firearms from which the casings were fired.

#### 803.3.4 ACQUISITION AND CORRELATION

- (a) After the casings for acquisition have been selected, a qualified firearms examiner or NIBIN technician will conduct the acquisition process on the BrassTrax machine, to include entering the appropriate administrative data and initiating the correlation process. The procedures and protocols taught in the acquisitions training will be followed.
- (b) When the system has completed the correlation, a qualified firearms examiner or NIBIN technician will conduct a review of the correlation results using the MatchPoint

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machine. If any NIBIN Leads are identified, the examiner or technician will mark those images as leads in the MatchPoint program.

- (c) After the initial review, peer review will be undertaken on each correlation review. A different examiner or technician will review the initial correlation review to confirm the leads. If, after discussion of the review, the peer review results in a difference of opinion between the two reviewers, a third qualified firearms examiner or NIBIN technician will be consulted to provide an opinion.
- (d) The timelines dictated by the MROS will be followed for the acquisition and correlation of casings.

#### 803.3.5 LEAD GENERATION

- (a) Upon the identification of a NIBIN Lead, the examiner or technician that identified the lead will create a NIBIN Lead form in order to document and disseminate the information.
- (b) The timelines dictated by the MROS will be followed for the creation of NIBIN Leads.

#### 803.3.6 NIBIN LEAD DISSEMINATION

- (a) The NIBIN Lead shall be disseminated to each law enforcement agency having primary jurisdiction over the location of any listed incident. The NIBIN Lead should be forwarded to each appropriate agency at the same time to the extent possible.
- (b) The timelines dictated by the MROS will be followed for the dissemination of NIBIN Leads.

#### 803.3.7 INTELLIGENCE ANALYSIS

NIBIN Leads that are deemed appropriate for intelligence analysis and reporting should be referred to a crime analyst for the intelligence product(s) creation.

#### 803.3.8 INVESTIGATIVE FOLLOW-UP

- (a) A NIBIN Lead is identified as a high probability match; however it has not been confirmed by microscopic comparison by a firearms examiner. NIBIN Leads shall be used for investigative purposes only. A NIBIN Lead shall not be used as the sole basis for a search or arrest warrant. Investigators should request that a firearms examiner confirm the hit via microscopic comparison to confirm that it is in fact a NIBIN Hit if necessary for the establishment of probable cause.
- (b) In the event that one to one confirmation of a lead is necessary, the submitting agency is responsible for follow up and/or forwarding the exhibits to a firearms examiner for microscopic comparison for final confirmation.

#### 803.3.9 ACCOUNTABILITY

- (a) Feedback is critical to the success of the NIBIN program. Each aspect of the program needs frank review of the work being performed in order that improvements may be made. In order to effect this feedback, certain record keeping and coordination will be required.

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- (b) The Aurora Police Department will make available to participants the following statistics that are available via the NIBIN Monthly Activity Report (MAR):
  - 1. Number of acquisitions
    - (a) Recovered casing
    - (b) Test fires
  - 2. Number of Leads
- (c) These statistics will be provided to each participating agency at, or just prior to, a quarterly meeting coordinated by ATF to which all participating agencies will be invited. This meeting will cover the following topics:
  - 1. Statistics.
  - 2. Feedback from each agency as to the investigative follow-up and cases status on the NIBIN Leads forwarded to them.
  - 3. Feedback from each agency as to the quality of the NIBIN Leads.
  - 4. Feedback as to possible changes or improvements to the program.
  - 5. Administrative information.
- (d) The Aurora Police Department will ensure that investigative successes on incidents in which a NIBIN Lead was generated are relayed to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the format requested.

#### 803.3.10 OTHER PARTICIPATING AGENCIES

- (a) The Aurora Police Department NIBIN program is a regional initiative in partnership with the Bureau of Alcohol, Tobacco, Firearms and Explosives. As resources allow, other law enforcement agencies in the area will be invited to participate in the NIBIN program by bringing their evidence to the Aurora Police Department for entry into NIBIN.
- (b) The selection of agencies to be invited will be made by the Aurora Police Department in consultation with the Bureau of Alcohol, Tobacco, Firearms and Explosives. In making the selections officials should consider each agency's firearms violent crime rate, population, proximity to other participating agencies, and commitment to the program.
- (c) Participating agencies may be required to enter into a memorandum of understanding with the Aurora Police Department.
- (d) Each participating agency will identify one person to be the NIBIN coordinator for that agency. This point of contact will be responsible for sending and receiving communications from the Aurora Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.
- (e) The Investigative Services Bureau Commander will approve a suitable number of access cards for representatives of participating agencies. The cards will not allow access to areas other than those needed for the purpose of test firing firearms and conducting NIBIN acquisitions. A record shall be kept of each issued access card to include the name and agency of the representative being allowed access, as well as the date of issue and return.

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- (f) A participating agency wishing to have evidence or test fires entered in NIBIN shall call the Investigative Services Bureau and advise of the amount of evidence to be processed into NIBIN. The Investigative Services Bureau will inform that participating agency of the availability of staff to assist the agency. An immediate or first mutually agreeable time appointment will be made in order to process the evidence into NIBIN.
- (g) A participating agency will have the option of having one or more of its personnel trained to be a qualified NIBIN technician. Agencies opting to do this will be required to call prior to bringing evidence to be entered, but will be more likely to gain immediate access due to needing less assistance.
- (h) It is encouraged that each participating agency conduct the test fires of recovered firearms at their own facilities and bring those test fires to the Aurora Police Department for NIBIN processing. If an agency is not able to perform the test fires prior to arriving at the Aurora Police Department, it will be required that a qualified employee of the Aurora Police Department be present with the participating agency representative to conduct the test fires. No person from an outside agency will be allowed access to the firearms range unless accompanied by a qualified Aurora Police Department employee.
- (i) If the participating agency representative is a qualified firearms examiner or NIBIN technician, that representative shall be expected to conduct the triage of the recovered casings and conduct the acquisition of the casings. If not, acquisition will be handled as outlined in section TBD.2.4, ACQUISITIONS.
- (j) Correlations, lead generation, and lead dissemination shall be handled as outlined in the sections TBD.2.5 through TBD.2.7.
- (k) All participating agencies shall be expected to participate in the quarterly feedback meetings as outlined in section TBD.2.10

### **803.4 ADMINISTRATION**

- (a) The Investigative Services Bureau Commander will maintain operational and administrative responsibility for these policies.
- (b) The Investigative Services Bureau Commander will appoint a Program Coordinator to be the primary contact between the Aurora Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives for matters related to the programmatic operations of this policy, including the MROS and memorandum of understanding.

## Records Unit

### **804.1 PURPOSE AND SCOPE**

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

#### **804.1.1 NUMERICAL FILING SYSTEM**

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

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 18-000001 would be the first new case beginning January 1, 2018.

### **804.2 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 Unit accessible only to authorized personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the supervisor.

Aurora 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.

#### **804.2.1 COURT FILES**

The Records Unit shall be responsible for preparing files with all necessary documents for court appearances. If a subpoena is issued for an original document, a copy of the subpoena shall be placed in the appropriate Records Unit file.

### **804.3 REQUISITION OF SUPPLIES**

All personnel who are in need of any supplies under the control of the Records Unit shall make the appropriate request. This request shall be approved by a supervisor from the member's assigned bureau.

Only Records Unit personnel shall issue supplies from the supply room, and no supplies will be provided without approval from the appropriate supervisor.

# Records Maintenance and Release

## **805.1 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.

## **805.2 POLICY**

The Aurora 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.).

## **805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES**

The Chief of Police shall designate the Central Services Lieutenant as the Custodian of Records. The Chief will also designate Freedom of Information Officers. The responsibilities of the Custodian of Records, or the authorized designee 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 bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of Department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available.
  1. No fees shall be charged for the first 50 pages of copies as per 5 ILCS 140/6(b). FOIA responses that exceed 50 pages shall be charged fifteen cents (\$0.15) per page that exceeds 50 pages.
  2. Fees charged for copying public records shall be limited to the actual cost of duplication or publication.
  3. The cost of search, examination, review, and the redaction and separation of exempt from non-exempt information will not be assessed.
  4. Any other fees allowed pursuant to FOIA for commercial requests and voluminous requests may be assessed pursuant to law.
- (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

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the Department to City government. This information also needs to be available on the Department or City website.

- (h) Ensuring information identifying the Department's Freedom of Information Officer, the categories of available records and the process for requesting public records, including the address for submitting requests, will also be displayed.
- (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.

#### **805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any Department member who receives a request for any record shall route the request to the Freedom of Information Officers or the authorized designee within twenty-four (24) hours of receiving the request. All Department records are presumed to be open to inspection or copying (5 ILCS 140/1.2).

##### **805.4.1 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). The Department is not required to answer questions.

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- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (5 ILCS 140/7).
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the Department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) When a request for any records relating to individual employees is received, the City's Legal Department shall be sent a copy of the request immediately and the records shall be gathered and then sent to the City's Legal Department as soon as is practicable. The Records Division shall be responsible for reviewing, redacting and responding to these requests.
- (d) When a request of any kind is received from the media or an inmate, the City's Legal Department shall be sent a copy of the request immediately and the records shall be gathered and then sent to the City's Legal Department as soon as is practicable. The Records Division shall be responsible for reviewing, redacting and responding to these requests.
- (e) When a request requires responses from multiple City departments, the Police Department shall provide the responsive documents to the City's Legal Department. The City's Legal Department will be responsible for sending the response to the requestor per the City's FOIA policy.
- (f) The Freedom of Information Officers shall:
  - 1. Document the date the request was received.
  - 2. Compute the date on which 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.
  - 5. Gather the records responsive to the request and promptly determine if the record is available or subject to any exemption.
  - 6. Review the responsive records for any exempt information and redact the exempt information, unless the record must be withheld in its entirety.
- (g) The Freedom of Information Officers shall ensure that requests are processed within five business days after receipt with up to an additional five days permitted for certain exceptions. When seeking additional time, written notice shall be provided to the requesting party (5 ILCS 140/3).
  - 1. These time frames may be extended for recurrent requestors (5 ILCS 140/3.2).
  - 2. Voluminous requests are to be addressed under 5 ILCS 140/3.6.

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- (h) Requests for records to be used for commercial purposes shall be processed within 21 working days after receipt (5 ILCS 140/3.1).
- (i) 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)).

#### 805.4.2 DENIALS

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

- (a) Denial of a request by the Freedom of Information Officers 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 Officers shall consult with the City Legal Department 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)).

#### 805.4.3 FEES

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

#### 805.4.4 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 Administrative Services Bureau Commander of all such communications (5 ILCS 140/9.5).

#### 805.4.5 NOTIFYING PERSONNEL

Whenever a FOIA request asks for records about a specific employee, the Freedom of Information Act Officer shall notify that specific employee via email as soon as practicable, but within 24 hours of the date the request is received. The Freedom of Information Act Officer shall again notify the employee via email when the responsive records have been gathered and the employee shall be given the opportunity to review those records before they are sent to the requestor. It is the responsibility of the employee to review the records as soon as is practicable because the right to

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review a FOIA response does not supersede the response times under FOIA. Further, the right to review a FOIA response does not include a right to redact information.

#### **805.5 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).
- (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)).

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- (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).

#### **805.6 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, City Attorney, Illinois Attorney General, local prosecutor or the courts, as applicable, should be promptly notified.

Persons requesting conviction information should be directed to the ISP.

##### **805.6.1 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).

#### **805.7 SUBPOENAS AND DISCOVERY REQUESTS**

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

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

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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.

#### **805.8 SECURITY BREACHES**

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

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

- (a) Ensure notice of any breach of the security of personal information is given to the appropriate individuals/entities any time there is a reasonable belief that an unauthorized person has acquired personal information, as defined in 815 ILCS 530/5, stored in any department information system.
- (b) Cooperate with the appropriate individuals/entities by providing the date or approximate date of the breach and identifying any steps taken or that will be taken relating to the breach.

#### **805.9 EXPUNGEMENT AND SEALING**

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

##### **805.9.1 AUTOMATIC EXPUNGEMENTS FOR CANNABIS OFFENSES**

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

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

##### **805.9.2 ARREST RECORDS**

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

##### **805.9.3 JUVENILE RECORDS**

On or before January 1 of each year, the Custodian of Records or Freedom of Information Officer shall expunge juvenile records as required by 705 ILCS 405/5-915.

If the Chief of Police or the authorized designee certifies in writing that certain information is necessary for a pending investigation involving the commission of a felony or with respect to an

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internal investigation of any law enforcement office, that information and information identifying the juvenile may be retained as provided in 705 ILCS 405/5-915. However, the remaining portion of any records not retained shall be expunged.

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

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

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

#### **805.10 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).

# Protected Information

## 806.1 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 Aurora 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.

### 806.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Aurora 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.

## 806.2 POLICY

Members of the Aurora 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.

## 806.3 RESPONSIBILITIES

The Chief of Police shall select members 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.

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- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

#### **806.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Aurora 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).

##### **806.4.1 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).

#### **806.5 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 Manager 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 Unit 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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#### **806.6 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select members 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.

##### **806.6.1 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).

##### **806.6.2 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)).

##### **806.6.3 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).

#### **806.7 TRAINING**

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

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

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## **Chapter 9 - Custody**

# Temporary Custody of Adults

## 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Aurora Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults who are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

**Temporary custody** - The time period an adult is in custody at the Aurora Police Department prior to being released or transported to a housing or other type of facility.

## 900.2 POLICY

The Aurora Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

## 900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than 48 hours except when detention occurs at the beginning of a weekend or holiday (20 Ill. Adm. Code 720.30).

### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Aurora Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who is seriously injured.
- (c) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested

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any substance that poses a significant risk to their health, whether or not they appear intoxicated.

- (d) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### 900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized Department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.60).

At least one female Department member should be present when a female adult is in temporary custody and should be available for supervision during periods of personal hygiene such as using the toilet (20 Ill. Adm. Code 720.25).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

#### 900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by a supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

#### 900.4 INITIATING TEMPORARY CUSTODY

The CDT responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The CDT should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

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The receiving CDT should ask the transporting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported for evaluation.

The CDT should promptly notify the supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The supervisor shall determine whether the individual will be transported to another facility.

#### 900.4.1 SCREENING AND PLACEMENT

The CDT responsible for an individual in custody shall:

- (a) Advise a supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
  1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
  2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
- (c) Continuous, direct sight and sound supervision.
- (d) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
  1. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
  2. Ensure males and females are separated by sight and sound (20 Ill. Adm. Code 720.50).
  3. Ensure restrained individuals are not placed in cells with unrestrained individuals.
  4. Ensure no more than two individuals are placed in a cell together (20 Ill. Adm. Code 720.50).
- (e) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

#### 900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Bureau of Neighborhood Policing Bureau Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to Department members. There should also be a published list of foreign embassy and consulate telephone and

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fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
  - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
  - 1. If the country is on the mandatory notification list, then:
- (c) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
- (d) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
- (e) Forward any communication from the individual to his/her consular officers without delay.
- (f) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
  - 1. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
- (g) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
- (h) Forward any communication from the individual to his/her consular officers without delay.

### **900.5 SAFETY, HEALTH AND OTHER PROVISIONS**

#### 900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Aurora Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks including (20 Ill. Adm. Code 720.60):
  - 1. The time of check.
  - 2. The signature, initials, badge number or any other personal identifier of the responsible person.
  - 3. Any relevant remarks.

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- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Aurora Police Department.

The CDT should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

A supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

#### 900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins (20 Ill. Adm. Code 720.50).
- (d) There is reasonable access to a drinking fountain or water (20 Ill. Adm. Code 720.60).
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody who have previously been identified as a suicide risk will be issued a protective garment. Those in temporary custody who are not a suicide risk are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

#### 900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to Department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

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Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

#### 900.5.4 HOSPITAL DETAINEE WATCH

At the medical facility, officers should brief security staff regarding any security measures or special concerns about the person being treated. Officers should be cognizant of the individuals' criminal history, gang affiliation, current charges, and any other risk factors associated with the individual.

Officers shall remain with the person in custody at all times or maintain a line of sight to ensure the safety of the hospital staff and other persons present at the medical facility. Officers shall remain vigilant of their assignment and not conduct personal business.

An officer may be relieved by another officer. Prior to being relieved, an officer shall inform their relief of the following:

- (a) Status of the detainee, charges, bond, etc.
- (b) Any restraints and paperwork that is present.
- (c) Any restrictions/orders for the detainee from the medical facility.
- (d) Any other pertinent information that is necessary.

Phone calls should only be allowed on a very limited basis when there are exigent circumstances, or with prior approval of a supervisor while a person in custody is being treated in the medical facility. The person in custody shall not be allowed deliveries or visitors.

Handcuffs and restraints may be used after conferring with the medical staff. For further guidance, see the Handcuffing and Restraints policy.

In the event of any unusual circumstances, officers should immediately notify a supervisor and the hospital staff of the situation.

#### 900.5.5 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

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#### 900.5.6 TELEPHONE CALLS

Every individual in temporary custody shall be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival (725 ILCS 5/103-3; 20 Ill. Adm. Code 720.20).

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense (20 Ill. Adm. Code 720.75).
  - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
  - 2. If the individual in custody is a custodial parent with responsibility for a minor child, the officer should assist the individual in the placement of the child with a relative or other responsible person designated by the individual in custody (725 ILCS 5/107-2).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
  - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.
- (d) A notice stating telephone calls may be monitored or recorded shall be posted by each telephone from which persons in custody may place calls (20 Ill. Adm. Code 720.75).

#### 900.5.7 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

The wearing of required religious head coverings by those in custody is a sensitive issue. For safety and security purposes, for the removal, wearing and photographing of persons in custody with religious head coverings, the following procedure should be followed: **IN-CUSTODY RELIGIOUS HEAD COVERING PROCEDURES**

#### 900.5.8 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed (20 Ill. Adm. Code 720.70). They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

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All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

#### 900.5.9 ATTORNEYS

A person in custody shall be allowed to consult with a licensed attorney a reasonable number of times and for reasonable periods of time (20 Ill. Adm. Code 720.20(c)).

- (a) Attorneys who need to interview a person in custody should do so inside a secure interview room.
- (b) Both the attorney and person in custody should be searched for weapons prior to and after being admitted to the interview room.
- (c) Attorneys must produce a current Illinois Bar card as well as other matching appropriate identification.
- (d) Interviews between attorneys and their clients shall not be monitored or recorded.

#### 900.5.10 VISITORS

Consistent with safety and security, visitors should be allowed during normal working and evening hours.

Any open or contact visits must be closely supervised. The visitor and the person in custody shall be searched before and after the visit (20 Ill. Adm. Code 720.70).

A sign notifying visitors that they are subject to search must be conspicuously posted (20 Ill. Adm. Code 720.70).

#### 900.5.11 BEDDING

- (a) The officer supervising the person in custody should offer the person clean bedding, including one flame retardant mattress, seasonally appropriate blankets and one mattress cover if the mattress cannot be sanitized after prior use (20 Ill. Adm. Code 720.60).
- (b) Used bedding will be laundered or otherwise sanitized prior to reissue. Mattresses or mattress covers that have been soiled with body fluids or waste shall be handled using standard universal precautions to reduce exposure to bloodborne pathogens and shall be appropriately laundered, sanitized or discarded (20 Ill. Adm. Code 720.60).

#### 900.5.12 HYGIENE

Individuals in custody shall be supplied with personal hygiene items as needed (20 Ill. Adm. Code 720.60).

Individuals confined beyond 48 hours shall be permitted to shower or bathe once every 48 hours. Clean towels shall be provided when showering or bathing (20 Ill. Adm. Code 720.60).

#### 900.5.13 FOOD SERVICE

Meals will be provided for persons held in excess of six hours as follows (20 Ill. Adm. Code 720.80):

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- (a) Three meals per day shall be served in accordance with recognized breakfast, lunch and dinner periods.
- (b) Food must be of sufficient nutritional value and daily minimum calories.
- (c) At least one of the three meals shall be a balanced and complete hot meal if the individual is confined for longer than 24 hours.
- (d) A drink other than water shall be served with each meal.
- (e) Special diets shall be adhered to when prescribed by a physician, clinic or hospital designated by the Chief of Police.
- (f) A copy of the menu served shall be maintained for a period of three months.
- (g) Individuals shall be served in their cells. Eating utensils shall be removed from cells after each meal (20 Ill. Adm. Code 720.70).

### **900.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell (20 Ill. Adm. Code 720.60).

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Aurora Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

#### **900.6.1 PROCEDURES WHEN RESTRAINTS ARE USED**

The following provisions shall be followed when utilizing restraints other than the temporary use of restraints such as handcuffing or leg irons to control an individual during movement and transportation inside or outside the facility (20 Ill. Adm. Code 720.60):

- (a) CDT's applying restraints shall make a written report including:
  - (a) The date and time restraints were applied.
  - (b) The purpose for which the restraints have been applied.
  - (c) The type of restraint used.
  - (d) When the restraint was removed.
  - (e) Report will be reviewed by a supervisor.
- (b) Restraints shall not be used as punishment, placed around a person's neck or applied in a way that is likely to cause undue physical discomfort, or restrict blood flow or breathing (e.g., hog-tying).
- (c) Members shall conduct direct face-to-face observation at least every 15 minutes to check the person's physical well-being and behavior. Restraints shall be checked to verify correct application and to ensure they do not compromise circulation. All

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checks shall be documented, with the actual time recorded by the officer doing the observation, along with a description of the person's behavior and any actions taken.

- (d) Restraints shall not be utilized any longer than is reasonably necessary. If the person in custody requires restraints for longer than two hours, the person should be transferred to a county or other designated facility.

#### 900.6.2 PREGNANT ADULTS

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

#### **900.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return (20 Ill. Adm. Code 720.25). If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

A supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The supervisor shall attempt to prove or disprove the claim.

#### **900.8 HOLDING CELLS**

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary (20 Ill. Adm. Code 720.70). An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to Department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.

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- (e) Safety checks by Department members shall occur no less than every 30 minutes (20 Ill. Adm. Code 720.60).
  - 1. Safety checks should be at varying times.
  - 2. All safety checks shall be logged.
  - 3. The safety check should involve an observation period long enough to determine the individual as to his/her well-being.
  - 4. Requests or concerns of the individual should be logged.
- (f) Prior to any member entering an occupied cell, another qualified member shall be present (20 Ill. Adm. Code 720.70).
- (g) Cells shall be cleaned daily (20 Ill. Adm. Code 720.90).

### **900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Support Services Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Aurora Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification to a supervisor.
- (c) Evidence preservation.
- (d) Notification of the spouse, next of kin or other appropriate person.
- (e) Notification of the Coroner.
- (f) Initiate an Administrative Review.
- (g) Completion and submission to the State of Illinois: Report of Extraordinary or Unusual Occurrence.

### **900.10 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

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- (f) The individual is not permitted in any nonpublic areas of the Aurora Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
  - 1. The Department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

#### 900.10.1 RELEASE OF PERSONS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

Arresting officers should make reasonable efforts to contact a responsible adult who is willing to assist a person being released from custody who is under the influence of alcohol or drugs (50 ILCS 705/10.17-5).

#### **900.11 ASSIGNED ADMINISTRATOR**

The Support Services Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security (20 Ill. Adm. Code 720.70)
- (b) Key control (20 Ill. Adm. Code 720.70; 20 Ill. Adm. Code 720.110)
- (c) Sanitation and maintenance (20 Ill. Adm. Code 720.90)
- (d) Emergency medical treatment (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (e) Escapes and attempted escapes (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (f) Evacuation plans
- (g) Fire- and life-safety (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.100; 20 Ill. Adm. Code 720.110)
- (h) Disaster plans (20 Ill. Adm. Code 720.110)
- (i) Building and safety code compliance
- (j) Riots (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (k) Hostage situations (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (l) Major disturbances including bomb threats (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (m) Battery on members or individuals in custody (20 Ill. Adm. Code 720.110)

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- (n) Severe weather and natural disasters (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.110)
- (o) Civil disasters (20 Ill. Adm. Code 720.110)
- (p) Vermin and pest control (20 Ill. Adm. Code 720.90)
- (q) Contagious disease control (20 Ill. Adm. Code 720.110)

#### 900.11.1 OTHER RESPONSIBILITIES

The Support Services Bureau Commander will also ensure:

- (a) Notice of Rights posters are posted as required (20 Ill. Adm. Code 720.20).
- (b) A comprehensive written duty description for each position is maintained and that members are familiar with the written post description prior to assuming the post (20 Ill. Adm. Code 720.25).
- (c) The facility meets or exceeds the minimum physical standards as required in 20 Ill. Adm. Code 720.40; 20 Ill. Adm. Code 720.50 and 20 Ill. Adm. Code 720.160.
- (d) All fixtures, equipment, wiring and conduits are properly maintained (20 Ill. Adm. Code 720.70).
- (e) Rules governing the use of the telephone and visits are established consistent with this policy (20 Ill. Adm. Code 720.75).
- (f) Quarterly population reports and extraordinary or unusual occurrence reports are submitted to the Jail and Detention Standards Unit as required by 20 Ill. Adm. Code 720.130.

#### 900.12 RECORDS

The Central Services Lieutenant shall ensure a record is maintained for each person in temporary custody with the following information (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.120):

- Name
- Aliases and nicknames
- Address
- Age and date of birth
- Person to notify in case of emergency, including address and telephone number
- Physical description, gender and characteristic marks
- Occupation
- Offense
- Date and time of admission and authority
- Name and title of officers presenting and receiving the person
- Previous arrest record and convictions

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- Itemized record of individual's cash and other valuables, expenditures and receipts while in custody
- Disposition of case and authority
- Date of release or transfer
- Physicians' visits, examinations and treatment

#### **900.13 TRAINING**

Department members should be trained and familiar with this policy and any supplemental procedures. Written documentation of training should be maintained (20 Ill. Adm. Code 720.25).

All members responsible for the temporary custody of adults should receive training that includes, but is not limited to (20 Ill. Adm. Code 720.25; 20 Ill. Adm. Code 720.100(a)(3); 20 Ill. Adm. Code 720.110):

- Security measures such as use of restraints, force and chemical agents.
- Handling special incidents such as assaults, disturbances, fires, natural disasters, evacuation procedures, escapes, communications and crime scene protection.
- Suicide prevention.
- Identification of signs and management of mentally impaired individuals.
- First aid and CPR.
- Security features of the Aurora Police Department facility used to temporarily hold adults in custody, including the location and use of fire extinguishers, emergency equipment and first aid supplies.
- Department supplemental procedures.
- Illinois Municipal Jail and Lockup Standards.

# Custodial Searches

## **901.1 PURPOSE AND SCOPE**

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Aurora Police Department facility. Such items can pose a serious risk to the safety and security of Department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### **901.1.1 DEFINITIONS**

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia.

## **901.2 POLICY**

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## **901.3 FIELD AND TRANSPORTATION SEARCHES**

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any Department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

## **901.4 SEARCHES AT POLICE FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the Aurora Police Department facilities. Except in exigent circumstances, the search should be conducted by a

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member of the same sex as the individual being searched. If a member of the same sex is not available, a witness must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

#### **901.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this Department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Evidence Unit Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another Department member. The inventory should include the case number, date, time, member's Aurora Police Department identification number and information regarding how and when the property may be released.

#### **901.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

#### **901.5 STRIP SEARCHES**

No individual in temporary custody at any Aurora Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on Department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

Inmates who have not been arraigned and remanded by the court to the custody of this Department and are being held for a traffic, regulatory or misdemeanor offense that does not involve weapons or a controlled substance, shall only be subject to a modified strip or strip search for weapons or controlled substances (725 ILCS 5/103-1).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### 901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Aurora Police Department facilities shall be conducted as follows (28 CFR 115.115; 725 ILCS 5/103-1):

- (a) Written authorization from a Lieutenant shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) A second member of the same sex shall also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from a Lieutenant.

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4. The name of the individual who was searched.
  5. The name and sex of the members who conducted the search.
  6. The name, sex and role of any person present during the search.
  7. The time and date of the search.
  8. The place at which the search was conducted.
  9. A list of the items, if any, that were recovered.
  10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the strip search report shall be provided to the individual subject to the search.

#### 901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with a Lieutenant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that a Lieutenant authorization does not need to be in writing.

#### 901.5.3 SPECIAL CIRCUMSTANCES – EVIDENCE IN MOUTH

In those circumstances when an officer believes a subject may be concealing or attempting to destroy evidence in their mouth, officers should refer to the [Use of Force to Seize Evidence](#) section of the Use of Force Policy.

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#### **901.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following (725 ILCS 5/103-1):

- (a) No individual shall be subjected to a physical body cavity search without written approval of a Lieutenant and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) A physical body cavity search shall be conducted either by or under the supervision of a physician.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary Department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. A Lieutenant's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any Department members present.
  - 8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and shall be provided to the individual who was searched or other authorized representative upon request.

#### **901.7 TRAINING**

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

# Prison Rape Elimination

## 902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Aurora Police Department Temporary Holding Facilities (28 CFR 115.111).

### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a Department member, contractor or volunteer as follows, with or without consent of the prisoner:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the Department member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the Department member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the Department member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a Department member, contractor or volunteer to engage in the activities described above
- Any display by a Department member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner
- Voyeurism by a Department member, contractor or volunteer (28 CFR 115.6)

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner by a Department member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

### **902.2 POLICY**

The Aurora Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Aurora Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

### **902.3 PREA COORDINATOR**

The Chief of Police shall appoint the Central Services Lieutenant to develop, implement and oversee Department efforts to comply with PREA standards in the Aurora Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Aurora Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for Department members to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among first responders, medical and mental health practitioners, investigators and Department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
  - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
  - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
  - 3. A process to document all referrals to other law enforcement agencies.
  - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by appropriate medical practitioners.
  - 5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
  - 1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the Department's website:
  - 1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
  - (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
    1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
    2. The data shall be aggregated at least annually.
  - (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).
  - (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

#### **902.4 REPORTING SEXUAL ABUSE AND HARASSMENT**

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or Department members for reporting sexual abuse or sexual harassment
- Department members neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

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#### 902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to a supervisor any knowledge, suspicion or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against prisoners or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any Department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

#### 902.4.2 SUPERVISOR RESPONSIBILITIES

The supervisor shall report to the Department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the supervisor shall also report the allegation as required under mandatory reporting laws and Department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The supervisor shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

#### 902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received Department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

#### 902.5.1 FIRST RESPONDERS

The first member to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.

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- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a sworn Department member (28 CFR 115.164).

#### 902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Aurora Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the State's Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

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#### 902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether Department actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this Department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

#### 902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

#### 902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the NA. The Chief of Police or NA shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for Department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

#### **902.6 RETALIATION PROHIBITED**

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Central Services Lieutenant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or

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members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Central Services Lieutenant or the authorized designee shall identify a Department member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The Department member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

## **902.7 REVIEWS AND AUDITS**

### **902.7.1 ADMINISTRATIVE REVIEWS**

An administrative review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by Department members.

The Office of Professional Standards shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Central Services Lieutenant. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

### **902.7.2 DATA REVIEWS**

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

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The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the Department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the Department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Aurora Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the Department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

#### **902.8 RECORDS**

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

#### **902.9 TRAINING**

All employees who may have contact with prisoners shall receive Department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.

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- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and Department members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees to ensure that they understand the current sexual abuse and sexual harassment policies and procedures. Resources for training can be found [here](#) and [here](#).

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## **Chapter 10 - Personnel**

# Recruitment and Selection

## **1000.1 PURPOSE AND SCOPE**

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Aurora Police Department and that are promulgated and maintained by the Department of Human Resources.

## **1000.2 POLICY**

In accordance with applicable federal, state, and local law, the Aurora Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## **1000.3 RECRUITMENT**

The Support Services Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Support Services Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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#### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects.

The examination of applicants shall be public, competitive, and open to all citizens of the United States, with specified limitations as to residency, age, health, habits, and moral character (55 ILCS 5/3-8010; 65 ILCS 5/10-2.1-6; 65 ILCS 5/10-1-7).

Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
  - 1. Except that candidates shall not be screened, requested, or required to disclose wage or salary history as a condition of employment. (820 ILCS 112/10).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

##### **1000.4.1 VETERAN PREFERENCE**

The Department will provide veteran preference points as required (65 ILCS 5/10-1-16; 65 ILCS 5/10-2.1-8; 65 ILCS 5/10-2.1-9; 55 ILCS 5/3-8010).

##### **1000.4.2 EXPUNGED JUVENILE RECORDS**

Application forms for employment should contain language informing the applicant that he/she is not required to disclose expunged juvenile records (705 ILCS 405/5-923). No member of the Department may ask an applicant whether he/she has had a juvenile record expunged.

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#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Aurora Police Department (50 ILCS 705/10.2).

##### **1000.5.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

##### **1000.5.2 REVIEW OF PERSONAL ONLINE ACCOUNTS**

Due to the potential for accessing unsubstantiated, private or protected information, the Support Services Commander shall not request, require or coerce candidates to provide usernames, passwords, account information or access to password-protected personal online accounts (820 ILCS 55/10).

Candidates may be required to share specific content that has been reported to the Department, without requesting or requiring candidates to provide access to their personal online accounts, as set forth in 820 ILCS 55/10.

The Support Services Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from personal online accounts to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Support Services Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

##### **1000.5.3 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

##### **1000.5.4 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

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#### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

##### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the minimum standards established by Illinois law, including those provided in 55 ILCS 5/3-8010, 65 ILCS 5/10-1-5, 65 ILCS 5/10-2.1-5, and the Illinois Police Training Act (50 ILCS 705/8.1).

Candidates shall not have been convicted of, or entered a plea of guilty to, any felony or any misdemeanor specified in 50 ILCS 705/6.1(a).

# Evaluation of Employees

## **1001.1 PURPOSE AND SCOPE**

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

## **1001.2 POLICY**

The Aurora Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

## **1001.3 EVALUATION PERIOD**

- (a) The time period for annual evaluations shall be from January 1st through December 31st.
- (b) The time period for completing the annual evaluation will be from January 1st through January 31st of the following year.
- (c) If an employee is transferred from one supervisor to another after July 1st, the evaluation shall be completed by the current supervisor.
- (d) When an employee is transferred, the current supervisor will perform a transfer evaluation prior to the transfer unless the employee has been in that position for less than three months.
  1. If a supervisor is transferred, they will complete a transfer evaluation for any employee they have supervised for three months or longer.
  2. All transfer evaluations will be attached to the annual evaluation.

## **1001.4 EMPLOYEE INPUT**

Prior to completing the annual performance evaluation the supervisor shall meet with the employee and advise that the employee may complete a self-evaluation. The supervisor shall provide the employee information on how to access the evaluation form and advise the employee that the completed self-evaluation should be presented to the supervisor at date to be determined by the supervisor.

### Evaluation of Employees

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#### **1001.5 RATINGS**

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

**Exceeds Expectations-** The employee's performance constantly exceeds the established standards in virtually all aspects and is sustained over a whole period of time. The employee's performance is indicative of a high degree of initiative, requires minimum supervision and performs exceedingly well in virtually all situations and under all conditions. This rating should be reserved for those employees who exhibit outstanding results over and above what is specified in the performance standards, and who consistently and effectively perform even the most difficult and demanding tasks in an exemplary manner.

**Meets Expectations-** The employee is performing responsibilities competently to established standards. The employee requires normal supervision and does the job in a timely manner. Errors, problems or concerns, after counseling, are invariably corrected. The employee recognizes and identifies problems and, considering the circumstances, makes appropriate decisions consistent with experience and training. The employee requires supervision, guidance and assistance consistent with the employee's level of experience and training.

**Needs Improvement** - The employee's performance does not meet established standards and improvement is necessary in the areas noted in the evaluation. Level of performance is below acceptable standards. Efforts have or are being made to insure the employee has the proper training and assistance to improve performance. This employee often performs the job below established standards. The employee may usually perform the function in question satisfactorily, but there are periods or incidents of unsatisfactory performance which are severe or repeated to the extent that overall performance in this area is erratic and inconsistent. The employee requires more supervision, guidance or assistance to perform work than is consistent with the employee's experience and training. A Performance Improvement Plan (PIP) is required to bring the employee to acceptable standards of work performance.

**Not Applicable (N/A)** The category is not applicable to the position the employee being evaluated holds. Enter N/A.

**Not Observed (N/O)** This category has not been observed by the supervisor. This must be explained in the comments section. Enter N/O.

**Not Demonstrated (N/D)** The employee cannot be rated in this dimension or category due to limited exposure to this function and/or limited opportunity to demonstrate. This must be explained in the comments section. Enter N/D.

#### **1001.6 EVALUATION INTERVIEW**

- (a) When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions

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the employee may have. Areas needing improvement and goals for the upcoming evaluation period should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities.

- (b) If the employee has valid and reasonable objections to any of the ratings, the rating supervisor may make appropriate changes to the evaluation. An employee who disputes their review may complete a written addendum to be attached to the original evaluation.
- (c) During the evaluation review with the employee, the supervisor will ensure the employee has a working knowledge and understanding of the following policies and procedures:
  1. Use of Deadly Force
  2. Use of Force
  3. Vehicle Pursuits
  4. Sexual Harassment and Discrimination
  5. Traffic Stop Data for that employee

#### **1001.6.1 DISCRIMINATORY HARASSMENT FORM**

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- (a) That the employee understands the harassment and discrimination policies.
- (b) Whether any questions the employee has have been sufficiently addressed.
- (c) That the employee knows how and where to report harassment policy violations.
- (d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow up action is taken.

#### **1001.7 EMPLOYEE ACKNOWLEDGMENT**

After the evaluation has been reviewed by the employee, they shall be requested to sign it. Their signature does not indicate agreement with the evaluation, but that the performance evaluation has been discussed with the supervisor. The employee shall be given a copy of their performance evaluation form after it is completed and signed. If the employee refuses to sign the form, it shall be so noted by the supervisor.

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**1001.8 EVALUATION STORAGE**

The completed performance evaluation, along with the employee self-evaluation, shall be forwarded for review and signature through the chain of command two levels. The original shall be forwarded to Human Resources by the Chief's office.

## Promotional Testing Process

### **1002.1 PURPOSE AND SCOPE**

The Aurora Police Department will conduct promotional testing for the supervisory ranks of sergeant and lieutenant every three years to establish an eligibility list to fill available positions. The Aurora Police Department will conduct this testing process with the assistance of the Aurora Civil Service Commission, as well as outside testing agencies that are retained to assist with the promotional process.

### **1002.2 POLICY**

It is the policy of the Aurora Police Department to promote the most competent and best suited employees through a formal testing process in conjunction with the Aurora Civil Service Commission. All applicants will be treated equally throughout the testing process with no special consideration or treatment given. The various tests and exercises utilized in the promotional testing process are to assist in determining those candidates that are best suited for promotion.

### **1002.3 PROMOTIONAL PROCESSES**

For processes related to promotion to the ranks of Sergeant and Lieutenant, see:

[\*\*PROMOTIONAL PROCESS TO THE RANK OF SERGEANT\*\*](#)

[\*\*PROMOTIONAL PROCESS TO THE RANK OF LIEUTENANT\*\*](#)

## Grievance Procedure

### **1003.1 PURPOSE AND SCOPE**

It is the policy of this Department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

All processes and procedures related to the grievance procedures are covered in the current collective bargaining agreement.

## Anti-Retaliation

### **1004.1 PURPOSE AND SCOPE**

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

### **1004.2 POLICY**

The Aurora Police Department has zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### **1004.3 RETALIATION PROHIBITED**

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

### *Anti-Retaliation*

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#### **1004.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

#### **1004.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Performance Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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#### **1004.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

#### **1004.7 WHISTLE-BLOWING**

The Illinois Whistleblower Act protects an employee who, with reasonable cause to believe the information communicated discloses a violation of a law, rule, or regulation (740 ILCS 174/1 et seq.):

- (a) Provides information to a government or law enforcement agency, in a judicial or administrative hearing, or testifies before a legislative body.
- (b) Refuses to participate in an activity that would result in a violation of a law, rule, or regulation.
- (c) Engages in any other act or omission if the employee is disclosing or attempting to disclose public corruption or wrongdoing.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

#### **1004.8 RECORDS RETENTION AND RELEASE**

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

#### **1004.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

# Reporting of Employee Convictions

## **1005.1 PURPOSE AND SCOPE**

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## **1005.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS**

Illinois and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; 720 ILCS 5/24-1.1).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

Officers are prohibited from carrying a firearm if they are currently the subject of a domestic violence protection order (750 ILCS 60/214).

## **1005.3 OTHER CRIMINAL CONVICTIONS**

Any person convicted of a felony is prohibited from being a peace officer in the State of Illinois (50 ILCS 705/6.1). Any person who has been convicted of a felony is prohibited from possessing a firearm (720 ILCS 5/24-1.1). This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty plea or nolo contendere plea.

Convictions of certain state or federal violations, including other provisions, such as probation or conditions of bail may place restrictions on an employee's ability to fully perform the duties of the job or restrict possessing firearms (720 ILCS 550/10; 725 ILCS 5/110-10).

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this Department may be inherently in conflict with law enforcement duties and the public trust.

## **1005.4 REPORTING PROCEDURE**

All members of this Department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

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## Policies

### *Reporting of Employee Convictions*

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officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

#### 1005.4.1 ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD (ILETSB) NOTIFICATION

In the event of an arrest or conviction of any of the specified sections in 50 ILCS 705/6.1, the Chief of Police shall report such arrest or conviction to the Illinois Law Enforcement Training and Standards Board (ILETSB).

It is the duty and responsibility of every full-time and part-time police officer to report to both the ILETSB within 30 days and also to the officer's Chief of Police of his/her arrest or conviction for an offense identified in 50 ILCS 705/6.1. Any full-time or part-time police officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to ILETSB must have his/her certificate or waiver either immediately decertified or revoked.

# Drug- and Alcohol-Free Workplace

## **1006.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

## **1006.2 POLICY**

It is the policy of this Department to provide a drug- and alcohol-free workplace for all members.

## **1006.3 GENERAL GUIDELINES**

Alcohol and drug use in the workplace or on Department time can endanger the health and safety of Department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify a supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

### **1006.3.1 USE OF MEDICATIONS**

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

## **1006.4 MEMBER RESPONSIBILITIES**

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on Department premises or on Department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1006.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **1006.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

#### **1006.7 REQUESTING SCREENING TESTS**

For instances involving the requests for a screening test, members should refer to the language found in the current collective bargaining agreement.

#### **1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **1006.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

# Sick Leave

## **1007.1 PURPOSE AND SCOPE**

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) or the Illinois Employee Sick Leave Act (820 ILCS 191/1 et seq.).

## **1007.2 POLICY**

It is the policy of the Aurora Police Department to provide eligible employees with a sick leave benefit.

## **1007.3 USE OF SICK LEAVE**

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness unless approved by a doctor (see the Outside Employment Policy).

No employee shall be eligible to receive paid sick leave if the injury occurred while engaged in an occupation or employment other than with the Aurora Police Department.

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

Employees on sick leave shall not violate restrictions imposed by medical personnel.

### **1007.3.1 NOTIFICATION**

All members shall notify the appropriate on-duty supervisor as soon as they are aware that they will not be able to report to work at least 60 minutes prior to their assigned start time. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

If a supervisor is unavailable or the sick employee was unable to contact an on-duty supervisor after attempting to, the employee can contact the front desk officer. If the front desk officer receives a call from an employee wishing to report sick, the front desk officer should first verify that the sick employee attempted to contact an on-duty supervisor. If the front desk officer completes a sick sheet, they shall report that sick sheet to an on-duty supervisor immediately and without unnecessary delay.

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When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

#### **1007.4 EXTENDED ABSENCE**

Employees on extended absences shall abide by their CBA or pay plan for reporting and updates. Employees absent from duty due to personal illness for three consecutive days or more are required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

#### **1007.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
  - 1. The review of the employee's use of sick time shall be done utilizing the red flag checklist as their guide.
  - 2. The following set of circumstances make up the red flag checklist and warrant a red flag notation on the sick sheet supplemental.
    - (a) Second absence falling on the day before or after regular days off.
    - (b) Absence falling the day before or after paid time off.
    - (c) Absence falling on a holiday.
    - (d) Absence occurring on a day where the employee had requested time off, but was denied.
    - (e) Sixth absence occurring in a rolling 12 month period.
    - (f) If the employee worked overtime or exchange day and called in sick during the previous or following day.
    - (g) Times when the employee has no paid time off available.
    - (h) The employee was not available to answer the returned phone call when the supervisor or member of the Human Resources Department called back.
    - (i) There are reasons to suspect false absence. (e.g. learned employee was at a social gathering when they reported being sick, an employee talking about attending an event prior to the use of sick time, etc.).

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- (j) Any other circumstance where calling in sick appears suspicious.
- (b) Investigating any suspected abuse of sick leave using the red flag checklist as their guide. If red flags exist, the supervisor shall note which red flags exist on the sick sheet supplemental. If there appears to be a pattern of sick time abuse, the supervisor shall confer with their supervisor prior to conducting the informal inquiry.
  - 1. If the informal inquiry indicates that no further action be taken, the supervisor shall document the informal inquiry on a sick sheet supplemental. The supplemental shall be placed in the officer's shift file.
  - 2. If the informal inquiry indicates the sick time usage may not be appropriate the supervisor shall contact their supervisor who will consult the Administrative Services Lieutenant to determine whether a divisional discipline or performance complaint is warranted.
  - 3. If the employee opted to notify the Human Resource Department of the nature of their illness, the supervisor shall notify the Administrative Services Lieutenant via notation on the Absence Report.
- (c) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with the Department of Human Resources as appropriate.
- (d) Addressing absences and sick leave use (excluding properly documented qualifying absences) in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
    - (a) The notation in the performance evaluation should include, but not limited to, the number of absences and sick days the member used during that rating period that triggered red flags (excludes properly documented qualifying absences).
  - 2. Negatively affected department operation
    - (a) The notation in the performance evaluation should include, but not limited to, the number of absences and sick days the member used during that rating period that triggered red flags (excludes properly documented qualifying absences).
- (e) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (f) Referring eligible members to an available employee assistance program when appropriate.

# Communicable Diseases

## 1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of Department members contracting and/or spreading communicable diseases.

### 1008.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Aurora Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1008.2 POLICY

The Aurora Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1008.3 EXPOSURE CONTROL

The Chief of Police will ensure an exposure control plan is developed which includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that Department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - (a) Reporting known and suspected cases of reportable communicable diseases to the local health authority (77 Ill. Adm. Code 690.200).
  - (b) Acting as, or appointing a person as the designated officer to receive reports from the local health authority. Members will be trained to carry out the duties

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described in 77 Ill. Adm. Code 690.200 regarding the procedures for follow-up after occupational exposures to specific diseases.

- (c) The mandates of the Illinois Occupational Safety and Health Act (820 ILCS 219/1 et seq.).
- (d) Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
- (e) Responding to exposure notifications from hospitals to which members have transported a patient (210 ILCS 85/6.08).
- (f) Exposure control mandates in 29 CFR 1910.1030 (820 ILCS 219/25; 56 Ill. Adm. Code 350.700).

The authorized designee should also act as the liaison with the Illinois Department of Labor (IDOL) and may request voluntary compliance inspections. The authorized designee should periodically review and update the exposure control plan and review implementation of the plan.

## **1008.4 EXPOSURE PREVENTION AND MITIGATION**

### 1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; 820 ILCS 219/25):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area of Department vehicles, as applicable.
- (b) Wearing Department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) and vehicles as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

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- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; 820 ILCS 219/25).

### **1008.5 POST EXPOSURE**

#### 1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

#### 1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; 820 ILCS 219/25):

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

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#### 1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The Administrative Services Lieutenant should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030; 820 ILCS 219/25):

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the Administrative Services Lieutenant.

#### 1008.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; 820 ILCS 219/25).

#### 1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the Administrative Services Lieutenant. If the Administrative Services Lieutenant is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Contacting the Department of Public Health or local health authority and providing information regarding the circumstances of the exposure to determine if the appropriate authority will request consent from the person to submit to testing (77 Ill. Adm. Code 690.1380) and/or 410 ILCS 312/10.
- (c) In cases of possible exposure to HIV, by having a health care provider or health facility test the source of the exposure pursuant to 410 ILCS 305/7.

Since there is the potential for overlap between the different manners in which source testing may occur, the Administrative Services Lieutenant is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The Administrative Services Lieutenant should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **1008.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law) (29 CFR 1910.1030; 820 ILCS 219/25).

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Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1008.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; 820 ILCS 219/25):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

# Occupational Disease and Work-Related Injury Reporting

## **1009.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

### **1009.1.1 DEFINITIONS**

Definitions related to this policy include:

**Occupational disease or work-related injury or illness** - Any accidental injury or disease arising out of and in the course of the employment or which has become aggravated and rendered disabling as a result of the exposure of the employment (820 ILCS 310/1(d)).

## **1009.1 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Administrative Services Lieutenant.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

## **1009.2 POLICY**

The Aurora Police Department will address occupational diseases, applicable mental health issues and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (820 ILCS 310/1 et seq.).

## **1009.3 RESPONSIBILITIES**

### **1009.3.1 MEMBER RESPONSIBILITIES**

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (820 ILCS 310/6(c)). For procedures related to this policy, please refer to the Aurora Police Department - Procedures Manual: [Member Responsibilities Procedures](#) and see the [Accident Incident Report](#) for the necessary paperwork.

### **1009.3.2 ADMINISTRATIVE SERVICES LIEUTENANT RESPONSIBILITIES**

When the Administrative Services Lieutenant receives a report of an occupational disease or work-related injury, he/she should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the City's risk management entity to ensure

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any required Illinois Department of Labor reporting is made as required in the injury and illness prevention plan identified in the Injury and Illness Prevention Policy.

#### **1009.3.3 SUPERVISOR RESPONSIBILITIES**

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required workers' compensation documents are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

#### **1009.3.4 CHIEF OF POLICE RESPONSIBILITIES**

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

### **1009.6 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

#### **1009.6.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

## Illness and Injury Prevention

### **1010.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Aurora Police Department, in accordance with the requirements of 820 ILCS 219/20 and 56 Ill. Adm. Code 350.20.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

### **1010.2 ILLNESS AND INJURY PREVENTION PLAN**

The Administrative Services Bureau Commander is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
  - 1. Meet regularly.
  - 2. Prepare a written record of safety and health committee meetings.
  - 3. Review the results of periodic scheduled inspections.
  - 4. Review investigations of accidents and exposures.
  - 5. Make suggestions to command staff for the prevention of future incidents.
  - 6. Review investigations of alleged hazardous conditions.
  - 7. Submit recommendations to assist in the evaluation of member safety suggestions.
  - 8. Assess the effectiveness of efforts made by the Department to meet applicable standards.
- (f) Establishing a process to ensure illnesses and injuries are reported as required under 56 Ill. Adm. Code 350.250 et seq. Notification is required within eight hours after the death of any employee, and within 24 hours of an in-patient hospitalization of one or more employees, or an amputation or loss of an eye (29 CFR 1904.39; 56 Ill. Adm. Code 350.410).

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#### **1010.3 POLICY**

The Aurora Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training and safeguards designed to reduce the potential for accidents, injuries and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

#### **1010.4 ADMINISTRATIVE SERVICES BUREAU COMMANDER RESPONSIBILITIES**

The responsibilities of the Administrative Services Bureau Commander include, but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  - 1. New member orientation that includes a discussion of safety and health policies and procedures.
  - 2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:
  - 1. Informing members of the illness and injury prevention guidelines.
  - 2. Recognizing members who perform safe work practices.
  - 3. Ensuring that the member evaluation process includes member safety performance.
  - 4. Ensuring Department compliance to meet standards regarding the following (820 ILCS 219/25; 56 Ill. Adm. Code 350.700):
    - (a) Communicable diseases (29 CFR 1910.1030)
    - (b) Personal protective equipment (PPE) (29 CFR 1910.132 et seq.)
    - (c) Respiratory protection (29 CFR 1910.134)
    - (d) Emergency Action Plan (29 CFR 1910.38)
    - (e) Notices furnished and required by the Illinois Department of Labor's Safety, Inspection and Education Division (56 Ill. Adm. Code 350.30)
- (e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.

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- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

#### **1010.5 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an inner-office memorandum. This memorandum should be forwarded to the Administrative Services Lieutenant via the chain of command.

The Administrative Services Lieutenant will take appropriate action.

#### **1010.6 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Lieutenant.
- (e) Notifying the Administrative Services Lieutenant when:
  1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
  2. New, previously unidentified hazards are recognized.
  3. Occupational illnesses and injuries occur.

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4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

## **1010.7 INSPECTIONS**

### **1010.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

### **1010.7.2 CONSULTATION PROGRAM INSPECTIONS**

The Administrative Services Lieutenant should consider the services of the Illinois On-Site Safety and Health Consultation Program for compliance assistance (56 Ill. Adm. Code 350.600).

## **1010.8 INVESTIGATIONS**

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Documentation of system improvements.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

## **1010.9 TRAINING**

The Administrative Services Lieutenant should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

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- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

#### 1010.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress and noise.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretches and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### 1010.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

## **Smoking and Tobacco Use**

### **1011.1 PURPOSE AND SCOPE**

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Aurora Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### **1011.2 POLICY**

The Aurora Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all Department facilities, buildings and vehicles, and as is further outlined in this policy.

### **1011.3 SMOKING AND TOBACCO USE**

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Aurora Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product on the Police Department Headquarters Campus, and inside City facilities and vehicles.

### **1011.4 ADDITIONAL PROHIBITIONS**

Employees cannot smoke anywhere expressly prohibited under the Smoke Free Illinois Act (410 ILCS 82/15).

# Performance Complaints

## **1012.1 PURPOSE AND SCOPE**

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Aurora Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

## **1012.2 POLICY**

The Aurora Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this Department to ensure that the community can report alleged misconduct without concern for reprisal or retaliation.

## **1012.3 PERSONNEL COMPLAINTS**

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of Department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate Department policy or of federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

### **1012.3.1 COMPLAINT CLASSIFICATIONS**

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints should be investigated by a supervisor of rank greater than the accused member or by the Office of Professional Standards, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Office of Professional Standards, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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#### **1012.3.2 SOURCES OF COMPLAINTS**

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any Department member becoming aware of alleged misconduct by another Department member shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

#### **1012.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

##### **1012.4.1 COMPLAINT FORMS**

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the Department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

##### **1012.4.2 ACCEPTANCE**

All complaints shall be referred to a supervisor and will be courteously accepted by the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

Performance complaints may not be accepted more than thirty (30) days after the incident had come to the attention of the complainant, unless the performance complaint alleges criminal conduct or physical abuse. Exceptions may be made for extenuating circumstances.

A department employee requested to call a supervisor by a citizen, whether for a complaint or to address another concern, should make a reasonable effort to make said notification. The decision to respond should be made by a supervisor when practicable.

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#### **1012.5 DOCUMENTATION**

Formal complaints of alleged misconduct shall be documented in writing by a sworn affidavit by the person making the complaint (50 ILCS 725/3.8(b)).

Should the sworn affidavit be found to contain knowingly false material information, the matter shall be brought to the attention of the appropriate State's Attorney for determination of prosecution (50 ILCS 725/3.8(b)).

All complaints and inquiries should also be documented in a system that records and tracks complaints. The system shall include the nature of the complaint and the actions taken to address the complaint.

#### **1012.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows. All performance complaints shall be forwarded to the Office of Professional Standards for assignment.

##### **1012.6.1 SUPERVISOR RESPONSIBILITIES**

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, an original complaint form is completed and the following steps are taken:
  1. All complaints that are generated by supervisors shall be completed without undue delay, and allow for sufficient time for the OPS office to notify the accused employee within 30 days, taking into account regular days off and any other scheduled time off.
  2. The complaint will be directed to the Divisional Lieutenant of the accused member, who will take appropriate action.
  3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Bureau Commander, the Deputy Chief or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  1. Follow-up contact with the complainant should be made as soon as practicable of the Department receiving the complaint.
  2. If the matter is resolved and no further action is required, the supervisor will document the resolution and forward it to the Divisional Lieutenant.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Divisional Lieutenant and notifications are made via the chain of command as necessary.

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- (e) Promptly contacting the OPS Lieutenant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Investigating a complaint as follows:
  1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (g) Ensuring that the procedural rights of the accused member are followed.
- (h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1012.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Office of Professional Standards, the following applies to members covered by the Uniform Peace Officers' Disciplinary Act:

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated (50 ILCS 725/3.3).
- (b) Unless waived by the member, interviews of an accused member shall be at the Aurora Police Department or other reasonable and appropriate place (50 ILCS 725/3.1).
- (c) The accused member shall be informed in writing of the name, rank and unit of command of the officer in charge of the investigation, the interviewers and all persons who will be present on behalf of the Department during any interview. The accused member shall inform the Department of any person who will be present on his/her behalf during any interview (50 ILCS 725/3.4). No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member should be informed in writing of the nature of the investigation (50 ILCS 725/3.2).
- (e) All interviews should be for a reasonable period and the member's personal needs should be accommodated (50 ILCS 725/3.5).
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so (50 ILCS 725/3.6).
  1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement and after the investigator has consulted with the prosecuting agency. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable

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steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer shall record all interviews of the accused employee during a formal investigation. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview (50 ILCS 725/3.7).
- (i) No member shall be interviewed without first being advised in writing that admissions made in the course of the interview may be used as evidence of misconduct or as the basis for charges seeking suspension, removal or discharge. In addition, no member shall be interviewed without first being advised in writing that he/she has the right to counsel of his/her choosing, and that counsel may be present to advise him/her at any stage of any interview (50 ILCS 725/3.8).
- (j) The member under investigation shall have the right to be represented by counsel of his/her choosing and may request counsel at any time before or during an interview. When a request for counsel is made, the interview shall not proceed until a reasonable time and opportunity are provided to the member to obtain counsel. If a collective bargaining agreement requires the presence of a representative of the collective bargaining unit during investigations, the representative shall be present during the interview, unless this requirement is waived by the member being interviewed (50 ILCS 725/3.9). However, in order to maintain the integrity of each employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (k) All members shall provide complete and truthful responses to questions posed during interviews.
- (l) No member may be compelled to submit to a polygraph test, or any other test questioning by means of any chemical substance, except with the member's express written consent. Refusal to submit to such tests shall not result in any disciplinary action nor shall such refusal be made part of his/her record (50 ILCS 725/3.11).
- (m) These provisions do not apply to any member charged with violating any provisions of the Criminal Code of 2012, or any other federal, state or local criminal law (50 ILCS 725/5).
- (n) These provisions apply only to the extent that there is no collective bargaining agreement currently in effect dealing with the subject matter of these provisions (50 ILCS 725/6).

#### 1012.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

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**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1012.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve Department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Policy Failure** - Investigation reveals that the alleged acts did occur, however the officer was acting in accordance with established department policy.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1012.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 30 days from the date of discovery by an individual authorized to initiate an investigation, unless otherwise authorized for a longer period of time.

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#### **1012.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS**

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

#### **1012.7 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

#### **1012.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any Department badge, identification, assigned weapons and any other Department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

#### **1012.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Aurora Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction.

No disciplinary action should be taken until an independent administrative investigation is conducted.

#### **1012.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

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#### 1012.10.1 BUREAU COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Bureau Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Bureau Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Bureau Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

All sustained complaints against sworn members will be forwarded to the Aurora Police Department [Employee Review Board](#).

#### 1012.10.2 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to hear the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors orally or in writing for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

#### 1012.10.3 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the OPS for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice.

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#### **1012.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT**

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

#### **1012.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

#### **1012.12 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal pursuant to the personnel rules and applicable guidelines; pursuant to the collective bargaining agreement; if non-home rule, the procedures outlined in 65 ILCS 5/10-2.1-1; if civil service, the procedures outlined in 65 ILCS 5/10-1-1.

#### **1012.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

#### **1012.14 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

#### **1012.15 MANDATORY NOTIFICATION TO THE ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD**

The Chief of Police or the authorized designee shall notify the ILETSB of any final determination of discipline in the following circumstances (50 ILCS 705/6.2):

- (a) The officer is discharged or dismissed as a result of the violation.
- (b) The officer resigns during the course of an investigation and after being served notice that he/she is under investigation that is based on the commission of a Class 2 or greater felony.

The notification shall occur within 30 days of a final decision and exhaustion of any appeal, or resignation, and shall provide information regarding the nature of the violation.

## Seat Belts

### **1013.1 PURPOSE AND SCOPE**

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in Department vehicles.

#### **1013.1.1 DEFINITIONS**

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 and 625 ILCS 25/4.

### **1013.1 POLICY**

It is the policy of the Aurora Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle crash.

### **1013.4 TRANSPORTING CHILDREN**

Child passengers shall be transported using an approved child restraint system in compliance with 625 ILCS 25/4.

If this is not possible, members should arrange alternate transportation when feasible.

### **1013.5 WEARING OF SAFETY RESTRAINTS**

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this Department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the Department member or the public. Members must be prepared to justify any deviation from this requirement.

### **1013.7 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES IN SQUADS**

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any Department vehicle by seat belts provided by the vehicle manufacturer.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### **1013.8 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

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#### **1013.9 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system shall not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

#### **1013.10 INOPERABLE SEAT BELTS**

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance staff.

Members who discover an inoperable restraint system shall remove the vehicle from service and report the defect to the vehicle maintenance staff. Prompt action will be taken to replace or repair the system.

## Body Armor

### 1014.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1014.2 POLICY

It is the policy of the Aurora Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1014.3 BODY ARMOR

#### 1014.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform patrol or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

#### 1014.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor may be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

#### 1014.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external

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surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

#### **1014.4 RANGEMASTER RESPONSIBILITIES**

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

# Personnel Records

## **1015.1 PURPOSE AND SCOPE**

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

## **1015.2 POLICY**

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Illinois (5 ILCS 140/7).

## **1015.3 DEPARTMENT FILE**

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
  1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
  2. Any member response shall be attached to and retained with the original adverse comment (820 ILCS 40/6).
  3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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#### **1015.4 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files twice in a calendar year or as otherwise provided in a collective bargaining agreement. The Department will grant the inspection within seven working days (820 ILCS 40/2).

Any member seeking the removal or correction of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department may remove or correct any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record as long as the contested item is a part of the file (820 ILCS 40/6).

Members may obtain a copy of the information or part of the information contained in their file (820 ILCS 40/3).

A member who is involved in a current grievance against the Department may designate in writing a representative of the member's union or collective bargaining unit or other representative to inspect the member's personnel record which may have a bearing on the resolution of the grievance (820 ILCS 40/5).

Members may be restricted from accessing files containing any of the following information (820 ILCS 40/10):

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

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#### **1015.5 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

##### **1015.5.1 SPECIFIC RETENTION REQUIREMENTS**

Unless provided otherwise in this policy, the following records shall be maintained (56 Ill. Adm. Code 320.140):

- (a) Member payroll records, including name, address, occupation, wages, records of wages and other forms of compensation, dates of hire, promotion and dates of pay increases shall be maintained for a minimum of five years.
- (b) Personnel records, including qualifications for hire, records of promotion, transfer, discipline, certifications, evaluations, written job offers and any available explanations of member compensation shall be maintained for a minimum of five years.

#### **1015.6 BUREAU FILE**

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

#### **1015.7 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Office of Professional Standards in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Office of Professional Standards supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition.

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#### **1015.8 TRAINING FILE**

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

#### **1015.9 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

#### **1015.10 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Attorney or other attorneys or representatives of the City in connection with official business.

##### **1015.10.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records, FOIA Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

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The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

#### 1015.10.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

# Request for Change of Assignment

## **1016.1 PURPOSE AND SCOPE**

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made in the interest of the Department.

## **1016.2 REQUEST FOR CHANGE OF ASSIGNMENT**

Personnel wishing a change of assignment are to complete a Transfer Request form. The form should then be forwarded through the chain of command to their Bureau Commander.

## **1016.3 SUPERVISOR'S COMMENTARY**

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Bureau Commander of the employee involved. In the case of patrol officers, the Patrol Lieutenant must comment on the request with his/her recommendation before forwarding the request to the Bureau Commander. If the Patrol Lieutenant does not receive the Transfer Request form, the Bureau Commander will initial the form and return it to the employee without consideration.

## **Fitness for Duty**

### **1017.1 PURPOSE AND SCOPE**

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this Department remain fit for duty and able to perform their job functions.

### **1017.2 EMPLOYEE RESPONSIBILITIES**

- (a) It shall be the responsibility of each member of this Department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this Department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### **1017.3 SUPERVISOR RESPONSIBILITIES**

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Patrol Lieutenant or employee's available Bureau Commander, a determination should be made whether or not the employee should be temporarily relieved from their duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

### **1017.4 NON-WORK-RELATED CONDITIONS**

Any employee suffering from a non-work-related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

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#### **1017.5 WORK-RELATED CONDITIONS**

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Patrol Lieutenant or unit supervisor and concurrence of a Bureau Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy.
- (b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

#### **1017.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Department of Human Resources may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Chief of Police to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department of Human Resources with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform his or her job duties. If the employee places his or her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order or any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

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- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

#### **1017.7 LIMITATION ON HOURS WORKED**

Absent emergency operations or exigent circumstances members should not work more than 16 hours in one day (24 hour) period.

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other on or off-duty work assignments including, but not limited to, work authorized by the Department under the Outside Employment Policy.

#### **1017.8 AVAILABILITY OF MENTAL HEALTH SPECIALISTS**

The Department shall make mental health resources, including counselors and therapists, available to members (55 ILCS 5/3-6012.2; 65 ILCS 5/11-1-14).

#### **1017.9 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the current collective bargaining agreement.

#### **1017.10 REVOCATION OR SEIZURE OF FIREARM OWNER'S IDENTIFICATION CARD**

Possession of a Firearm Owner's Identification Card (FOID) is not a condition of continued employment if the officer's FOID is revoked or seized, because the officer has been a patient of a mental health facility and the officer has not been determined to pose a clear and present danger to him/herself or others as determined by a physician, clinical psychologist, or qualified examiner (50 ILCS 725/7.2).

##### **1017.10.1 DOCUMENTATION**

If a determination is made that an officer poses a clear and present danger to him/herself or others, such determination shall be documented in the officer's medical file (50 ILCS 725/7.2).

# Meal Periods, Breaks, Restricted Leave

## **1018.1 PURPOSE AND SCOPE**

This policy regarding meals and breaks is superseded by the affected employee's collective bargaining agreement. If not covered in the employee's collective bargaining agreement, this policy shall conform to and be guided by the policy governing all City employees (820 ILCS 140/3).

### **1018.1.1 MEAL PERIODS**

Sworn employees, telecommunicators, and Court Detention Technicians shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

No meals shall be taken during the first or last hour of an employee's shift unless approved by a supervisor. All employees will receive an appropriate meal period not more than five hours from the start of the work period absent emergency situations (820 ILCS 140/3)

Uniformed patrol shall request clearance from Telecommunications prior to taking a meal period. Uniformed officers should take their breaks within the City limits unless on assignment outside of the City

The time spent for the meal period shall not exceed the authorized time allowed

Employees may not eat at the area commonly known as the bar of any restaurants where liquor is sold or served

Members may not eat at an establishment that is not open to the general public while on-duty.

### **1018.1.2 BREAKS**

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. Exceptions require supervisor approval.

The time spent for the break period shall not exceed the authorized time allowed.

## **1018.2 AUTHORIZED LEAVE**

Employees upon request may use up to one hour of paid leave or more if authorized by the collective bargaining agreement to donate blood every 56 days (820 ILCS 149/10).

Employees with the approval of a supervisor are entitled to take up to two hours of paid leave to vote (10 ILCS 5/17-15)

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Employees who wish to take other types of leave should consult their current CBA and submit an interoffice correspondence stating their intent to utilize said leave through their chain of command.

# Lactation Break Policy

## **1019.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines for reasonable accommodations for members desiring to express breast milk for the member's infant child as outlined in the Nursing Mothers in the Workplace Act (820 ILCS 260/10; 29 USC § 207).

## **1019.2 POLICY**

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child up to one year after the child's birth (820 ILCS 260/10; 29 USC § 207).

## **1019.3 LACTATION BREAK TIME**

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

Members desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would unduly disrupt department operations (820 ILCS 260/10; 775 ILCS 5/2-102).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

## **1019.4 PRIVATE LOCATION**

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall (820 ILCS 260/15). The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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**1019.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such and shall remove it when the member ends her shift.

# Overtime Compensation Requests

## **1020.1 PURPOSE AND SCOPE**

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages or by the allowance of accrual of compensatory time off as provided in the personnel manual or as agreed and in effect through any applicable collective bargaining agreement. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

### **1020.1.1 DEPARTMENT POLICY**

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

## **1020.2 REQUEST FOR OVERTIME COMPENSATION**

Employees shall submit all overtime compensation requests to the appropriate supervisor as soon as practicable in accordance with the applicable current CBA for approval.

### **1020.2.1 SUPERVISORS RESPONSIBILITY**

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

## **1020.3 ACCOUNTING FOR OVERTIME WORKED**

### **1020.3.1 VARIATION IN TIME REPORTED**

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the approving supervisor may require each employee to include the reason for the variation.

# Outside Employment

## 1021.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

### 1021.1.1 DEFINITIONS

**Outside Employment** - Where any member of this Department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this Department for services, product(s) or benefits rendered.

**Extra Duty Employment** - Any member of this Department who performs duties or services on behalf of an outside organization, company, or individual. Such outside overtime shall be requested and scheduled directly through this Department so that the Department may be reimbursed for the cost of wages and benefits. For procedures related to Extra Duty Employment, please refer to the Aurora Police Department - Procedures Manual: [Extra Duty Employment Procedures](#).

## 1021.2 OBTAINING APPROVAL

No member of this Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

To obtain approval for outside employment, the employee must complete an Outside Employment Application with accompanying interoffice correspondence which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration, along with any applicable comments or review of work history provided by the submitting supervisor or any other supervisor having information which should be legitimately considered as factors for approval or rejection.

If approved, the employee will be provided with a copy of an approved application. Unless otherwise indicated in writing on the approved application, an application will be valid through the end of the calendar year in which the application is approved, except in cases where the application is revoked as allowed for elsewhere in this policy, prior to the end of the calendar year. Any employee seeking to renew an application shall submit a new Outside Employment Application in a timely manner.

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Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial.

#### **1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee shall file a written notice of appeal to the Chief of Police within ten days of the date of denial.

#### **1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT**

Any approved outside employment may be revoked or suspended under the following circumstances:

- (a) When an employee's performance at this Department is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any outside employment. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment.
- (b) When included as a term or condition of sustained discipline.
- (c) When an employee's conduct or outside employment conflicts with the provisions of Department policy.
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment may be subjected to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

#### **1021.2.3 DUTY TO CITY**

Any officer or civilian of the department who engages in employment outside of his or her regular duty hours shall be subject to call at any time to perform the duties and fulfill the responsibilities of their position with the department.

An employee engaged in secondary employment is subject to an emergency call out and is expected to leave secondary employment for such call out.

### **1021.3 PROHIBITED OUTSIDE EMPLOYMENT**

The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of or reliance upon the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the

# Aurora Police Department

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regular course or hours of employment or as a part of the employee's duties as a member of this Department.

- (c) Involves the performance of an act in other than the employee's capacity as a member of this Department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Department.
- (d) Involves time demands that would render performance of the employee's duties for this Department less efficient.

#### 1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

In order to avoid a potential conflict of interest, no member of this Department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this Department must submit a written request to the Chief of Police in advance of the desired service. Such extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
  1. The officer(s) shall wear the departmental uniform/identification.
  2. The officer(s) shall be subject to the rules and regulations of this Department and direction of Department supervisors.
  3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  4. Compensation for such approved outside security or traffic direction services shall be pursuant to normal overtime procedures, collective bargaining agreement, or City ordinance.
  5. Outside security services shall not be subject to the collective bargaining process.

No officer may engage in secondary employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

#### 1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

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#### **1021.4 DEPARTMENT RESOURCES**

Employees are prohibited from utilizing other departmental employees, and any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this Department or other agencies through the use of the employee's position with this Department.

#### **1021.5 TERMINATION OF OUTSIDE EMPLOYMENT**

If an employee terminates his/her outside employment the employee shall promptly submit written notification of such termination to the Chief of Police through their chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

#### **1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work application, a notice of revocation of the member's application will be forwarded to the involved employee, and a copy attached to the original work application.

Criteria for revoking the outside employment include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Aurora Police Department, a request (in writing) may be made to the Chief of Police to resume employment.

# Personal Appearance Standards

## 1022.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

## 1022.2 GROOMING STANDARDS

The following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception. All supervisors are expected to ensure that on-duty employees under their command present a neat appearance and keep hair styles within Department guidelines.

### 1022.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

Hair should be a natural color.

### 1022.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

### 1022.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the earlobe and shall be trimmed and neat.

### 1022.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his/her designee.

### 1022.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

### 1022.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

# Aurora Police Department

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### *Personal Appearance Standards*

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Earrings shall not be worn by uniformed sworn male members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Earrings will be small with a post or clip on back. Hoop and dangling earrings are prohibited. Only two earrings may be worn on each ear.

#### **1022.3 TATTOOS**

Tattoos to the head, neck and facial area are prohibited. Hand tattoos are not allowed, however, there are very limited exceptions with approval from the Chief of Police.

Officers are permitted to have tattoos elsewhere, visible to the public, as long as the tattoo is not objectionable or demeaning to the image of the Department. The nature, number, size, and location of the tattoos are all factors in determining whether such tattoos are objectionable or demeaning. Examples include, but are not limited to; tattoos that contains nudity, profanity, or to be perceived as gang related, criminal, obscene, sexual, racial, or detracts from the professional image of a law enforcement officer.

For prospective applicants, the covering of objectionable tattoos with make-up, sleeves, Band-Aids, etc., shall not constitute conforming to this policy.

All tattoos shall be covered for court appearances.

#### **1022.4 BODY PIERCING**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or bifurcation.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

# Uniform Regulations

## 1023.1 PURPOSE AND SCOPE

The uniform policy of the Aurora Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated Policy Manual sections:

- Department Owned and Personal Property
- Body Armor
- Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

## 1023.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) All uniform personnel shall maintain their uniforms and equipment in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this Department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to promptly perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Department functions or events.
- (h) If the uniform is worn while in transit, an outer garment should be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any distinguishable part of the Department uniform.
- (j) Mirrored sunglasses will not be worn with any Department uniform.

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- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform—unless specifically authorized by the Chief of Police or his/her designee.
1. Wrist watch.
  2. Wedding rings and class rings.
  3. Bracelet. A maximum of one bracelet may be worn on each wrist.

### **1023.3 UNIFORM REGULATIONS AND CLASSES**

For uniform regulations, refer to the

For uniform specifications, refer to the:

- [Class A Uniform](#)
- [Class B Uniform](#)
- [Optional Duty Uniform Items](#)
- [Ballistic Vest Carriers](#)
- [Specialized Unit Uniform](#)
- [Bicycle Patrol Uniform](#)
- [Mandatory Patches and Insignia](#)
- [Optional Insignia](#)
- [Police Cadet/Community Service Officer Uniform](#)
- [Court Detention Technician Uniform](#)

### **1023.4 MOURNING BADGE**

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty as defined below. Civilian employees may wear the APD approved mourning pin in accordance with this policy. The following mourning periods will be observed:

- (a) An officer of this Department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

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### *Uniform Regulations*

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#### **1023.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary. In these situations, employees shall wear clothing that is conservative in style and fit, is clean and free of stains, is neatly pressed and is not damaged or excessively worn.

Employees wearing civilian style attire generally shall dress in business casual attire, as described below:

- (a) For males, neatly pressed khaki or dark slacks, a pressed long-sleeved button up shirt, dress socks, a leather belt and leather shoes. Polo shirts may be permitted. Officers in certain assignments, when directed by their supervisor, may also be required to wear:
  1. A neatly pressed dress shirt and a tie, or a business suit.
  2. Clean, neatly pressed slacks, and a clean, neatly pressed dress shirt with a tie. A sport coat or blazer shall also be available at the workplace and may be worn in place of a suit.
  3. When weather dictates, a jacket or overcoat may be worn in place of the blazer.
  4. Footwear for all male employees wearing civilian attire shall be in good repair and of a kind normally worn with the above described clothing. Gym shoes, athletic shoes, sandals, and shoes approved for the duty uniform shall not be worn with the above described attire.
- (b) For females, neatly pressed slacks, a modest skirt or dress, and a neatly pressed button up shirt or blouse. Closed-toe shoes are preferred, but nice sandals are permitted; however, flip-flops and thongs are prohibited. Officers in certain assignments, when directed by their chain of command, may also be required to wear:
  1. A neatly pressed blouse with a business suit or blazer, or a blouse and dress pants or dress shorts, or a business dress.
  2. A vest or suitable sweater may be worn under, or instead of, the blazer.
  3. Footwear shall be in good repair and of a kind normally worn with the above described clothing. Gym shoes, athletic shoes, thongs, flip-flops and shoes approved for the duty uniform shall not be worn with the above described attire.
- (c) Employees appearing in court shall either wear their duty uniform or clothing generally accepted as business attire, as described below:
  1. Male personnel:
    - (a) A dress shirt and tie, or a business suit.
    - (b) Clean, neatly pressed slacks, and a clean neatly pressed shirt with a tie, or a turtleneck. A sport coat or blazer may be worn in place of a suit.
    - (c) Dress shoes, dress socks.
  2. Female personnel:

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- (a) A clean, neatly pressed blouse with a business suit or blazer, or a blouse and dress pants, skirt, or a business dress.
  - (b) A vest or suitable sweater may be worn under, or instead of, the blazer.
  - (c) Dress shoes.
3. Employees, regardless of assignment, shall be attired in a manner appropriate to a particular situation. For example, including, but not limited to:
- (a) Casual clothing, if authorized by the Bureau Commander, may consist of blue jeans, tee shirts, sweat shirts, or BDUs for tactical/ surveillance situations.
  - (b) Employees attending department sponsored training shall wear "business casual attire," as described above.
  - (c) Athletic clothing, if authorized, may be worn for training functions that include defensive tactics, scenario based training, or any training that would require the employee to perform physical activity outside of a typical classroom setting.
  - (d) The following items shall not be worn on duty:
    1. Jackets, outerwear or headgear displaying sports, company, or union logo, nor team or company name.
    2. Tee-shirt alone.
    3. Swimsuit, tube tops, or halter-tops.
    4. Spandex type pants or see-through clothing.
    5. Distasteful printed slogans, buttons or pins.
    6. Denim jeans, regardless of color, are not considered business, or business casual attire, and will not be worn unless authorized for a specific detail or assignment.
  - (e) Variations from this policy are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
  - (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Aurora Police Department or the morale of the employees.

### **1023.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Aurora Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Aurora Police Department (this section does not apply to union members when acting as a representative of the union, so long as it is not in violation of the preceding language) to do any of the following:

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- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

### **1023.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property pursuant to the Department Owned and Personal Property Policy.

### **1023.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Aurora Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Aurora Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

# Police Cadets / Community Service Officers

## **1024.1 PURPOSE AND SCOPE**

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement. For further information related to this policy, please refer to the [Aurora Municipal Code](#).

## **1024.2 POLICE CADET / COMMUNITY SERVICE OFFICER ARREST POWERS**

Police Cadets and Community Service Officers are not sworn officers and have no power of arrest, other than writing minor ordinance violation tickets. They will not carry any offensive or defensive weapons.

## **1024.3 EDUCATION REQUIREMENTS**

Cadets are required to maintain a minimum grade point average of 2.5 for all courses taken.

Police Cadets must complete academic requirements as prescribed by City Ordinance.

Cadets will not be allowed to drop or withdraw from any course unless prior approval is received from the Training Sergeant. Such approval shall be given in the rarest of circumstances and then for good reason only. Academic performance will be one of the criteria used for evaluation.

Cadets will attend college on a full time basis. The Training Sergeant will meet with each Cadet at least once each semester to review the Cadet's academic progress and to assure that the Cadet is meeting all the educational requirements of the program.

Arrangements are made through the Training Sergeant for all cadets to attend college courses.

Police Cadets must submit a class schedule to the Training Sergeant after they have enrolled each semester and they must submit a copy of their transcript reflecting the courses completed and the grades achieved each semester.

## **1024.4 PROGRAM COORDINATOR**

The Training Sergeant will serve as the Program Coordinator. This Sergeant will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

## **1024.5 ORIENTATION AND TRAINING**

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All

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training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

#### **1024.6 CADET UNIFORMS**

Each cadet will be provided three uniforms meeting the specifications described in the Uniform Manual for civilian employees.

#### **1024.7 APPOINTMENT AS POLICE OFFICER OR COMMUNITY SERVICE OFFICER**

Police Cadets shall be appointed to positions of police officer and / or Community Service Officer (CSO) only if they qualify under criteria established under city ordinance.

The purpose of the Community Service Officer position is to provide the police cadet on-going experience while awaiting an available position of police officer.

#### **1024.8 ROTATION OF ASSIGNMENTS**

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Training Sergeant.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

#### **1024.9 RIDE-ALONG PROCEDURES**

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Patrol Lieutenant. Cadets shall wear their uniform while participating on a ride-along.

#### **1024.10 PROGRAM REQUIREMENTS**

All cadets in the program must successfully complete:

All Cadets will work at the Aurora Police Department part time (20 hours per week) while attending college full time. During the summer vacations, the Cadets will work full time (40 hours per week). The Training Sergeant will have the responsibility of providing overall supervision of Cadets as well as scheduling their work assignments.

During the time Cadets work at the Police Department they will be assigned to different areas of the department for training and performance of duties. The supervisor of each area, or his/her designee, will assure that the Cadet is being exposed to as many training experiences within the section as possible. The evaluation criteria will be fully explained to all Cadets upon initial appointment to the department. All Cadets will receive a copy of the guidelines and criteria used for evaluation.

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A Cadet liaison will be designated from each section of the department where Cadets normally work. This person will act as the Cadet's training officer and will be responsible for exposing the Cadet to the normal activities of that section.

All Cadets will perform the P.O.W.E.R. test on a quarterly basis. Anyone not successfully passing the test, must show progress towards passing.

#### **1024.11 PERFORMANCE EVALUATIONS**

All police Cadets will receive monthly reviews from supervisors in each area the Cadet has worked during the past month. These reviews will be conducted pursuant to criteria established by the Training Sergeant. In addition, the Training Sergeant will conduct an interview with the Cadet at least every six months for the purpose of evaluating the Cadet's general performance. The supervisor will discuss the Cadet's scholastic standing, academic performance, and any other pertinent matters with the Cadet. In addition, overall counseling and guidance will be provided for each Cadet on an individual basis.

A panel from the police department shall convene and review the performance of each Cadet for certification as to their qualifications to remain in the program.

In addition to the criteria established by city ordinance Cadets shall successfully complete any other requirements for appointment as an Aurora Police Officer as determined from time to time.

# Nepotism and Conflicting Relationships

## 1025.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices to include recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security, while maintaining positive morale by avoiding actual or perceived favoritism, discrimination, or other actual or potential conflicts of interest by or between members of this Department.

Violations of this policy may constitute official misconduct by a public officer or employee if he/she, while in his/her official capacity (720 ILCS 5/33-3):

- (a) Intentionally or recklessly fails to perform any mandatory duty as required by law.
- (b) Knowingly performs an act which he/she knows he/she is forbidden by law to perform.
- (c) With intent to obtain a personal advantage for himself/herself or another, he/she performs an act in excess of his/her lawful authority.
- (d) Solicits or knowingly accepts for the performance of any act a fee or reward which he/she knows is not authorized by law.

### 1025.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the Department employee's annual interest, compensation, investment, or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion, or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee in who is vested with the authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling, grandchild, or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

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**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

#### **1025.2 RESTRICTED DUTIES AND ASSIGNMENTS**

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to reassign matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department however, reserves the right to transfer or reassign any employee to another position within the same classification to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative, or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee has satisfactorily completed his/her probationary period.
- (d) To avoid actual or perceived conflicts of interest, members of this Department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender, or who engages in serious violations of state or federal laws.

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#### 1025.2.1 EMPLOYEE'S RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create an actual or perceived conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

#### 1025.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

# Department Badges and Identification

## 1026.1 PURPOSE AND SCOPE

The Aurora Police Department badge and uniform patch as well as the likeness of these items and the name of the Aurora Police Department are property of the Department and their use shall be restricted as set forth in this policy.

## 1026.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this Department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

### 1026.2.1 FLAT BADGE

Sworn officers and those non-sworn employees in units where badges have been authorized, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Aurora Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a sworn flat badge is not authorized for non-sworn personnel.

### 1026.2.2 CIVILIAN PERSONNEL

Identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee.

Non-sworn personnel shall not display any Department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

### 1026.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

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#### 1026.2.4 LOST OR STOLEN BADGES AND SHIELDS

Officers who have lost their badge or hat shield shall report such loss immediately in writing to the Chief of Police through the chain of command. The written report shall include an explanation of the circumstance surrounding the loss or theft and documentation that the badge has been entered into LEADS.

#### 1026.2.5 IDENTIFICATION CARD

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Bureau Commander.

#### 1026.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name may be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages, however, it shall not be used in a manner which would bring discredit to the member or the Department.

The use of the badge, uniform patch and Department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her Department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

#### 1026.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used by employee groups without the expressed authorization of the Chief of Police.

The likeness of the Department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

# Restricted-Duty Assignments

## **1027.1 PURPOSE AND SCOPE**

This policy establishes procedures for providing temporary restricted-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, and current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

## **1027.2 POLICY**

Subject to operational considerations, the Aurora Police Department may identify temporary restricted-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

## **1027.3 GENERAL CONSIDERATIONS**

Priority consideration for temporary restricted-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA), Victims' Economic Security and Safety Act, or the Illinois Human Rights Act (820 ILCS 180/5; 775 ILCS 5/1-101 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Aurora Police Department shall be created or maintained as a temporary restricted-duty assignment.

Temporary restricted-duty assignments are a management prerogative and not an employee right. The availability of temporary restricted-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary restricted-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a restricted-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary restricted-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary restricted-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

## **1027.4 PROCEDURE**

Employees may request a temporary restricted-duty assignment for short-term injuries or illnesses as referenced in the employees respective CBA.

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#### **1027.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to restricted-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate Department operations and the employee's medical appointments, as mutually agreed upon with the Administrative Services Lieutenant.

##### **1027.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to restricted duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to restricted duty.

##### **1027.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to restricted duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Bureau Commander of the status and performance of employees assigned to restricted duty.
- (b) Notifying the Bureau Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

#### **1027.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

#### **1027.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a restricted-duty assignment.

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#### 1027.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

#### **1027.8 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to restricted duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to restricted duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

# Employee Speech, Expression and Social Networking

## **1028.1 PURPOSE AND SCOPE**

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### **1028.1.1 APPLICABILITY**

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file sharing sites.

Nothing in this policy is meant to prohibit or discourage members from posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Aurora Police Department on any personal or social networking or other website or web page provided it does not violate any section of this policy.

## **1028.2 POLICY**

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Aurora Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## **1028.3 SAFETY**

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Aurora Police Department employees, such as posting personal information in a public

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forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

#### **1028.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the Department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Aurora Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Aurora Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Aurora Police Department or its employees. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a web site that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transports are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Aurora Police Department.

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- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Accessing web sites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or Department-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1028.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Aurora Police Department or identify themselves in any way that could be reasonably perceived as representing the Aurora Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any web site.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group), is affiliated with this Department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Aurora Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-

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duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502)).

#### **1028.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, Twitter) that is accessed, transmitted, received or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

##### **1028.5.1 PERSONAL ONLINE ACCOUNTS**

The Department shall not request, require or coerce any applicant or employee to divulge any username, password or related account information in order to gain access to the applicant or employee's personal online account, nor shall the Department demand access in any manner to an applicant or employee's account or profile on a personal online account (820 ILCS 55/10).

Members may be required to share specific content that has been reported to the Department, without requesting or requiring members to provide access to their personal online account, as set forth in 820 ILCS 55/10.

#### **1028.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

#### **1028.7 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

# Line-of-Duty Deaths

## 1029.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Aurora Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

### 1029.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

## 1029.2 POLICY

It is the policy of the Aurora Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this Department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

## 1029.3 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting Department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain are in the Chaplains Policy.

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### *Line-of-Duty Deaths*

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#### **1029.3 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Patrol Lieutenant or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in Department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

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- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Aurora Police Department members may be apprised that survivor notifications are complete.

#### 1029.3.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the Department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

#### 1029.5 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Divisional Lieutenant and the Dispatch Center.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Patrol Lieutenant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Patrol Lieutenant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

#### 1029.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.

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- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available Department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

#### 1029.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Bureau Commander or of sufficient rank to effectively coordinate Department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that Department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

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#### 1029.6.1 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using Department vehicles and drivers.

#### 1029.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Department members and friends of the deceased member.
  - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Aurora Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.

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1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

#### 1029.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term Department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

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- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of Department-issued equipment that may be at the deceased member's residence.
  1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the Department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to Department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The

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Department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 1029.6.4 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  1. Public Safety Officers' Benefits (PSOB) Programs.
  2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  3. Social Security Administration.
  4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  1. Line of Duty Compensation Act (820 ILCS 315/1 et seq.)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  1. Private foundation survivor benefits programs.
  2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### 1029.6.7 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

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- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Aurora Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.

#### 1029.6.7 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  1. Members involved in the incident.
  2. Members who witnessed the incident.
  3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of Department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

#### 1029.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  1. Paying survivors' travel costs if authorized.
  2. Transportation costs for the deceased.
  3. Funeral and memorial costs.
  4. Related funding or accounting questions and issues.

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- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

#### **1029.7 NOTIFYING DEPARTMENT MEMBERS**

Supervisors or members designated by the Chief of Police are responsible for notifying Department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

#### **1029.8 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved Department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **1029.9 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.

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1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

#### **1029.10 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

#### **1029.11 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

# Redaction Log

Reason	Page (# of occurrences)	Description
	<b>7</b> (1)	
	<b>8</b> (1)	
	<b>55</b> (1)	
	<b>70</b> (1)	
	<b>71</b> (6)	
	<b>73</b> (1)	
	<b>74</b> (1)	---
no reason	<b>76</b> (1)	
	<b>93</b> (1)	
	<b>311</b> (1)	
	<b>312</b> (1)	
	<b>420</b> (1)	
	<b>421</b> (1)	