



# GENERAL ORDER

		<u>NUMBER</u> <b>100.00</b>
		<u>EFFECTIVE DATE</u> <b>February 6, 2017</b>
<u>SUBJECT</u> <b>Establishment of the Police Department</b>	<u>NUMBER OF PAGES</u> <b>2</b>	
<u>DISTRIBUTION</u> <b>Commissioned Personnel</b>	<u>SUPERSEDES</u> <b>PPD Manual of Rules Article 1, Section A; GO 100.03 dated 7/15/92;</b>	
<u>CALEA REFERENCE</u> <b>1.2.1</b>	<u>OTHER REFERENCE</u> <b>Code of the City of Peoria, Chapter 24</b>	
<u>AUTHORITY</u>	<b>Jerry E. Mitchell Chief of Police</b>	

## I. PURPOSE

The purpose of the Police Department is to protect and to serve the citizens and guests of the City of Peoria. The department attempts to protect the right of all persons within its jurisdiction to be free from criminal attack and to be secure in their possessions. The department serves the people of the City of Peoria by performing the law enforcement function in a professional manner. It is to these people that the department is ultimately responsible.

## II. ESTABLISHMENT

The City of Peoria is incorporated under the constitution and laws of the State of Illinois. As such the city exercises all powers, functions, rights and privileges usually exercised by or which are incidental to or inherent in municipal corporations.

In accordance with its charter, the City Council of the City of Peoria created the department in Chapter 24 of the Code of the City of Peoria as it is now or may hereafter be amended. The duties of the department are set forth in Section 24-35:

"The Department of Police shall, under the supervision of the Superintendent of Police pursuant to the direction of the Director of Public Safety or the City Manager:

- A. Preserve the peace and order of the City;
- B. Protect persons and property from harm;
- C. Prevent crime and detect and apprehend persons suspected of crimes and misdemeanors;

- D. Regulate traffic upon public thoroughfares;
- E. Enforce all criminal laws and ordinances;
- F. Secure all necessary complaints, warrants and other documents for the enforcement of these duties;
- G. Cause to be served and executed any criminal process issued by any court of competent jurisdiction within the City of Peoria;
- H. Have custody of lost or stolen property;
- I. Maintain proper records of crimes and criminals and matters related thereto; and
- J. Perform various other miscellaneous public services or other such duties as may be required and/or directed by the Director of Public Safety or the City Manager.”

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## GENERAL ORDER

	<u>NUMBER</u> <b>100.01</b>
	<u>EFFECTIVE DATE</u> <b>October 29, 2018</b>
<u>SUBJECT</u> <b>Oath of Office</b>	<u>NUMBER OF PAGES</u> <b>1</b>
<u>DISTRIBUTION</u> <b>Commissioned Personnel</b>	<u>SUPERSEDES</u> <b>9/1/92; 2/6/17</b>
<u>CALEA REFERENCE</u> <b>1.1.1</b>	<u>OTHER REFERENCE</u>
<u>AUTHORITY</u>	<b>Loren Marion III Interim Chief of Police</b>

### OATH OF OFFICE

**All personnel, prior to assuming sworn status, shall take, and subsequently abide by the following Oath of Office:**

*I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and I will faithfully discharge the duties of the office of Police Officer for the City of Peoria, Illinois according to the best of my ability.*

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## GENERAL ORDER

	<u>NUMBER</u> <b>100.02</b>
	<u>EFFECTIVE DATE</u> <b>October 29, 2018</b>
<u>SUBJECT</u> <b>Code of Ethics</b>	<u>NUMBER OF PAGES</u> <b>3</b>
<u>DISTRIBUTION</u> <b>Commissioned Personnel</b>	<u>SUPERSEDES</u> <b>9/01/92; GO 100.06 dated 9/10/99, 2/6/17; 1/12/18</b>
<u>CALEA REFERENCE</u> <b>1.1.2</b>	<u>OTHER REFERENCE</u> <b>IACP Manual Number 100.04 ICMA Code of Ethics</b>
<u>AUTHORITY</u>	<b>Loren Marion III Interim Chief of Police</b>

### I. POLICY

All sworn personnel shall abide by the Code of Ethics published by the IACP (International Association of Chiefs of Police). Civilian personnel shall abide by the ICMA (International City/County Management Association) Code of Ethics.

### II. TRAINING

All personnel shall receive ethics training at least biennially that addresses personnel position dilemmas, temptations, responsibilities, and duties. Records shall be maintained by the Training Unit.

### III. IACP CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve the community; 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 to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will 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 both in my personal and official life, I will be exemplary in obeying the law 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 ill will, never employing unnecessary force 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*.

#### **IV. ICMA CODE OF ETHICS**

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.
4. Recognize the chief function of local government at all times is to serve the best interests of all people.
5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
8. Make it a duty to continually improve the member's professional ability and to develop the competence of associates in the use of management techniques.
9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.
12. Public office is a public trust. A member should not leverage his or her position for personal gain or benefit.

*Adopted by the ICMA Executive Board in 1924, and most recently revised by the membership in June 2017.*

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# GENERAL ORDER

	<u>NUMBER</u> <b>100.03</b>
	<u>EFFECTIVE DATE</u> <b>October 29, 2018</b>
<u>SUBJECT</u> <b>Department Structure</b>	<u>NUMBER OF PAGES</u> <b>8</b>
<u>DISTRIBUTION</u> <b>Commissioned Personnel</b>	<u>SUPERSEDES</u> <b>GO 100.02 9/1/92; 5/15/00; 2/18/04, 2/6/17; 1/12/18</b>
<u>CALEA REFERENCE</u> <b>11.1.1, 11.3.1, 11.3.3, 21.2.2</b>	<u>OTHER REFERENCE</u> <b>N/A</b>
<u>AUTHORITY</u>	<b>Loren Marion III Interim Chief of Police</b>

## I. PURPOSE

This General Order is an overview of the department structure and a brief outline of duties related to each function. Its purpose is to provide all employees a clear understanding of their work environment, but is not meant to serve as position descriptions, or conflict with a current collective bargaining agreements.

## II. DIVISION/UNIT MAINTENANCE RESPONSIBILITIES

The supervisor of each unit articulated below shall be responsible for ensuring department equipment related to its function is maintained in a state of operational readiness. (i.e.; traffic unit lieutenant is responsible for traffic enforcement and scene reconstruction equipment; training unit lieutenant is responsible for uniform equipment; fleet/technical services lieutenant is responsible for vehicle equipment and emergency medical equipment.)

An administrative review of the job descriptions of all employees shall be conducted at least every 4 years by the Commander of each Division and submitted to the Chief of Police in writing. (21.2.2)

## III. COMMAND PROTOCOL

The chain of command is established to designate authority for the execution of department functions, as demonstrated in the organizational chart. Transfer and assumption of command may occur during normal operations, and situations involving various department or agencies. Generally, the primary responding officer shall be the "officer in charge" until relieved by an investigator or supervisor. The investigator or supervisor on scene shall have command until relieved by a higher authority. In exceptional situations, such as when command structure cannot easily be distinguished by rank, the senior officer shall have command until relieved by a supervisor. (11.3.1)

In the absence of the chief of police, authority is passed to the assistant chief. If the assistant chief is unavailable, authority is passed through the chain of command. If the chief is to be absent for an extended period of time, he shall designate, in writing, an acting authority.

Any personnel acquiring knowledge of an incident that they feel may result in heightened community interest or agency liability shall notify their immediate supervisor. The supervisor shall make a determination based on his knowledge and experience whether to forward the information through his chain of command to the Chief of Police, verbally or in writing.

Incidents specified in the Incident Notification List shall be communicated from the on-scene Commander to the Information Sergeant who will make proper command notifications based on the incident matrix outlined in the list. (11.3.3)

#### **IV. OFFICE OF THE POLICE CHIEF**

The police chief oversees and directs all activities of the police department. The police chief is directly responsible for the selection of new employees, promotion of existing employees, and final department decisions concerning grievances and discipline. Within the Chief's Office are the assistant chief, senior administrative assistant, and professional standards.

##### **A. Professional Standards**

1. Responsible for the investigation of all complaints of police misconduct
2. Conducts employment background investigations

#### **V. SUPPORT SERVICES**

Support Services is commanded by a captain and has overall responsibility for Management Services, Technical Services, and day-to-day operations.

##### **A. Crime Analyst**

1. Acts as liaison between the police department, other departments, agencies, and citizens
2. Researches and compiles data and informational reports
3. Assists with website development
4. Assists in procuring police department equipment
5. Performs crime data analysis
6. Supports short-and long-term planning
7. Performs other duties as requested.

##### **B. Management Analyst**

1. Serves as CALEA Accreditation Manager
2. Responsible for grant administration, including grant writing and grant management



3. Manages projects
4. Analyzes administrative systems
5. Provides technical and analytical monitoring of fiscal budgeting and analysis
6. Assists with information technology planning and implementation

C. Fiscal Technician

1. Responsible for department payroll and overtime, accounting, purchasing, track purchase orders
2. Maintains inventory system
3. Prepares and/or maintains and tracks departmental budget

D. Records/Data Entry

1. Controls reports
2. Maintains records
3. Retrieves records
4. Performs data entry
5. Prints activity summaries
6. Handles licensing
7. Processes FOIA requests
8. Registers sex offenders

E. Personnel/Recruiting

1. Handles department personnel matters
2. Develops and implements the department recruitment program

F. Field Training Officer (FTO) Program: coordinated by a sergeant.

1. Plans and implements training of new police recruits
2. Selects field training officers
3. Evaluates the recruit's performance during the field training program
4. Recommend remedial training programs when necessary
5. Maintains field training records
6. Recommends the recruit's final disposition (i.e.: successful or unsuccessful completion of the program) to the chief of police

G. Training: Headed by a lieutenant.

1. Plans and implements training
2. Notifies personnel of required training and available training
3. Maintains training records
4. Oversees firearms training
5. Oversees specialized training
6. Selects instructors

7. Evaluates training programs
8. Issues department equipment
9. Facilitates training committees
10. Ensures scheduled training programs are attended

H. Technical Services: Headed by a lieutenant.

1. Fleet/Facility Management
2. Information Office
  - a. Takes non-urgent police reports
  - b. Directs telephone calls and inquiries
  - c. Processes the release of impounded vehicles, including fee collection
  - d. Compiles booking and arrest paperwork for the State's Attorney's Office
  - e. Provides access to police records and reports after regular hours, holidays and weekends
3. Public Information (PIO)/Administrative Officer
  - a. Responsible for public relations, including liaising with the media
  - b. Maintains official department social media pages
  - c. Records the issuance of police equipment (i.e.: in-car mic, radios, flashlights)

## **VI. UNIFORMED SERVICES**

Uniformed Services is commanded by a captain and has overall responsibility for the Patrol Division, K-9, Special Response Team, Special Operations Division (Traffic), School Resource Officers, Resident Officer Program, and Neighborhood Services Unit. The uniformed services captain is also responsible for department planning for response to unusual occurrences.

- A. Patrol Division: Consists of four shifts: 1st, 2nd, and 3rd shifts are each commanded by a lieutenant. Command responsibilities for 4th shift is divided between 2nd and 3rd shift lieutenants with 3rd shift responsible for scheduling. This division performs the following:
1. Conducts preliminary investigations
  2. Patrols for crime prevention and traffic law enforcement
  3. Responds to calls for service
  4. Provides first aid
  5. Investigates traffic accidents
  6. Identifies, locates, and arrests offenders
  7. Maintains public order
  8. Serves the public

B. Special Operations Division: Headed by a lieutenant.

1. Traffic

- a. Reviews traffic tickets, accident reports, and other traffic related reports
- b. Investigates all fatal traffic accidents and most accidents involving injuries or city property
- c. Follows up on hit and runs
- d. Resolves complaints involving traffic and traffic enforcement
- e. Acts as liaison between the department and other agencies concerned with traffic direction and control, and safety issues
- f. Coordinates special events
- g. Takes crime scene photographs, in conjunction with the CSU

C. Other Units

1. K-9: Headed by a sergeant. Responsible for routine patrol functions, with concentration on:

- a. Building searches
- b. Open area searches
- c. Narcotics searches
- d. Tracking suspects or lost persons
- e. Riot/crowd control
- f. Drug interdiction

2. Special Response Team (SRT): A volunteer unit headed by a lieutenant (as a collateral duty). Responsible for high-risk incidents involving:

- a. Barricaded suspects
- b. Hostage situations
- c. Sniper situations
- d. VIP protection
- e. High risk search warrants

3. Neighborhood Services Unit

- a. Coordinate crime prevention programs, including Neighborhood Watch and Operation Identification, and conduct security surveys of homes and businesses
- b. Conduct tours of the police department
- c. Coordinate citizen awards programs
- d. Includes School Resource Officers, Nuisance Abatement Unit, and Resident Officers

4. Special Units and Assignments: Headed by a lieutenant. As needs and opportunities arise, other special or multi-jurisdictional units may be developed for short or long periods of time.

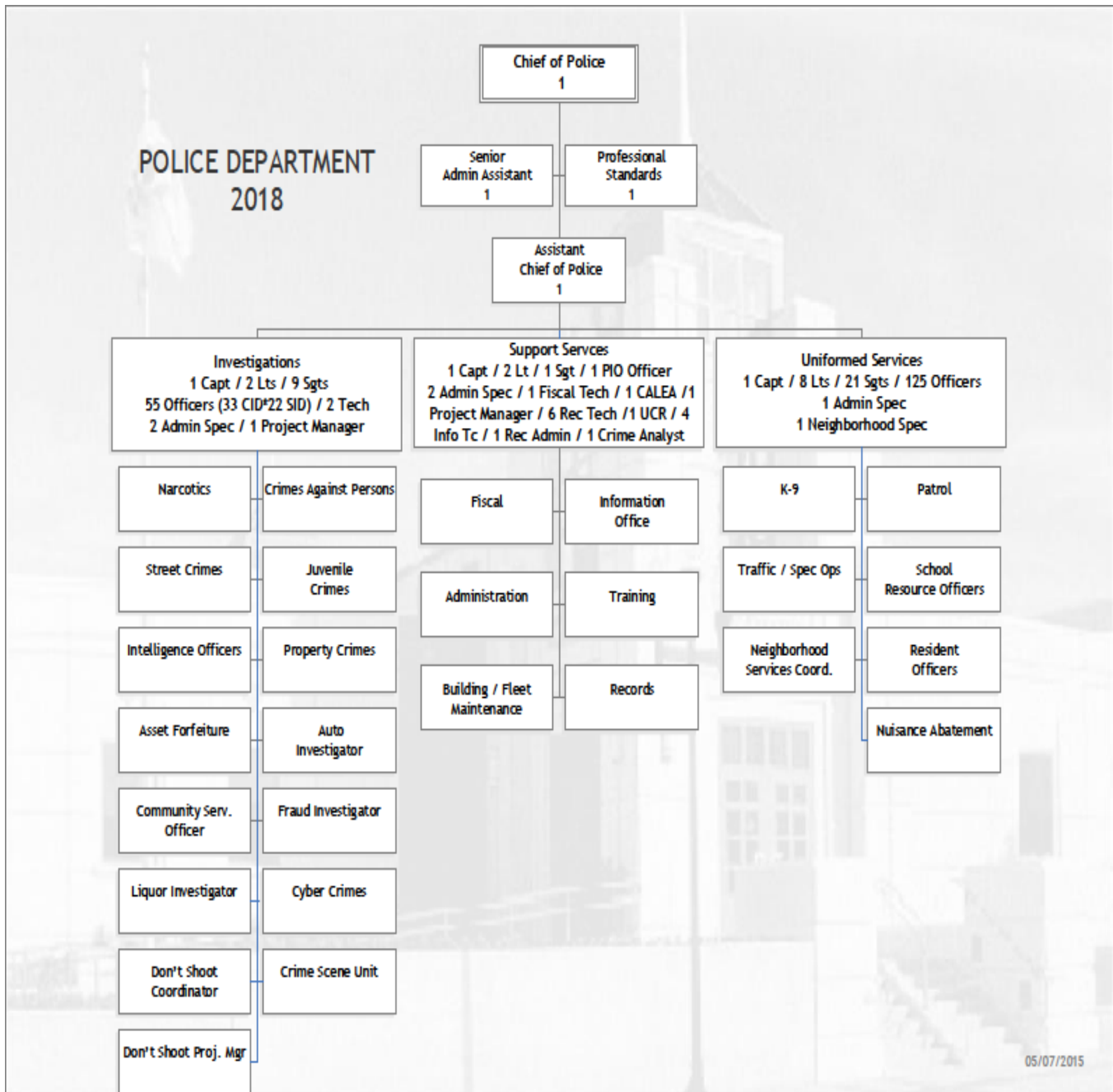
## **VII. INVESTIGATIONS**

Investigations is headed by a captain and has overall responsibility for Criminal Investigations Division (Crimes Against Person, Property Crime, and Juvenile Crime), Target Offender Unit, Crime Scene Unit, Property and Evidence.

- A. Criminal Investigations Division (CID): Headed by a lieutenant who is responsible for coordinating the work assignments of officers and investigative components of the following:
  - 1. Criminal Investigations-Adult
    - a. Follows up non-traffic death investigations
    - b. Investigates adult criminal cases (primarily felony) including but not limited to arson, fraudulent checks, burglary, sex crimes, robbery, homicides, and auto thefts
    - c. Monitors pawn shops to ensure legal compliance
    - d. Cyber-crimes
  - 2. Criminal Investigations-Juvenile
    - a. Follows up the process of youth arrests
    - b. Coordinates and prepares court cases in which juvenile offenders are involved
    - c. Reviews juvenile arrests, and makes recommendations for diversion or detention.
    - d. Assigned to Children's Advocacy Center (CAC)
- B. Special Investigations/Target Offender Unit: Headed by a lieutenant and responsible for the administration of the focused deterrence strategy, particularly the investigation and enforcement action upon violent crime offenders as a supplement to normal patrol operations. Other responsibilities may include, but are not limited to:
  - 1. Narcotics Investigations
    - a. Investigates the sale and use of controlled substances
    - b. Investigates prostitution
  - 2. Street Crimes Investigations
    - a. Collect gang intelligence
    - b. Enforcement focus on target offenders and active groups
  - 3. Intelligence Officers
    - a. Analyze and maintain gang intelligence files
    - b. Disseminate intelligence/officer safety bulletins to the department

4. Focused Deterrence
    - a. Coordinate and host Call In's
    - b. Connect at-risk youth and target offenders with community services
    - c. Provide community outreach and trust building between police and the community
  5. Asset Forfeiture
  6. Liquor Investigations
- C. Crime Scene Unit
- a. Processes crime scenes
  - b. Takes photographs
  - c. Processes physical evidence
  - d. Maintains fingerprint files
- D. Property/Evidence
- a. Intakes property
  - b. Secures property room
  - c. Disposes of property

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# GENERAL ORDER

	<u>NUMBER</u> <b>100.04</b>
	<u>EFFECTIVE DATE</u> <b>February 6, 2017</b>
<u>SUBJECT</u> <b>Written Directives System</b>	<u>NUMBER OF PAGES</u> <b>5</b>
<u>DISTRIBUTION</u> <b>Commissioned Personnel</b>	<u>SUPERSEDES</u> <b>General Order 1-81; 09/01/92</b>
<u>CALEA REFERENCE</u> <b>12.2.1, 12.2.2</b>	<u>OTHER REFERENCE</u> <b>Forms Manual</b>
<u>AUTHORITY</u>	<b>Jerry E. Mitchell Chief of Police</b>

## I. PURPOSE

A formal system exists for the dissemination of information throughout the department. This system is intended to establish controls to eliminate contradictory or ambiguous orders and prevent duplication of existing orders. It also sets forth procedures for the definition, organization, processing and distribution of departmental orders and memos.

The General Orders Manual of the Peoria Police Department establishes the policies and procedures which govern the operations of the department according to its mission and values. The manual also provides guidelines for department employees in carrying out their duties and responsibilities.

## II. SCOPE AND CONTROL

The Manual is for internal use only. All commissioned personnel are issued a copy of the manual. All personnel are subject to and shall comply with the rules and regulations it contains.

The Manual is updated through the issuance of General Orders. Each officer will receive a copy of each new General Order and he is responsible for the maintenance and updating of his issued Manual. The Manual is department property and must be returned to the department upon separation.

Nothing herein (Collective Bargaining Agreement notwithstanding) shall preclude the chief or his designee from authorizing exceptions to any Order as necessary for the benefit of the department, on a case by case basis (12.2.1b).

### III. GRAMMAR

The following rules of grammar will apply throughout the Department Manual:

- A. Construction of Tenses - The present tense includes the past and future tense.
- B. Gender - The masculine gender includes the feminine gender.
- C. Singular and Plural - The singular number includes the plural. The plural includes the singular.

### IV. VALIDITY

If any chapter, section, subsection, item, clause, or phrase contained in the Department Manual is found to be illegal or otherwise incorrect or inapplicable, such findings will not affect the validity of the remaining portions of the manual.

All employees are expected to read the manual and be familiar with its contents. Employees should question those portions that are not absolutely clear to them to ensure there is a clear understanding of the content and meaning.

### V. DEFINITIONS

- A. *General Order*: A written order of the chief of police, or his authorized representative, applicable to all department personnel. General Orders establish policy, procedures, rules and regulations.

General Orders will comprise the Department Manual and will continue in effect until rescinded or revised. General Orders are reviewed annually.

- B. *Special Order*: A written order of the chief of police, or his authorized representative, affecting only a segment of the organization, or a statement of procedure regarding a special circumstance or event that is temporary in nature. These are temporary orders and will be effective for a specific and designated period.
- C. *Personnel Order*: A written order of the chief of police, or his authorized representative, effecting the duty assignments, transfer, promotion, etc., of one or more named personnel.
- D. *Bureau/Division/Unit Order*: A written order of a bureau/division/unit commander issued to personnel within the unit. These orders should not conflict with rules and regulations, general orders or orders of the chief of police and should not affect members outside the unit. These orders will be maintained by the individual commanders, with copies forwarded to the Chief's Office and the training unit



- E. *Information Bulletin*: A bulletin disseminated by a supervisor to keep personnel informed of department or city activities, to provide information or explanations, and to request suggestions.
- F. *Training Bulletin*: A bulletin published by the Chief's Office, bureau commander, accreditation office or the training unit containing professional knowledge and/or updates to the Department Manual which departmental personnel are required to learn.
- G. *Intelligence Bulletin*: A bulletin issued by the intelligence unit containing criminal intelligence information (i.e., crime patterns alerts, wanted posters, information, etc.).
- H. *Memo*: A written communication of, or request for, information which is directed to one or more department members. A memo is a less formal method of communication, originating from any member of the department. Memos do not affect operational or administrative policy and procedure. They are intended solely for informal exchanges of information or administrative requests (i.e.: request for time off). Memos are distributed to the appropriate person(s) at the discretion of the author. Memos may also be used for interdepartmental correspondence.

## **VI. FORM AND CONTENTS (12.2.1d)**

### **A. General Order**

All General Orders shall be prepared on the General Order template and contain the title, effective date and numbers that references the appropriate manual section. General Orders shall show reference to relevant rules, regulations, statutes, ordinances and previous orders which are to be amended, supplemented, rescinded, or otherwise affected.

General Orders will be indexed numerically and by subject matter. The numerical system will be as follows:

- 100 - Organization
- 200 - Administration
- 300 - Personnel
- 400 - Operations
- 401 - Patrol
- 500 - Technical Services

### **B. Special and Personnel Orders, Training, Information and Intelligence Bulletins**

All new Special Orders, Personnel Orders, Training Bulletins, Information Bulletins and Intelligence Bulletins shall bear a title, number, date of issuance, effective date

and expiration date (when applicable). They shall be prepared on appropriate forms obtainable from the Chief's Office or accreditation manager. When necessary they will show reference to previous orders, statutes, ordinances, rules and regulations.

Numbering will contain the type designation, year of issue and sequential number.

C. Bureau/Division/Unit Order

Bureau/Division/Unit Orders do not need to be numbered but need the signature of the issuing commander, effective date and expiration date (when applicable).

D. Memos

Memos may either be prepared on an "Intra-Department Communication" form or using the standard to-from format. Memos do not require any other title or number.

**VII. DISTRIBUTION AND FILING OF ORDERS (12.2.1e)**

A. General Order

Copies of General Order Manuals will be distributed to each sworn officer in electronic form. (12.2.2a) To ensure that each officer has a complete and current manual as required, the master General Order Manual will be accessible on the department's SharePoint. (12.2.2b) All officers will be made aware of the issuance of any new or updated General Orders and trained on the content at roll calls. Officers will sign off upon receiving these notifications, and a record of distribution will be maintained by the Chief's Office. (12.2.2c)

Responsibility for indexing, numbering and formatting all General Orders rests with the Chief's Office. Rescinded or revised orders shall be maintained by the Chief's Office once a new order is approved and issued. Only the current, correct version will be available on SharePoint.

B. Personnel Order

Personnel Orders will be distributed to the affected individuals, their personnel files, and Human Resources.

C. Special Order, Training Bulletin, Intelligence Bulletin

Special Orders, Training Bulletins and Intelligence Bulletins will be distributed to the affected individuals and posted in the patrol, traffic, CID, special investigations and Richwoods squad rooms.

D. Bureau/Division/Unit Orders

These orders shall be distributed to members of the affected command and

maintained on bulletin boards and SharePoint. Commanders will be responsible for disseminating the information contained in these orders.

Defacing, marring, or otherwise changing a written or posted order issued by supervisory personnel is prohibited.

## **VIII. GENERAL INFORMATION**

### **A. Order Maintenance (12.2.1i)**

1. It is the responsibility of all department personnel to assist in the maintenance of department Orders. Suggestions for updating, rescinding, or revising of orders may be made when an employee notes a change that will affect standing Orders.
2. Procedural changes, policy adjustments and new information received by employees should be directed to the Chief's Office and the CALEA accreditation manager for analysis and inclusion in new or revised orders. The accreditation manager, in conjunction with designated subject matter experts, shall establish a Policy Review Board to research the proposed order to ensure compliance and to prevent duplication or confusion.

Additionally, the CALEA accreditation manager shall coordinate yearly reviews and updates of General Orders. All new General Orders or revisions will then be presented to the chief for final approval, who has final authority for the issuance of all Orders. General Orders shall not conflict with, or supersede any municipal ordinance, state or federal statute, or existing collective bargaining agreements.

### **B. Review Procedure**

Prior to dissemination, the General Order shall be reviewed by the city's Legal Department and the Peoria Police Benevolent Association for approval.

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# GENERAL ORDER

	<u>NUMBER</u> <b>100.05</b>
	<u>EFFECTIVE DATE</u> <b>January 2, 2019</b>
<u>SUBJECT</u> <b>Rules and Regulations</b>	<u>NUMBER OF PAGES</u> <b>13</b>
<u>DISTRIBUTION</u> <b>Commissioned Personnel</b>	<u>SUPERSEDES</u> <b>GO 100.06 9/10/99; 10/31/99; 2/6/17; 10/29/18</b>
<u>CALEA REFERENCE</u> <b>11.3.1, 12.1.3, 26.1.1</b>	<u>OTHER REFERENCE</u> <b>Collective Bargaining Agreement 625 ILCS 5/12-603.1</b>
<u>AUTHORITY</u>	<b>Loren Marion III Chief of Police</b>

## I. MISSION STATEMENT

The men and women of the Peoria Police Department are dedicated to building a strong Peoria. Through the delivery of exemplary service and a focus on problem solving, we are committed to enhancing the quality of life in our neighborhoods by building a partnership with the community we serve.

## II. PURPOSE

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the law enforcement officers Code of Ethics and this department's Mission Statement, so that officers of this department will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on officer conduct and activities established by this department. Rather they are intended to 1) alert officers to some of the more sensitive and often problematic matters involved in police conduct and ethics, 2) specify where practical, actions or inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers, and 3) guide officers in conducting themselves in a manner that reflects standards of behavior and professionalism required of law enforcement officers. Additional guidance is provided in the collective bargaining agreement between the city and the Peoria Police Benevolent Association, general orders, policies, procedures, and directives disseminated by this department, or from officers' immediate supervisors and commanders.

### **III. POLICY**

Actions of officers that are inconsistent, incompatible, or in conflict with the values established by this department negatively affect its reputation and that of its officers. Such actions or inactions thereby detract from the department's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore it is the policy of this police department that officers conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by this department.

### **IV. DEFINITIONS**

- A. *Accountability:* Accountability in the context of this policy, means the duty of all officers to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this department, without deception or subterfuge.
- B. *General Order:* A general order is a written order issued by the police chief applicable to the department as a whole or division or unit thereof, which establishes a principle, policy, or procedure concerning a given subject and which is in effect permanently or until revoked by a subsequent general order.
- C. A singular term shall include the plural and the masculine shall include the feminine, except when a particular context clearly requires a different meaning.
- D. *Officer:* An officer is an employee commissioned as either a permanent or probationary police officer of the Peoria Police Department.
- E. *Supervisor:* Permanent or temporarily promoted personnel of the Peoria Police Department with a rank of Sergeant, Lieutenant, Captain, Assistant Chief, or Chief.
- F. "Shall" denotes mandatory and "may" denotes permissive.

### **V. KNOWLEDGE**

- A. Officers shall be familiar with and understand all city personnel rules, department orders, the collective bargaining agreement, and all established procedures of the department pertaining to their assignments.
- B. Officer shall maintain relevant knowledge of laws and procedures to include Federal, State, and local ordinances.

- C. An officer who does not understand his duties or responsibilities shall immediately refer to the relevant orders, rules, etc., and/or shall consult his immediate supervisor for clarification and explanation.
- D. Each officer shall maintain his digital department directives manual in current order and shall make appropriate updates as directed, and provide them for inspection at the discretion of a supervisor or command officer.
- E. Supervisors shall be familiar with all the above as well as supervisory knowledge and responsibilities pertaining to their assignment and training. Regardless of rank, supervisors shall be responsible for their knowledge to include the requirements noted above for officers.

## **VI. RULES OF CONDUCT**

- A. Obedience to Laws, Regulations, and Orders
  - 1. No officer shall violate any law, department policy, regulation, order, rule, or procedure.
  - 2. Officers shall promptly report information of any crime, in accordance with department orders and procedures.
- B. Conduct Unbecoming an Officer
  - 1. No officer shall engage in any conduct or activity on or off duty that reflects discredit upon the department or its officers, or tends to bring this department in disrepute, or impairs its efficient and effective operation or efficiency of the department or the individual.
- C. Immoral Conduct
  - 1. Officers shall maintain a level of moral conduct in their personal and business affairs.
  - 2. Officers shall not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement officers or causes the department to be brought into disrepute.
- D. Illness or Injury Reports
  - 1. Single or multiple uses of sick leave having an identifiable pattern (i.e., taken in conjunction with days off, holidays or vacation), or a questionable explanation provided by the employee, may be deemed abusive.
  - 2. Consecutive or extended term use of sick leave due to a recognized medical issue will not be considered abuse. This leave shall not include

duty-related illness, consecutive or extended term use of sick leave due to a recognized medical issue, or to care for a member of an employee's "immediate family" as defined under the Collective Bargaining Agreement Article 13 Sick Leave.

E. Accountability, Responsibility, and Discipline (11.3.1)

1. Officers are directly accountable for their actions to the chief through their chain of command.
2. Responsibility will be accompanied by commensurate authority. Authority to execute required activities of a particular component in the Department is delegated by the Chief of Police through the command structure to individual employees.
3. Each employee is accountable for the use of delegated authority. Each employee is also accountable for the failure to use delegated authority in accomplishing the responsibilities of his or her position.
4. Officers shall cooperate fully in any internal administrative investigation conducted by this or another authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
5. When being investigated with regard to a disciplinary matter by an outside agency, the employee's rights under the Illinois Uniform Peace Officers' Disciplinary Act and the Collective Bargaining Agreement are still in effect.
6. Officers shall be accurate, complete, and truthful in all matters.
7. Officers shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability. No officer shall engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.
8. An officer who is arrested, cited, or comes under investigation for any criminal offense in this or another jurisdiction shall report this fact to the on-duty shift lieutenant as soon as possible.

F. Conduct Toward Fellow Employees

1. Officers shall conduct themselves in a manner that will foster cooperation among members of this department, fellow city employees, and other outside agencies, showing respect, courtesy, and professionalism in their dealings with one another.

2. No officer shall use language or engage in acts that demean, harass, or intimidate another person. Refer to General Order 200.14 (Sexual Harassment). No officer shall ridicule another officer by displaying obvious disrespect.
3. Officers shall assume responsibility for any police problem at any given time on the basis of superiority in rank. When two or more officers of equal rank are simultaneously employed in the same operation, the senior officer shall be in charge, except when otherwise directed by proper authority. Seniority for supervisors shall be determined by the date of promotion. Seniority for officers shall be determined by the date of hire.
4. No officer shall use profane, disrespectful, or abusive language toward a fellow officer.
5. Officers shall promptly obey any lawful order of a supervisor. Ridiculing the authority of a supervisor by displaying obvious disrespect is deemed insubordination. (12.1.3)
6. Officers who are given a lawful order which is in conflict with a previous order or department order shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor does not alter or retract the conflicting order, that order shall stand.
7. Officers shall obey any lawful order relayed from a supervisor to them through an officer of the same or lesser rank, to include lawful orders relayed from a supervisor to an officer through dispatch. (12.1.3)
8. No officer shall obey any order which he knows or should reasonably know would require him to commit an illegal act. If reasonably in doubt as to the legality of an order, officers shall either request clarification of the order or confer with higher authority.

G. Conduct Toward the Public

1. Officers shall conduct themselves toward the public in a civil and professional manner that denotes a professional service orientation that will foster public respect and cooperation.
2. Officers shall treat the public with respect and courtesy; guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual; or act in a manner that unnecessarily delays the performance of their duties.



3. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to this department's use of force policy and shall observe the civil rights and protect the well-being of those in their care.
4. An officer shall carry his police identification card, badge, and firearm on his person at all times while in the city, except when impractical, dangerous, harmful to the progress of a criminal investigation, or when so ordered or authorized by the police chief.
5. When requested by any person to give his name and badge number, an officer shall do so immediately, verbally giving his name, badge number, and supervisor's name, avoiding any unnecessary conversation or controversy, except when withholding such information is necessary to the performance of police duties or is authorized by proper authority.
6. While on duty or in uniform, an officer shall maintain a professional bearing and shall maintain a neat, well-groomed appearance, except when acting under orders from proper authority, in accordance with General Order 200.05 (Uniforms).
7. An officer shall remain awake, alert, and active while on duty. If unable to do so, he shall report to his supervisor, who shall determine the proper course of action.

H. Court

Officers shall arrive on time for all required court appearances and be prepared to testify.

I. Maintenance of City/Private Property

1. No officer shall use or provide any city equipment or service other than for official city business without the consent of the police chief or his designee.
2. Each officer is responsible for protecting department property and equipment against loss, damage, destruction, or defacement. No officer shall deface, damage, or alter city property.
3. All officers are responsible for complying with state law, including ensuring that all vehicle occupants wear a seat belt while in a city vehicle, or any vehicle used for city business (625 ILCS 5/12-603.1). Exceptions include tactical situations in which a seat belt would interfere with officer operations. See General Order 400.29 (Prisoner Transport) for prisoner care in transport.

4. Each officer is responsible for protecting private property or equipment that has come into his possession by reason of his office, against loss, damage, or destruction.

J. Use of Alcohol and Drugs

1. No officer shall consume any intoxicating beverage while on duty unless authorized by a supervisor.
2. No alcoholic beverage shall be served or consumed on police premises or in vehicles owned by this department.
3. No officer shall be under the influence of alcohol in a public place while off duty to the extent that it results in obvious impairment, intoxication, or offensive conduct which discredits the officer or the department.
4. No officer shall be called in to work or perform law enforcement duties when his judgement or physical condition has been impaired by alcohol, medication, or other substance. An officer having a BAC of .04% or more shall be considered to be impaired by alcohol for purposes of this section.
5. No officer shall report for regular duty assignment with the odor of an alcoholic beverage on his breath, except as provided in Article 17.2(B) of the Collective Bargaining Agreement.
6. An officer must report the use of any substance, prior to reporting for duty that impairs his ability to perform law enforcement duties.
7. The police chief or his designee may order an officer to submit to an immediate test of his blood, breath, and/or urine at any time he has reasonable suspicion to believe the officer to be under the influence of alcohol or drugs while on duty, to have consumed alcohol while on duty without authorization, or to have illegal drugs in his system. Such screening shall conform to the provisions of the Collective Bargaining Agreement and this department's policy on employee drug screening and testing.

K. Use of Tobacco Products

While on duty no police officer shall use a tobacco product unless in a designated area and not while conducting police business. Additionally, no officer is permitted to use tobacco products in a vehicle owned or maintained by this department unless authorized by the police chief in the performance of the officer's duties.

L. Abuse of Law Enforcement Powers or Position

1. Officers shall report any unsolicited gifts, gratuities, or other items of value they receive and shall provide a full report of the circumstances of their receipt, if directed.
2. No officer shall use his authority or position for financial gain; or for obtaining or granting privileges or favors not otherwise available to him or others except as a private citizen; or to avoid the consequences of illegal acts by himself or others; or to barter, solicit, or accept any goods or services (including gratuities, gifts, discounts, rewards, loans, or fees), whether for the officer or for another.
3. No officer shall purchase, convert to his own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence (except his own property). An item purchased at the city/county public auction is an authorized exception.
4. No officer, while on duty, shall solicit or accept contributions for this department or for any other agency, organization, event, or cause without the express consent of the police chief.
5. An officer is prohibited from using information gained through his position as a law enforcement officer to advance financial or other private interest of himself or others.
6. An officer who institutes or reasonably expects to benefit from any civil action that arises from acts performed under color of authority shall inform his commanding officer.
7. No officer shall pay, or offer to pay, give, donate, or accept, any money or thing of value for the purpose of influencing an officer to relinquish any rank or assignment, whether by retirement, transfer, or otherwise, nor to advance or delay the time an officer might otherwise relinquish such rank or assignment in order that the paying officer might be advanced or otherwise advantaged in attaining such rank or assignment. Any officer who is found to be in violation of this section shall be dropped from the current promotion process. If the officer has already been promoted, he shall return to his former rank.

M. Off -Duty Authority and Responsibility

1. The decision to take off-duty action, whether for purposes of enforcement or protection of persons or property, rests in the sound discretion of the officer and his evaluation of the facts and circumstances surrounding the incident, including the imminent danger to the officer, his family, or the

public; the accessibility to communications and support; and the likely consequences of failing to take immediate action.

2. No officer shall initiate or perform law enforcement duties while off duty when his judgement or physical condition has been impaired by alcohol, medication, or any other substance. An officer having a BAC of .04 or more shall be considered to be impaired by alcohol for purposes of this section. This is consistent with the BAC of .04 or more criteria for reporting for emergency call-out, as stated in the collective bargaining agreement. When exigent situations occur where human life is in imminent danger, or when circumstances justify the use of self-defense, off-duty officers shall take immediate action unless after considering the risk of taking action, the officer reasonably believes that the risk of taking action outweighs the risk of harm from not taking action.

In all cases where crimes are committed in the presence of the off-duty officer, regardless of whether or not the officer has taken any other action, it shall be the duty of the off-duty officer to immediately contact on-duty personnel to handle these situations and relay all pertinent information to the responding officer.

3. No officer shall use his police powers to resolve personal grievances (e.g. those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of force in defense of person, self-defense, or action to prevent injury to another person. In all cases officers shall summon on-duty police personnel and a supervisor in cases where there is a personal involvement that would reasonably require law enforcement intervention.
4. Unless operating a marked police vehicle, no off-duty officer shall arrest or issue citations or warnings to traffic violators on-site, except when the violation is of such a dangerous nature that the officer would reasonably be expected to take appropriate action.

N. Prohibited Associations and Establishments

1. No officer shall knowingly commence a business, personal, or romantic relationship with a spouse, romantic companion, parent, child, or sibling of persons in custody as a result of action by this department.
2. No officer shall knowingly commence or maintain a business, personal, or romantic relationship with any person who is under indictment or arrest, or incarcerated by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons they know, should know, or have reason to believe are

involved in felonious activity), except as necessary to the performance of official duties, or where unavoidable because of family relationships.

3. No officer shall knowingly join or participate in any organization that advocates or supports criminal acts or criminal conspiracies.

O. Public Statements, Appearances, and Endorsements

1. No officer shall address public gatherings, appear on radio or television, prepare any article for publication, act as a correspondent to a newspaper or other periodical, release or divulge investigative information, or release any other information concerning the activities of the department while holding himself as a representative of the department in such matters, except in conformance with department orders, and in the performance of assigned duties.
2. No officer may, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.
3. No officer shall publicly criticize or ridicule the department or its policies, city officials, or other employees verbally or in writing, or by other expression where such expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

P. Political Activity

Officers shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this department:

1. Placing or affixing any campaign literature on public or private property
2. Soliciting political funds
3. Soliciting contributions, signatures, or other forms of support for political candidates, parties, or ballot measures
4. Using official authority to interfere with any election or interfere with any political actions of other employees or the general public
5. Participating in any type of political activity except voting

Q. Expectations of Privacy

No officer should store personal information or belongings with any expectation of personal privacy in any city-owned property, such as lockers, desks, department-owned vehicles, file cabinets, computers, cell phones, or similar areas that are under the control and management of this department. While this department recognizes the need for officers to store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered at the discretion of the police chief or his designee, to meet operational needs or internal investigatory requirements, or for any other reason deemed necessary.

R. Residency

Employees shall establish and maintain their principal place of residence by the end of their probationary period within a twenty mile radius of the Peoria Police Department headquarters. If the need to establish residency within the probationary period causes an extreme hardship on an employee, the chief of police may grant an extension of the time limit, not to exceed one year. An employee's unauthorized residency outside this twenty mile radius shall be grounds for immediate dismissal. For the purpose of this section, an employee's place of residency shall be considered to be his principal place of domicile.

S. Notification of Change of Phone Number and Address

Employees shall maintain a working phone so they may be contacted when necessary, and it shall be the responsibility of each employee to notify the police chief's office in writing of any change of phone number, name, or address, within 24 hours of such change.

T. Off-Duty Employment

All officers who wish to be employed in off-duty security positions must comply with applicable state laws and department regulations. Requests to work off duty must be routed through the chain of command. Final approval shall be granted by the police chief or his designee prior to working off-duty security employment. No officer shall work in excess of a total of 26 hours per week of off-duty security employment in any week during which he works 40 hours or more for the department. This limitation in off-duty employment shall not include department time, or department overtime. See General Order 300. 13 (Off-Duty Employment).

U. Supervisors

Must closely supervise the activities of those officers assigned to their command, and are responsible for all activities that take place under their span of authority and control. (11.3.1)

Responsibilities and functions of supervisors may include:

1. Planning and organizing department operations.
2. Informing superiors of significant occurrences.
3. Enforcing rules, regulations and procedures.
4. Mentoring, supporting and leading subordinates.

## **VII. UNSATISFACTORY PERFORMANCE**

Officers shall perform their duties in a manner which will maintain the highest standard of efficiency in carrying out the functions and objectives of the department.

### **A. Demonstrations of Unsatisfactory Performance**

1. Lack of knowledge of the application of laws to be enforced.
2. Unwillingness or inability to perform assigned tasks.
3. Failure to conform to work standards established for an officer's rank, assignment, or position.
4. Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention, including failure to submit all necessary reports on time.
5. Neglect of duty includes any acts expressly forbidden or omit any acts that are specifically required by the laws of this state, the ordinances of this City, these Rules and Regulations, or any other orders, policies, procedures or directives of the police department. Members shall not engage in any activity or personal business, which could cause them to neglect or be inattentive to duty.
6. Display of cowardice is the failure to support their fellow officers in the performance of duty. Officers shall act together and assist and protect each other in the maintenance of law and order.
7. Absence without authorized leave, either for work or court to include tardiness or being unprepared for duty.
8. Leaving duty post where an officer is assigned and unauthorized by proper authority.

9. Repeated violations of department rules or established procedures of the department.
10. Repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the department shall be prima facie evidence of unsatisfactory performance.

### **VIII. DISCIPLINARY ACTION**

An officer may be disciplined for any act or “omission” which constitutes a violation of department rules and regulations, a department order, or any established policy, procedure, practice of this department, to include any violations of State or Federal laws. Disciplinary action rendered by the department shall be progressive in nature, and may take any one or more of the following forms:

- A. Oral reprimand
- B. Written reprimand
- C. Suspension without pay
- D. Dismissal

*This directive provides general guidelines to personnel regarding proper practices and is for internal use only. It is not intended to enlarge an officer's criminal or civil liability in any way, except as to any disciplinary action that might arise. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in an employment related proceeding.*





# GENERAL ORDER

		<u>NUMBER</u> <b>100.06</b>
		<u>EFFECTIVE DATE</u> <b>February 28, 2018</b>
<u>SUBJECT</u> <b>Legal Authority of Sworn Officers</b>	<u>NUMBER OF PAGES</u> <b>19</b>	
<u>DISTRIBUTION</u> <b>Commissioned Personnel</b>	<u>SUPERSEDES</u> <b>N/A</b>	
<u>CALEA REFERENCE</u> <b>1.2.1, 1.2.3, 1.2.4, 1.2.5, 1.2.6, 1.2.7, 61.1.2</b>	<u>OTHER REFERENCE</u> <b>N/A</b>	
<u>AUTHORITY</u>	<b>Loren Marion III Interim Chief of Police</b>	

## I. PURPOSE

The purpose of this General Order is to establish a policy and procedure regarding the limits of authority including, compliance with applicable constitutional requirements, search and seizure without a warrant, arrests made with or without a warrant, alternatives to arrest, and use of discretion by sworn officers.

## II. POLICY

The Peoria Police Department will vigorously enforce all laws, statutes and ordinances of the State of Illinois and of the City of Peoria. The limits of authority, including compliance with all applicable constitutional requirements, search and seizure without warrant requirements, and arrest procedure with or without a warrant will be strictly adhered to by all sworn officers. Department members, however, are permitted to exercise discretion and encouraged to use alternatives to arrest within certain limits and in conformance with department's goals and objectives.

## III. DEFINITIONS

- A. *Custodial Interrogation:* Any interrogation during which (i) a reasonable person in the subject's position would consider himself or herself to be in custody; and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response (725 ILCS 5/103-2.1).
- B. *Search:* The examination of a person, premises, property or conveyance of another, for the purpose of locating evidence of criminal activity.
- C. *Seizure:* The lawful confiscation of evidence by a law enforcement officer during a criminal investigation.

- D. *Field Interview/Terry Stop:* A stop of a person by a law enforcement officer based upon reasonable suspicion that the person may have been engaged in criminal activity at the time of the stop, or that criminal activity, involving the person stopped, may be afoot.
- E. *Reasonable Suspicion:* An objectively justifiable suspicion that is based on specific facts or circumstances and that justifies stopping a person thought to be involved in criminal activity at the time of the stop. An officer stopping a person based on reasonable suspicion must be able to point to specific facts or circumstances to individually support both the stop and the frisk, if one is conducted.
- F. *Consensual Encounter:* When an officer approaches a citizen and engages them in conversation. This exchange has minimal contact and the citizen is free to leave at any time. When testing whether a situation is a consensual encounter both the officer(s) actions and the conversation are used to measure whether a reasonable person would have felt free to leave.

#### **IV. PROCEDURE**

- A. **Mandate Authority**
  - 1. The Federal Constitution, Illinois Constitution and Illinois Compiled Statutes, as amended, define the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes and ordinances.
  - 2. Chapter 65, Section 5/11-1-2 (et. seq.) of the Illinois Compiled Statutes grants the authority as it pertains to the enforcement of laws, statutes and ordinances.
  - 3. City Ordinance 24-26 establishes the Peoria Police Department. The general supervision and operation of the Police Department is delegated by the City Manager to the Chief of Police who is appointed by the City Manager.
- B. **Discretion**
  - 1. It is unrealistic to expect officers to enforce all laws and ordinances regardless of the circumstances encountered. Instead, officers must make discretionary choices in arrests and alternatives to arrests to effectively produce an appropriate solution to the situation encountered.
  - 2. Sworn members of the Police Department shall always act in accordance with the law and department rules and regulations. When discretion is employed it must be reasonable, defensible and always accomplish a Police and/or Community purpose.

3. If the situation is unclear to the officer, a supervisor will be consulted on the discretionary action to be considered. Current laws and department General Orders will be reviewed regularly to assist in the consideration of discretionary enforcement.

C. Alternatives to Arrest

Under the authority of the chief of police, officers may exercise discretion in certain situations to the extent that an alternative to an arrest may be employed to resolve a police investigation. Referrals, informal resolutions, Municipal Ordinance Violation Notices (MOVNs), citations and warnings shall be considered the only departmentally approved alternatives to arrest. Alternatives to arrest must respect the rights of the parties involved, must accomplish a police and/or community purpose, and must follow departmental policy. Officers may seek the advice or approval of their supervisor before utilizing an alternative to arrest.

1. In certain situations, the discretion exercised by the officer may encompass some alternatives to arrest. Some of these alternatives can be specifically identified as follows:

- a. Citations and MOVNs

These are formal enforcement procedures, which constitute alternatives to arrest solely by the fact that they may be used to preclude physical custody or other less severe enforcement options. In particular, MOVNs may be used on certain violations as a less formal means of enforcement.

- b. Warnings: Officers may exercise discretion in minor traffic and ordinance violations by issuing verbal warnings.

- c. Referrals (Used in Lieu of Formal Action)

Referrals may be made to other departmental components, to other police or governmental agencies, to social service agencies or to other organizations better suited to address and resolve an identified problem (i.e.: emergency response services for mental health conditions, or a formal station adjustment for a juvenile).

- d. Mediation

Often the interests of both parties involved in a dispute may be met by mediating the situation and providing the disputants with the opportunity to each resolve the issue.

D. Constitutional Rights

1. Custodial Interrogations

- a. In order to assure compliance with constitutional requirements during criminal investigations, it will be the policy of this department for all officers to advise suspects of their constitutional rights pursuant to the *Miranda* decision during custodial interviews unless emergency exigent circumstances exist. Miranda forms should be used whenever feasible to specifically outline that the statement is being given without coercion and is of voluntary nature, and that the individual has been apprised of the appropriate constitutional rights. (See General Order 400.58 for procedures regarding juvenile interviews and interrogations.)
- b. Case law holds that an actual arrest is not necessary for the protections of custodial arrest to apply; generally, if the subject is not free to leave, the protections apply.
- c. In the event of an arrest, state laws governing the time elements of when an arrested individual must appear before a judge will be adhered to.
- d. Officers shall inform subjects of their right to counsel.
- e. All interrogations shall be recorded, when possible, in accordance with General Order 400.97.

2. Interviews and Field Interviews

- a. Citizens may be interviewed in a non-custodial setting, in which case they are free to leave at any time. If, over the course of the interview, the individual becomes a suspect, the officer shall immediately read him his Miranda rights and follow the procedures for a custodial interrogation.
- b. Pursuant to Illinois Compiled Statutes 725 5/107-14, Temporary Questioning without Arrest, officers may temporarily stop individuals for the purpose of conducting field interviews when there is insufficient probable cause for arrest, provided that the officer has reasonable suspicion (or reasonably infers from the circumstances) that the person is committing, has committed, or is about to commit a violation of the law. It is important that the officer be able to articulate the basis for the stop, and if a frisk is performed, the officer must clearly articulate the additional reasonable suspicion to believe that the subject has a weapon.

- c. Officers shall document field interviews in ADSi. However, field interviews resulting in lengthy delays or significant information being obtained, should be documented in an incident report.

3. Pedestrian Stop

- a. A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit, or has committed an offense (defined as a violation of any penal statute of this State), and may demand the name and address of the person and an explanation of his actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped. (725 ILCS 5/107-14)
- b. Pursuant to the Police and Community Relations Improvement Act (Public Act 099-0352), whenever a law enforcement officer subjects a pedestrian to detention (defined in the Act as all frisks, searches, summons, or arrests) in a public place (any place where the conduct may reasonably be expected to be viewed by others, e.g. streets, alleyways, parks, schoolyards, public sidewalks, parking lots, retail stores, restaurants, commercial establishments, schools, museums, libraries, indoor theaters, hospitals, apartment complex common areas, etc.), he or she shall complete a Pedestrian Stop Data Sheet in the Pedestrian Stop Module and record the following data:
  - 1) Gender
  - 2) Officer's subjective determination of the race
  - 3) All the alleged reasons that led to the stop of the person
  - 4) Date and time of the stop
  - 5) Location of the stop
  - 6) Whether or not a protective pat down or frisk was conducted of the person; and, if so, all the alleged reasons that led to the protective pat down or frisk, and whether it was with consent or by other means.

- 7) Whether or not contraband was found during the protective pat down or frisk; and, if so, the type and amount of contraband seized.
  - 8) Whether or not a search beyond a protective pat down or frisk was conducted of the person or his or her effects; and, if so, all the alleged reasons that led to the search, and whether it was with consent or by other means.
  - 9) Whether or not contraband was found during the search beyond a protective pat down or frisk; and, if so, the type and amount of contraband seized.
  - 10) Disposition of the stop, such as a warning, a ticket, a summons, or an arrest.
  - 11) If a summons or ticket was issued, or an arrest made, a record of the violations, offenses, or crimes alleged or charged.
  - 12) Name and badge number of the officer. (625 ILCS 5/11-212 (b-5)).
4. The Pedestrian Stop Data Sheet requirement does not apply to the following situations:
- a. Consensual contacts with the public. An officer may approach and talk with any person without the person being seized. No evidence or suspicion is required to approach and speak to any person. However, the officer does not have authority over the person, and the person may refuse to be engaged in conversation and end the encounter.
  - b. Contacts with the public if no frisk, search, arrest, or summons takes place.
  - c. Searches or inspections for compliance authorized under the Fish and Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act.
  - d. Searches or inspections during routine security screenings at facilities or events.
  - e. An officer should seek clarification from a supervisor if a question arises about this requirement.

E. Search and Seizure Without a Warrant

1. Search by Consent

Search by Consent is a search performed by a police officer after the subject of the search, or the person having privacy rights (standing) to the location to be searched consents, provided that the consent is freely given, without coercion.

- a. Consent may be given orally.
- b. Ideally, the consent should be in writing and documented on the Consent to Search Form
- c. It is always preferable to have a witness to a consent search, if one is available.

2. Stop and Frisk

Stop and frisk is referred to by several names, including a "pat down" search or a "Terry Stop." It stems from the case of Terry v. Ohio which, in summary, allows an officer to conduct a cursory pat down of outer clothing to discover weapons.

- a. In accordance with Illinois Compiled Statutes (725 ILCS 5/108-1.01), an officer may frisk an individual for weapons if the officer has stopped a person for temporary questioning pursuant to 725 ILCS 5/107-14 (Temporary Questioning Without Arrest) and reasonably suspects that he or another is in danger of attack.
  - 1) The authority to frisk for and seize weapons is for the limited purpose of allowing an officer to protect themselves and others. The authority is clearly not for the purpose of searching for and seizing evidence, although during the course of a frisk, evidence may, on occasion, be discovered and become the basis for an arrest.
  - 2) The "plain feel" doctrine is described in Minnesota v. Dickerson. This doctrine allows an officer to seize evidence other than a weapon if, in conducting a frisk, the contraband nature of the evidence is "immediately apparent" to the officer based on his feel of the object through the person's clothing during the pat down.
- b. Any officer who initiates a frisk must be able to articulate the reason(s) for suspecting that he or others in the immediate area are in danger. This information may be drawn from:

- 1) Training
  - 2) Education
  - 3) Information, facts or circumstances previously made available or known to the officer
- c. Pursuant to the Illinois Police and Community Relations Act (Public Act 099-0352), the officer shall print the Stop and Frisk/Search Receipt from the Pedestrian Stop Module and issue it to any pedestrian who has been frisked or searched as described above, unless impractical, impossible, or under exigent circumstances. (725 ILCS 107-14)
3. Movable Vehicle Exceptions
- Vehicles may be searched with probable cause without a warrant.
- a. Vehicles do not share the same expectations of privacy as a home or other personal items.
  - b. The obvious mobility of an automobile would make it impractical to require that the police first obtain a warrant.
    - 1) Officers do not have to actually prove that a vehicle might or would be gone if they obtained a warrant before making the search.
    - 2) The existence of probable cause alone justifies the exception.
  - c. The vehicle exception allows an officer to search the entire vehicle as long as he has probable cause to believe evidence may be located where he is looking.
    - 1) If probable cause is limited to a certain area, then the officer cannot go beyond the scope of that search.
    - 2) This type of search should not be confused with a search incident to arrest where immediate control becomes an issue.
4. Crime Scene Searches
- a. Crime scene searches may fall into several areas of warrantless searches, to include:
    - 1) Consent
    - 2) Plain View



3) Search Incident to Arrest

4) Exigent Circumstances

b. See General Order 400.09 (Crime Scene Preservation and Investigation Procedures) for further details.

5. Exigent Circumstances

The exigent circumstances exception to the warrant requirement allows an officer to search under situations where the officer recognizes that there is not enough time to obtain a warrant, and that if he does not conduct the search immediately, the evidence may be lost forever.

a. There are several factors to be considered in determining whether or not exigent circumstances exist:

1) The gravity of the offense committed.

2) The likelihood that the suspect is armed and therefore dangerous.

3) More than a minimum of probable cause exists that a suspect committed the offense.

4) There exists strong reason to believe that the suspect is on the premises.

5) There is a likelihood that the suspect will escape if not immediately apprehended.

6) The circumstances of entry and time delay.

7) The likelihood that evidence will be lost, destroyed or tampered with.

b. The aforementioned factors will determine the "totality of the circumstances."

6. Inventory Searches

a. Inventory searches of property seized by police officers should be performed when it is necessary to:

1) Protect the property of the owner.

2) Protect the law enforcement agency against claims that the property has been lost or stolen.

- 3) Discover any potential danger that may exist because of the contents of the property itself.
  - b. Items of property subject to an inventory search include:
    - 1) Found property.
    - 2) Property turned over to the police for safekeeping or destruction.
    - 3) Abandoned property.
    - 4) Impounded vehicles (A Vehicle Impoundment form must be filled out.).
7. Searches Incident to Arrest
- a. Searches conducted pursuant to an arrest is one of the most widely used exceptions to the warrant requirement. The Illinois Compiled Statutes (725 ILCS 5/108-1; Search without Warrant) provides for this type of search upon making a valid arrest. Application of this section is typically applied to situations involving custodial arrests (i.e. not the issuance of a routine traffic citation.)
  - b. Officers may reasonably search the person arrested and the area within such person's immediate control for the purpose of:
    - 1) Protecting the officer from attack.
    - 2) Preventing the person from escaping.
    - 3) Discovering the fruits of the crime.
    - 4) Discovering any instruments, articles, or things which may have been used in the commission of or which may constitute evidence of an offense.
  - c. In the 2009 U.S. Supreme Court case decision of *Arizona v. Gant*, the Court clarified how searches incident to arrest should be applied in cases involving an arrest of a vehicle occupant. The Court held that police may search a vehicle incident to a recent occupant's arrest only if the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe that the vehicle contains evidence of the offense of the arrest.

8. Plain View Searches

- a. Plain view searches are allowed as long as the officer is legitimately on the premises and he has probable cause to believe the item is contraband or evidence. There are some limitations to the plain view doctrine which officers should be aware of:
  - 1) There must be no pre-observation intrusion that violated constitutional rights.
  - 2) The items must have been discovered inadvertently.
  - 3) Artificial devices that aid in or enhance the ability of the officer's view are not generally considered "plain view." However, a flashlight is generally acceptable, provided again, the officer has a right to be where he is when using the light source.
  - 4) Moving items or the rearrangement of items to note serial numbers, for example, is not supported by the plain view doctrine.
- b. The "plain view" doctrine also applies to searches conducted pursuant to a warrant, even if the item(s) to be seized were not noted on the warrant. The test will be:
  - 1) Does the officer have a right to be where they are; and,
  - 2) Does the officer have probable cause to believe the item(s) in plain view are evidence or contraband?

9. Open Field Searches

Areas surrounding buildings and homes should not be considered "open fields". Instead, courts have tended to view these areas as "curtilage," or the equivalent of a yard. The home and its curtilage are not necessarily protected from inspection that involves no physical invasion and is exposed to the public, from a public vantage point. Open fields are generally not protected by the Fourth Amendment.

- a. Areas generally outside the curtilage that are viewed as open fields include: woods, pastures and grassland.
- b. If an owner has taken any steps to protect the area from trespass or observation, it may not be considered "open field."

10. Strip Searches

Strip searches shall be conducted strictly in conformance with the Illinois Compiled Statutes (725 ILCS 5/103-1; Rights on Arrest). (See General Order 400.71 Strip Searches)

F. Arrest Procedures With or Without Warrant

1. Illinois Compiled Statutes, Chapter 725, Criminal Law and Procedure Section 5/107-2 provides that a Peace Officer may arrest a person when he has reasonable grounds to believe that a person is committing or has committed an offense. When a lawful arrest is effected, with or without an arrest warrant, a law enforcement officer may reasonably search the person arrested and the area within such person's immediate presence, or under his immediate control, immediately with or after the arrest for the authorized purpose of:
  - a. Protecting the officer from attack.
  - b. Preventing the person from escaping.
  - c. Discovering the fruits of the crime.
  - d. Discovering any instruments, articles, or things which may have been used in the commission of the offense.
  - e. Discovering any instruments, articles, or things which may constitute evidence of the offense (including contraband).
2. It shall be recognized that the phrase "arrestee's immediate presence" has been defined by the Supreme Court of Illinois as that area within the arrestees' immediate control, i.e., that area from which the arrestee might gain possession of or seize a weapon or other things to assault the Officer or effect an escape or seize concealable or destructible evidence. All arrestees shall be accorded the protections of the "Rights of Accused" as provided for in the Illinois Compiled Statutes (725 ILCS 5/103-1 et. seq.)

**V. LEGAL PROCESS**

The Peoria Police Department is mandated by law to serve warrants, writs, and other official legal documents in support of the judicial process.

A. Documentation Procedure

Officers shall record the following information regarding the "serving" of items of legal process (civil and/or criminal) in a police report:

1. date and time received
2. type of legal process, civil or criminal

3. nature of document
4. source of document
5. name of plaintiff/complainant or name of defendant/respondent
6. personnel assigned for service
7. date of assignment
8. court docket number
9. date service due

*This directive provides general guidelines to personnel regarding proper practices and is for internal use only. It is not intended to enlarge an officer's criminal or civil liability in any way, except as to any disciplinary action that might arise. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in an employment related proceeding.*



# Peoria Police Department

## Consent to Search

I, \_\_\_\_\_, hereby give my consent to the search  
of my property, specifically listed as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

upon the request of \_\_\_\_\_,  
who are officer(s) with the Peoria Police Department.

I understand that I do not have to consent, but I do this of my own free will without  
any promises or threats having been made to me. Further, I understand that I may revoke  
this consent at any time.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ AM / PM

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Witness Date: \_\_\_\_\_

\_\_\_\_\_  
Witness Date: \_\_\_\_\_

Incident Number: \_\_\_\_\_



# Peoria Police Department

## VEHICLE DATA READOUT AUTHORIZATION

I \_\_\_\_\_, do hereby consent to the retrieval of certain electronic information that may be stored in the “infotainment” and or SYNC system of my vehicle, specifically a \_\_\_\_\_ (model year) \_\_\_\_\_ (Manufacture) \_\_\_\_\_ (model) possessing VIN \_\_\_\_\_

I understand that under certain circumstances the “infotainment” and or SYNC system is capable of recording data which may include use of navigation services and/or global position system information, Bluetooth telephone connectivity and use, communication content such as SMS and MMS messages, and information about the performance of various systems and modules in the vehicle (data recorded varies by vehicle model). I understand the retrieval of this data will be available only to those persons or agencies which are deemed by the Peoria Police Department, the Peoria County States Attorney’s Office, or the U.S. Attorney’s Office to have a legitimate need to know or a legal right to know the contents of the retrieval, including it is use for law enforcement investigation training. I further understand that in the event this incident should become relevant in a criminal prosecution, this data may be disclosed to a criminal defense attorney as ordered by the court.

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Witness Date: \_\_\_\_\_

Incident Number: \_\_\_\_\_



# Peoria Police Department

## Miranda Waiver

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Incident # \_\_\_\_\_

Location: \_\_\_\_\_

- Do you understand that you have the right to remain silent and that you do not have to talk to me or answer my questions unless you voluntarily choose to do so?
- Do you understand that anything you say can and will be used against you in a criminal prosecution in a court of law?
- Do you understand that you have the right to have an attorney present at this time, and that if you cannot afford one, one will be appointed to you at no cost?
- Do you understand that if you choose to give a statement and answer my questions, you may exercise any of these rights at any time, before the statement is completed?
- Understanding those rights, do you wish to waive them and answer my questions, voluntarily and of your own free will?

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Interviewer: \_\_\_\_\_





## Peoria Police Department

### Juvenile Miranda Waiver

Case #: \_\_\_\_\_

On \_\_\_\_\_ at \_\_\_\_\_ hours in Room \_\_\_\_\_ of our Detective Division, I spoke with \_\_\_\_\_ concerning this case. Before speaking with him/her, I explained to him/her why he/she was here. I asked him/her if he/she had ever had his/her rights read to him/her before. He/she told me \_\_\_\_\_ times. I asked him/her if he/she understood them and he/she said \_\_\_\_\_. At \_\_\_\_\_ hours, I began to read him/her his/her rights.

### Miranda Waiver

*"You have the right to remain silent. That means that you do not have to say anything. Anything you do say can be used against you in court. You have the right to get help from a lawyer. If you cannot pay for a lawyer, the court will get you one for free. You can ask for a lawyer at any time. You have the right to stop this interview at any time"*

### Waiver

*(Check One)*

Do you want to have a lawyer? Yes: ☐ No: ☐ Initials: \_\_\_\_\_

Do you want to talk to me? Yes: ☐ No: ☐ Initials: \_\_\_\_\_

The interview ended at \_\_\_\_\_ hours.



# Peoria Police Department

## Authorization For Audio & Video Recording

I, \_\_\_\_\_, do hereby consent to the audio and visual recording of an interview conducted on \_\_\_\_\_ by \_\_\_\_\_ in connection with the investigation of a \_\_\_\_\_ related case. I understand the recording made of this interview will be available only to those persons or agencies which are deemed by the Peoria Police Department, the Peoria County States Attorney's Office, or the U.S. Attorney's Office to have a legitimate need to know or a legal right to know the contents of the interview, including its use for law enforcement investigation training. I further understand that in the event this incident should become relevant in a criminal prosecution, this recording may be disclosed to a criminal defense attorney as ordered by the court.

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Witness Date: \_\_\_\_\_

\_\_\_\_\_  
Witness Date: \_\_\_\_\_

Incident Number: \_\_\_\_\_



# Peoria Police Department

## Consent to Physical Evidence Collection

I, \_\_\_\_\_, having been advised of my rights to refuse to consent to the taking of specimens of hair, blood, saliva or other physical substances, agree to have samples taken from my body for the use as evidence against me concerning the criminal investigation that occurred on \_\_\_\_\_, for which I am currently being investigated.

I hereby give my consent to Officer \_\_\_\_\_, of the Peoria Police Department to collect said specimens.

I know that I do not have to consent, but I do this of my own free will without any promises of immunity or threats having been made to me.

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Witness Date \_\_\_\_\_

\_\_\_\_\_  
Witness Date \_\_\_\_\_

Incident Number: \_\_\_\_\_