

PALATINE CODE OF ORDINANCES - CHAPTER 13 - POLICE DEPARTMENT

Chapter 13 POLICE DEPARTMENT*

***Editor's note**--Ord. No. O-108-76, § 1, enacted Dec. 13, 1976, repealed former Ch. 13, relative to the police department, and enacted in lieu thereof a new Ch. 13, pertaining to the same subject matter. Former Ch. 13 was derived from Code 1961, §§ 5.001--5.016.

Cross reference(s)--Police and fire commission. § 2-361 et seq.

Editor's Note: Ordinance 0-16-02 passed on 1/28/02 replaced Secs. 13-1 through 13-8.

Sec. 13-1. Creation; composition.

There is hereby created a police department for the Village of Palatine which shall consist of a chief of police and as many employees as the Corporate Authorities may designate from time to time. (Ord. No. O-108-76, §1, 12-13-76) (Ord. No. 0-16-02 §4, 1/28/02)

Sec. 13-1.1. Reserved. (Ord. No. 0-16-02 §4, 1/28/02)

Editor's note--Section 13-1.1, pertaining to agreements for police services for state and federally owned facilities located in the village, and derived from Ord. No. O-180-88, ' 2, adopted Dec. 27, 1988, was deleted by Ord. No. O-88-91, §1, adopted June 24, 1991. (Ord. No. 0-16-02 §4, 1/28/02)

Sec. 13-2. Appointment and removal of the chief of police.

The chief of police shall be appointed by the village manager with the approval by a majority vote of the Corporate Authorities.. The person appointed as chief of police must have achieved a baccalaureate degree from an accredited college or university prior to the date of appointment. The chief of police shall serve at the pleasure of the village manager and may be removed by the village manager at any time thereafter. (Ord. No. O-108-76, §1, 12-13-76; Ord. No. O-4-86, §1, 1-13-86) (Ord. No. 0-16-02 §4, 1/28/02)

Sec. 13-3. Supervision and control of the chief of police.

The village manager shall be the immediate supervisor of the chief of police, and all policies, directives and orders from the village to the chief of police shall be made by or transmitted through the village manager. The chief of police shall report directly to the village manager and not to the Mayor and Village Council or to individual members thereof. (Ord. No. O-108-76, §1, 12-13-76) (Ord. No. 0-16-02 §4, 1/28/02)

Sec. 13-4. Powers and duties of the police chief generally.

The chief of police shall direct the administration and operation of the police department and in addition to policies transmitted to him by the village manager, shall establish such other policies, directives, rules and regulations for the administration and operation of the department as he sees fit, and provided in written form to all employees. The chief of police shall have the authority and responsibility for fiscal management of the police department within the fiscal policies and procedures established by the village manager and Corporate Authorities. The chief of police shall serve as appointing authority for appointment to any position within the department other than his

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own, and shall have the power to suspend, demote or dismiss any employee, subject to and in accordance with the provisions of this Code governing the fire and police commission, Chapter 2, Article XX, and the village work rules. (Ord. No. O-108-76, §1, 12-13-76; Ord. No. O-4-86, §1, 1-13-86) (Ord. No. 0-16-02 §4, 1/28/02)

Sec. 13-5. Civil service exempt command positions.

The chief of police, with the concurrence of the village manager, shall have the authority to recruit and appoint individuals to civil service exempt command positions within the department. Civil service exempt command positions will not have certified status and rights. Individuals appointed to exempt command positions shall serve at the pleasure of the chief of police and may be removed by the chief with concurrence of the village manager at any time thereafter. If an individual is appointed to such a position who holds certified status within the department in another position, the individual shall retain a guaranteed right to return to the former position with certified status upon termination from the exempt command position, subject to section 2-380 of this Code. (Ord. No. O-108-76, §1, 12-13-76) (Ord. No. 0-16-02 §4, 1/28/02)

Sec. 13-6. Dismissals.

No full-time, certified member of the police department, except the police chief, shall be dismissed until after a hearing by the fire and police commission, in accordance with its rules and the provisions of Chapter 13 of this Code. The chief of police, without the requirement of a hearing shall have the power to dismiss a patrol officer who is serving in an original appointment probationary period. (Ord. No. O-108-76, §1, 12-13-76) (Ord. No. 0-16-02 §4, 1/28/02)

Sec. 13-7. Residency requirement for all police officers.

All persons who are appointed police officers of the village of Palatine shall maintain residence in one of the following Illinois Counties: Cook, DuPage, Kane, McHenry, or Lake. (Ord. No. O-136-77, §1, 12-27-77; Ord. No. 0-97-94 §1, 7-25-94) (Ord. No. 0-16-02 §4, 1/28/02)

Sec. 13-8. Auxiliary police unit. Intentionally omitted. (Ord. No. 0-16-02 §4, 1/28/02)

Sec. 13-9. Disposition of abandoned property.

(a) *Office of property custodian created.* There hereby is created a property custodian for the village, who may be an officer of the police department, appointed by and to serve at the pleasure of the chief of police, or a civilian employee whose appointment shall be approved by the chief of police and who shall serve at the pleasure of the chief of police.

(b) *Duties of property custodian.* The property custodian shall act as custodian of all personal property seized, taken, or otherwise transferred to the possession of the police department. All officers and members of the department into whose possession may be transferred any such personal property shall deliver the same promptly to the property custodian, unless it is needed for immediate use as evidence, in which case, a report and inventory of the same shall be forwarded promptly to the property custodian. Provided, however, that nothing herein contained shall be deemed to require the property custodian to take possession or make disposition of any lost or stolen property, the possession or disposition of which is otherwise provided for by this Code.

(c) *Custody and disposition of personal property.* The property custodian shall maintain a complete and accurate record of all personal property which may be seized or otherwise transferred to the possession of the police department and shall make reasonable efforts to identify and notify the owner or other person entitled to possession thereof, and shall return the property after such person provides satisfactory proof of ownership or right to possession and reimburse the police department for reasonable expenses and costs.

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If the identity or location of the owner or other person entitled to possession of such personal property has not been ascertained within sixty (60) days after the police department obtains possession thereof, the property custodian shall proceed to dispose of said personal property. If such personal property is deemed saleable, the property custodian shall cause to be published in a newspaper of general circulation within the village a notice of sale, his intent to sell the same at public auction for cash, describing it in general terms and not by individual item. Thereupon, such personal property will be sold at public auction at such place as the chief of police may direct in such manner as to expose to the inspection of the bidders all such personal property so offered for sale. Property offered, but not sold, at such auction may be offered and sold at a subsequent public auction without such notice.

If any such personal property is deemed to be of use to any village department, such property may be retained for use of such department upon approval of the village manager. Any such personal property deemed by the property custodian to be unsaleable shall be confiscated or destroyed. The proceeds of any sale or sales so made, after deducting the cost of storage, advertising, and other expenses incident to the handling and sale of such property, shall be paid by the property custodian to the Village of Palatine finance director who shall deposit said proceeds in the general fund of the village.

(d) *Exception; weapons.* The preceding provision of this section shall not apply to pistols, revolvers, knives, dirks, slingshots, metallic knuckles, or other deadly weapons of like character. All such weapons, except those that the chief of police shall order retained for the use of the police department, shall be presented to the chief of police by the property custodian, within one year after their receipt, for destruction.

(e) *Perishable property.* Any personal property seized or transferred to the possession of the police department which is of a perishable nature so as to make it dangerous or inadvisable to retain possession thereof for the length of time specified in the preceding subsections, the property custodian upon certifying such fact to the chief of police and setting forth his reason why such property should not be retained for the period hereinabove fixed, and with the approval of the chief of police, shall cause such property, if deemed by the property custodian to be saleable, to be advertised forthwith in a newspaper of general circulation within the village and shall sell such personal property at public auction at any time after three (3) days have elapsed from the seizure or taking possession thereof; provided, however, that any such personal property deemed to be unsaleable or dangerous shall be disposed of as refuse or in other reasonable manner as the chief of police shall direct. (Ord. No. O-16-79, § 1, 3-12-79)