

DEKALB POLICE DEPARTMENT

Subject: **Agency Role and Authority**

Policy #: **101.1**

Effective Since: 8-21-03

Originally Issued As: P-1 of 5-25-95

Revision Effective: 1-1-19

FTO Training Task: # 1

Reference Material: ILCS; City of DeKalb Municipal Code, Chapter 4

ILEAP Standards Covered: ADM.02.01, 02.02, 02.03, 04.01, 13.01, 14.01, 14.02, 20.02;

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**PURPOSE:** The DeKalb Police Department exists to protect and serve the citizens of DeKalb. The department's primary mission is to preserve life and property, to enforce the laws of the State of Illinois and the ordinances of the City of DeKalb, and to protect the right of all citizens to live in peace. The purpose of this policy is to outline the role and authority vested in the department and its police officers, to describe the discretion afforded to the officers, and to list alternatives to custodial arrests.

**POLICY:** It is the policy of DeKalb Police Department to provide police service to any and all whom are in need. Pursuant to the United States Constitution, the laws of the State of Illinois, and the ordinances of the City of DeKalb, it is the policy of the department to protect and defend the rights afforded by law. It shall be the policy of the DeKalb Police Department to comply with any and all constitutional requirements in all matters of police response and assistance. The police officers of this department are sworn to uphold and enforce the law, consistent with the mission, policies, and procedures established by the department.

**DEFINITIONS:**

City of DeKalb: The municipality of the City of DeKalb, State of Illinois, United States of America; referred to in this manual and Municipal Code as the "City."

DeKalb Police Department: The City of DeKalb's municipal police authority, referred to in this manual as the "department" or "agency." The Police Department is established and defined in Chapter 4 of the Municipal Code of the City of DeKalb.

Peace Officer: 720 ILCS 5/2-13; "any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses."

**PROCEDURE:**

**I. Agency Role and Sworn Personnel Authority :**

- A. Police Officer's Authority, City of DeKalb Municipal Code 4.05: "Police officers shall have the power and it shall be their duty in the City to serve and execute warrants and other process for the apprehension and commitment of persons charged with a violation of any City ordinance, or any crime or misdemeanor or offenses against the peace of the City or State, or of the United States, or held for examination or trial or taken in execution for the commission of any crime or misdemeanor or violation of any law as aforesaid or an ordinance of the City. They shall also have the power and authority and it shall be their duty to serve and execute any civil process issued by any magistrate in any case in which the City is a party. While serving and executing or assisting in the service or execution of any warrant or process, they shall be vested with and have all the powers and authority conferred on constables at common law and by the laws of the State of Illinois."
- B. All sworn personnel of the department are Peace Officers as defined above in 720 ILCS 5/2-13.
- C. All sworn personnel have the authority to make a full custodial arrest; their duties extend to all offenses and are not limited to specific offenses.
- D. Police officers are conservators of the peace with the power to arrest persons who breach the peace or violate any municipal ordinance or criminal law of the State. 65 ILCS 5/3.1-15-25

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- E. Police officers are authorized to arrest persons who are the subject of an arrest warrant or are committing or have committed an offense. 725 ILCS 5/107-2 [ILEAP ADM.02.01]

## **II. Overall Functions of the Police Department**

- A. Preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs, and insurrections, disburse unlawful or dangerous assemblies, protect the rights of all, and preserve order.
- B. Administer and enforce laws and ordinances to regulate, direct, control, and facilitate the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons and adhere to rules and regulations that shall facilitate the lawful goals of the department.
- C. Remove all nuisances in public places, inspect and observe all places of public amusement or assemblies and all places of business within the city limits which require any state, county, or city permit or license.
- D. Provide proper police response to calls for police service.
- E. Provide for the attendance of police officers or civilian employees in court as necessary for the prosecutions and trial of persons charged with crimes and other violations of law and cooperate fully with the law enforcement and prosecuting authorities of Federal, State, County, and Municipal government.
- F. Engage in community relations activities such as liaison services with other public and social service providers, educational institutions, health care providers, and the business community.
- G. Engage in community policing strategies, to include problem solving, crime prevention, and crime reduction.
- H. Obtain and retain maximum efficiency and effectiveness by policies and procedures designed to protect and serve the City of DeKalb and to satisfy departmental goals.
- I. Prepare and publish an annual report that is available to the public and includes a summary of department activities including agency statistics and agency activities. [ILEAP ADM.20.02]

## **III. Compliance With Constitutional Requirements**

- A. It shall be the policy of the DeKalb Police Department to comply with any and all constitutional requirements in all matters of police response and assistance.
- B. Individual policies of the department address the proper protocol and procedures for specific functions; below is a non-inclusive list of policies that ensure compliance with all applicable constitutional requirements:
  - 1. Interviews, Policy 402.1
  - 2. Interrogations, Policy 402.1
  - 3. Access to counsel, Policy 404.2
  - 4. Search and seizure with a warrant, Policy 404.1
  - 5. Search and seizure without a warrant, Policy 402.14
  - 6. Stop and frisk, Policy 401.1
  - 7. Arrest made with a warrant, Policy 404.2
  - 8. Arrest made without a warrant, Policy 404.2

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9. Assuring constitutional safeguards to non-English speaking persons, Policy 404.2
10. Assuring constitutional safeguards to hearing impaired persons, Policy 404.2

[ILEAP ADM.02.02]

**IV. Agency Jurisdiction**

- A. This agency's official jurisdiction encompasses all physical property within the corporate limits of the City of DeKalb. The department maintains a map that delineates the geographic boundaries of the City of DeKalb. The department also maintains a list of boundary responsibilities agreed upon by the City of DeKalb, City of Sycamore, and the DeKalb County Sheriff's Office.
- B. Under normal circumstances, custodial arrests are to be made only within the corporate limits of DeKalb. However, in situations where an offender has traveled beyond corporate limits but within the State of Illinois after committing a violation within corporate limits, the arrest can still be made. When conducting an investigation or making an arrest outside of the corporate limits, the police agency having official jurisdiction should be notified. See 725 ILCS 5/107-4 for statutory guidance on making arrests outside of the corporate limits of the City of DeKalb.
- C. Warrant arrests should be made in accordance with applicable state statutes.
- D. At times officers are sent outside of the county or even outside of the state to assist at disaster scenes or emergency response situations. In these situations, police authority and responsibility will be specifically appointed and designated by the agency having jurisdiction. Inter-governmental agreements, waivers and other legal concerns should be documented in writing.
- E. The Northern Illinois University Department of Public Safety has primary jurisdiction and responsibility for police activities on buildings, property, or roadways owned and/or maintained by Northern Illinois University; DeKalb Police has mutual jurisdiction on NIU properties located within city limits and can take appropriate police action and enforcement anywhere within city limits.
- F. Overlapping jurisdictions; some border areas of the city have overlapping jurisdictional areas with adjacent communities or police agencies, including the Sycamore Police Department and the DeKalb County Sheriff's Office. Refer to the current Inter-Governmental Agreement (IGA) maintained in the Communications Center that explains responsibilities in areas with overlapping jurisdictional areas.
- G. Interstate 88: the DeKalb Police Department does not routinely patrol Interstate 88 but will respond to assist at incidents occurring at the DeKalb Interstate Oasis or on Interstate 88 roadway within DeKalb County upon request of the Illinois State Police or upon necessity of a police investigation.
- H. The DeKalb Police Department does not patrol outside the corporate limits of the City of DeKalb but will respond to assist at incidents occurring in proximity to city limits upon request of the agency having police jurisdiction.
- I. The DeKalb Police Department maintains liaison with the following law enforcement agencies that have concurrent or adjacent jurisdiction: NIU Department of Public Safety, DeKalb County Sheriff's Office, Sycamore Police, Malta Police, Cortland Police, Illinois State Police, US Postal Inspection Service, the FBI and other federal agencies. [ILEAP ADM.14.01]
- J. The DeKalb Police Department also maintains liaison with other emergency service agencies that may provide assistance within the City of DeKalb, including

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the DeKalb Fire Department, DeKalb County Special Operations Team, mutual aid fire departments, ILEAS, IEMA, Illinois National Guard, private ambulance services and medical helicopter services. A point of contact is kept on file for these agencies within the Communications Center. [ILEAP ADM.14.01]

- K. Any mutual aid agreements will be conducted in accordance with the Illinois Compiled Statutes. [ILEAP ADM.13.01]
- L. Requesting federal law enforcement, National Guard, ILEAS, IEMA, or FEMA assistance in emergency situations will be made upon the determination of the Chief of Police and/or the City Manager.

**V. Police Officer 's Discretion :**

- A. The use of discretion is available to an officer in exercising their authority and responsibility, subject to the following:
  - 1. In all cases, the use of discretion and authority shall be conducted in compliance with law, in furtherance of departmental goals and objectives, and in accordance with the Police Officer Code of Ethics listed in Policy 103.1.
  - 2. Enforcement action, inaction, or the severity of charges shall not be influenced by bias, malice, vengeance, or prejudice of any kind.
  - 3. Any enforcement decision should be based on sound law enforcement procedures.
- B. A police officer has the authority to release a person who is arrested without a warrant, pursuant to 725 ILCS 5/107-6.
- C. Arrest may not be appropriate when an officer believes that less risk would result to the general public if the offender were allowed to remain at large than if arrested. (For example: a decision to affect an arrest in an unruly crowd may increase tensions, create additional dangers, or incite a riot, causing the risk of greater harm to the public than if the offender is arrested at a later time.)
- D. In situations where police resources are stretched to their limit due to limited manpower and/or a large volume of calls for service, arrests for minor offenses may reduce the officer's availability to respond to more serious calls and offenses.
- E. Further, the officer should consider if an arrest can be made at a later date.
- F. Arrest may not be appropriate when it would cause some form of harm to an offender who poses no threat or danger to the public and an alternative, less intrusive manner of enforcement is available.
- G. Officers should not unnecessarily override a complainant's request for prosecution against an offender for which there is sufficient probable cause to sustain the complaint.
- H. Officers shall take appropriate enforcement action on any felony or serious misdemeanor.
- I. An officer may always confer with a supervisor for guidance in application of discretion or decision to arrest.
- J. The final determination of prosecution ultimately rests with the City or State's Attorney.
- K. Some offenses, such as domestic battery, may specifically limit officer discretion by statute.
- L. Traffic enforcement discretion is further described in Policy 403.2, Traffic Enforcement.
- M. Parking enforcement discretion is further described in Policy 403.3, Parking Enforcement.

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**VI. Alternatives to Custodial Arrest:**

- A. Alternatives to custodial arrest must be consistent with applicable laws, department policy, and the use of officer discretion described in Section IV of this policy.
- B. Alternatives to custodial arrest could include the issuing of a traffic citation, city ordinance complaint, warning, or other established referral system or informal resolution:
  - 1. Traffic citations can be issued for all petty offense traffic violations. Custodial arrests for traffic violations should be reserved for misdemeanor or felony violations only.
  - 2. City ordinance complaints, on a mail-in form or must-appear citation, can be issued for any police-enforced violation that is covered under city ordinance.
  - 3. Warnings are acceptable alternatives to the issuance of petty traffic citations and minor city ordinances when it is believed a warning will be sufficient to deter the unlawful conduct.
  - 4. Appropriate referrals or informal resolutions can be made if satisfactory to all persons involved, if within department policy and with supervisor approval.
  - 5. Alternatives to juvenile arrest are outlined in Policy 404.3, Juvenile Procedures.

[ILEAP ADM.02.03]

**Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police .**

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall 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 policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.