

**POLICE COMMITTEE
AGENDA
RESCHEDULED MEETING
April 2, 2012
6:00 P.M.
Upstairs Conference Room
City Hall
1702 Plainfield Road**

1. Call to Order
2. Public Comment and Communications
3. Approval of Meeting Minutes – March 1, 2012
4. Department Report
 - a. Overview of Monthly Activity
5. Agenda Memo-Revisions to Tow Ordinance
6. Agenda Memo-Approval of Payment for Radio Signal Booster Project
7. Workload Analysis Update
8. Next Meeting Date- Thursday, May 3, 6:00 p.m.
9. Adjournment

**POLICE COMMITTEE
MEETING MINUTES
March 1, 2012**

Call to Order

Chairman McIvor called the meeting to order at 6:00 p.m. in the Council Chambers of the Darien City Hall. **Committee members in attendance:** Chairman McIvor, Alderman Poteraske and Alderman Joerg Seifert

Others in attendance: Chief Brown, Deputy Chief John Cooper, Administrator Vana

Public Comment and Communications

A resident attended the meeting asking if the City was going to eliminate the DARE program as she read DARE duties on the agenda. Chairman McIvor revised the agenda to move the DARE topic as the first item to discuss.

DARE and officer Skweres Duties

The staff advised that the review of the DARE position is one the agenda as a general review of all the positions in the police department. The staff described the activities of DARE officer Skweres and reviewed the summary sheet showing officer Skweres daily activities. Chief Brown advised that it is staff's intent to continue a DARE program, or similar education program, and further advised that we are looking at possible alternate methods to deliver the program. Staff will update the committee as to any alternatives.

Minutes

The minutes of the February 2, 2012 Police Committee meeting were approved 3-0.

Department Report

The staff reviewed the activities for the month of February 2012.

Overview of DUCOMM Complaints

The staff reviewed the first 10 months of membership with DUCOMM. Deputy Chief Cooper provided an overview of DUCOMM complaints and how they are reviewed through an Incident Clarification Form. Deputy Chief Cooper also advised that the technical problems have been successfully resolved promptly by DUCOMM. Staff advised that they are very satisfied with the change to DUCOMM.

Administrative Tows

The staff provided an overview of the Administrative Tow Fee program that was instituted in August of 2011 and advised that the tow fees collected to date total \$61,500

Public Surplus

The staff provided an overview of *Public Surplus*, which is the company recently used to sell surplus property owned by the City. Staff advised that the company provided satisfactory service and cut down on staff time previously used to sell surplus property.

Next Meeting Date

Chairman McIvor announced that the next Committee meeting will be on Thursday, April 5, 2012, 6:00 p.m. in the City Council Chambers unless otherwise noted.

Adjournment

The Committee Meeting was adjourned at 7:17 p.m.

Approved: _____
Date

Alderman: _____
Joerg Seifert

Chairman: _____
Sylvia McIvor

Alderman: _____
John Poteraske

The information contained herein is valid from 01 March 2012 through 28 March 2012.

EVENT OVERVIEW:

There were 2,720 Total Events created for the month of March

- 81.6% or 2,220 were handled by Patrol personnel
- 19% 500 or 19% were handled by a civilian or DU COMM representatives
- 526 or 23.6% were 911 calls
- 1,694 or 76.3% were self-initiated by Officers

BREAKDOWN by WATCH:

- 1st Watch 717 or 32.2%. 75 or 10.4% were the result of a 911 call
- 2nd Watch 876 or 39.4%. 218 or 9.8% were the result of a 911 call
- 3rd watch 627 or 28.2%, 233 were the result of a 911 call

EVENT SUMMARY:

There were 506 events related to traffic enforcement or 22.7% of the events.

24 Domestic related events

393 Business Checks

41 Alarm Responses

CITATIONS ISSUED:

- The busiest hours of the day were the hours between midnight and 0200/am.
- The busiest days of the week for citations were Friday, Saturday and Sunday
- 212 or 55% were written on those days
- 385 Citations issued
- 60 or 15.5% were non traffic related citations
- 325 were traffic related citations

CASE REPORTS WRITTEN:

There were 198 Case Reports written

- 46.9% of the case reports were written on Friday, Saturday or Sunday.
- The busiest hours of the day for case reports were midnight -0200/am.
- 16 Domestic related reports
- 2 Residential burglary
- 4 Burglary
- 7 burglary to a motor vehicle including 2 attempts
- 10 retail Theft

- 5 Identity Theft

MARCH ARRESTS NUMBERS:

There were 90 Arrests for the month of March

- 3 Domestic Related
- 4 Retail Theft
- 8 Drug Related arrests

77 or 85.5% of arrested persons were non-residents of Darien

12 or 13.3% were Residents

1 was unknown as to residency

OFFENDER AGE DEMOGRAPHICS:

55 persons or 61.1% were between the ages of 18-34

34 Persons arrested were 35 years and older

1 arrested person was 17 years of age

OFFENDER GENDER DEMOGRAPHICS:

27 Arrestees were females

63 Arrestees were males

BEAT/WARD ALLOCATION:

353 INCIDENTS-BEAT#1

298 INCIDENTS-BEAT#2

490 INCIDENTS-BEAT#3

CITIZEN REMINDER: Our residents should be reminded that when anyone comes to your home soliciting that you do not know, that you should not admit them and if there is any concern whatsoever, dial 911 so that we can response. This reminder is the result of an incident that occurred this week where three subjects went to a Darien resident's home offering services. While one of the subjects engaged the homeowner, outside of the home, the other two men entered without the resident's knowledge and ransacked the home. This incident involved 3 Hispanic males driving a maroon van. If anyone has any knowledge of these subjects, have seen the van or have been victimized, please contact our detective

unit at 630-971-3999. If you have been victimized or believe that you have been victimized, please call 911.

ITEM #5

AGENDA MEMO
Police Committee
April 2, 2012

ISSUE STATEMENT

Approval of an ordinance amending various sections of Title 9, Chapter 8, "Seizure and Impoundment of Motor Vehicles" of the Darien City Code.

BACKGROUND/HISTORY

May 16th, 2011, the City Council on approved an ordinance change – 0-11-11 to amend Title 9 "Traffic Regulations" by adding new Chapter 7 "Administrative Hearing System", new Chapter 8 "Seizure and Impoundment of Motor Vehicles" and new Chapter 9 "Administrative Fees"

The Illinois General Assembly adopted Public Act 97-109, effective January 1st, 2012, which amends Chapter 11-208 of the Illinois Vehicle Code by providing fees and procedures for impounding vehicles. Certain sections of Darien City Code Title 9, Chapter 8 "Seizure and Impoundment of Motor Vehicles" must be amended to comply with the Illinois Vehicle Code - 11-208. Attorney Judy Kolman worked on the revisions to the ordinance. A copy of the changes is included.

STAFF/COMMITTEE RECOMMENDATION

The Staff recommends the Committee recommend the approval of the amended ordinance.

ALTERNATE CONSIDERATION

N/A

DECISION MODE

This amendment will be placed on the April, 16, 2012, City Council Agenda for approval.

WestlawNext™

5/11-208.7. Administrative fees and procedures for impounding vehicles for specified violations
West's Smith-Hurd Illinois Compiled Statutes Annotated Chapter 625, Vehicles Effective: January 1, 2012

Chapter 11. Rules of the Road (Refs & Annos)
Article II. Obedience to and Effect of Traffic Laws (Refs & Annos)

Effective: January 1, 2012

625 ILCS 6/11-208.7

5/11-208.7. Administrative fees and procedures for impounding
vehicles for specified violations

Currentness

<Text of section added effective January 1, 2012.>

§ 11-208.7. Administrative fees and procedures for impounding vehicles for specified violations.

(a) Any municipality may, consistent with this Section, provide by ordinance procedures for the release of properly impounded vehicles and for the imposition of a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. The administrative fee imposed by the municipality may be in addition to any fees charged for the towing and storage of an impounded vehicle. The administrative fee shall be waived by the municipality upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.

(b) Any ordinance establishing procedures for the release of properly impounded vehicles under this Section may impose fees for the following violations:

- (1) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 1961; or
- (2) driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of this Code; or
- (3) operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or
- (4) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or
- (5) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961; or
- (6) driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of this Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or
- (7) operation or use of a motor vehicle while soliciting, possessing, or attempting to

solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act; or

(8) operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of this Code, if the period of expiration is greater than one year; or

(9) operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of this Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or

(10) operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of this Code; or

(11) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Criminal Code of 1961; or

(12) operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961, when so provided by local ordinance.

(c) The following shall apply to any fees imposed for administrative and processing costs pursuant to subsection (b):

(1) All administrative fees and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner.

(2) The fees shall be in addition to (i) any other penalties that may be assessed by a court of law for the underlying violations; and (ii) any towing or storage fees, or both, charged by the towing company.

(3) The fees shall be uniform for all similarly situated vehicles.

(4) The fees shall be collected by and paid to the municipality imposing the fees.

(5) The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle.

(d) Any ordinance establishing procedures for the release of properly impounded vehicles under this Section shall provide for an opportunity for a hearing, as provided in subdivision (b)(4) of Section 11-208.3 of this Code, and for the release of the vehicle to the owner of record, lessee, or a lienholder of record upon payment of all administrative fees and towing and storage fees.

(e) Any ordinance establishing procedures for the impoundment and release of vehicles under this Section shall include the following provisions concerning notice of impoundment:

(1) Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide for the towing of the vehicle to a facility authorized by the municipality.

(2) At the time the vehicle is towed, the municipality shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing.

(3) The municipality shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the municipality a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

(f) Any ordinance establishing procedures for the impoundment and release of vehicles under this Section shall include a provision providing that the registered owner or lessee of the vehicle and any lienholder of record shall be provided with a notice of hearing. The notice shall:

- (1) be served upon the owner, lessee, and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Secretary of State;
- (2) be served upon interested parties within 10 days after a vehicle is impounded by the municipality; and
- (3) contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.

(g) In addition to the requirements contained in subdivision (b)(4) of Section 11-208.3 of this Code relating to administrative hearings, any ordinance providing for the impoundment and release of vehicles under this Section shall include the following requirements concerning administrative hearings:

- (1) administrative hearings shall be conducted by a hearing officer who is an attorney licensed to practice law in this State for a minimum of 3 years;
- (2) at the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment;
- (3) if the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure the release of the vehicle shall be forfeited to the municipality;
- (4) all final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law, and
- (5) unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee, or lienholder of record until all administrative fees and towing and storage charges are paid.

(h) Vehicles not retrieved from the towing facility or storage facility within 35 days after the administrative hearing officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 of this Code.

(i) Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

Credits

P.A. 76-1586, § 11-208.7, added by P.A. 97-109, § 5, eff. Jan. 1, 2012.

Current through P.A. 97-629 of the 2011 Reg. Sess.

End of Document

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CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
TITLE 9, CHAPTER 8, "SEIZURE AND IMPOUNDMENT
OF MOTOR VEHICLES," OF THE DARIEN CITY CODE**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN**

THIS _____ DAY OF _____, 2012.

**Published in pamphlet form by authority
of the Mayor and City Council of the City of
Darien, DuPage County, Illinois, this ____ day
of _____, 2012.**

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WHEREAS, the City of Darien is a home rule unit of government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the City has previously adopted Ordinance No. O-11-11, "An Ordinance Amending Title 9, 'Traffic Regulations, By Adding New Chapter 7, 'Administrative Hearing System,' New Chapter 8, 'Seizure And Impoundment of Motor Vehicles,' And New Chapter 9, 'Administrative Fees,' Thereto"; and

WHEREAS, subsequent to the adoption of Ordinance No. O-11-11, the Illinois General Assembly adopted Public Act 97-109, effective January 1, 2012, which amends Chapter 11-208 of the Illinois Vehicle Code by providing for administrative fees and procedures for impounding vehicles (625 ILCS 5/11-208.7); and

WHEREAS, the provisions of Chapter 11-208 of the Illinois Vehicle Code are a limitation on the authority of home rule units to adopt local police regulations inconsistent herewith except pursuant to Section 11-208 of the Illinois Vehicle Code; and

WHEREAS, certain provisions of Title 9, Chapter 8 of the Darien City Code must be amended to be in compliance with Section 11-208.7 of the Illinois Vehicle Code (625 ILCS 5/11-208.7).

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**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE
POWERS, as follows:**

SECTION 1: Title 9, Chapter 8, "Seizure and Impoundment of Vehicles, of the Darien City
Code, is hereby amended as follows (deleted language stricken; added language underscored):

CHAPTER 8

SEIZURE AND IMPOUNDMENT OF VEHICLES

- 9-8-1: Definitions
- 9-8-2: Conduct Prohibited
- 9-8-3: Exceptions
- 9-8-4: ~~General Regulations~~ Administrative Fees
- 9-8-5: ~~Notice of Impoundment and Preliminary Hearing~~
- ~~9-8-6: Preliminary Hearing~~
- 9-8-~~7~~6: Administrative Hearing
- 9-8-~~8~~7: Administrative Penalty

9-8-1: **DEFINITIONS:** The following words, terms and phrases, when used in this
Chapter, shall have the meanings ascribed to them in this Section, except where the
context indicates a different meaning:

- (A) **Business Day.** Any day in which the office of the City Clerk of the City of Darien is
open to the public for a minimum of seven (7) hours.
- (B) **Motor Vehicle.** Any vehicle which is self-propelled, including but not limited to
automobiles, trucks, vans, motorcycles and motor scooters.
- (C) **Owner of Record or Owner.** The record title holder(s) of a motor vehicle as registered
with the Secretary of State of the State of Illinois, or if not registered in Illinois, the
particular state where the motor vehicle is registered.

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9-8-2: **CONDUCT PROHIBITED:** A motor vehicle operated with the permission, express or implied, of the owner of record, shall be declared a public nuisance and shall be subject to seizure and impoundment under this Chapter where such motor vehicle is used in connection with any of the following violations ~~or the commission of any of the following violations~~ makes impoundment of the motor vehicle necessary as a community care taking function so that the motor vehicle does not jeopardize public safety and the efficient movement of vehicular traffic. This Chapter is in addition to and shall not replace or otherwise abrogate any existing federal or state laws or City codes or ordinances pertaining to the seizure, towing and/or impoundment of motor vehicles.

- (A) Any motor vehicle which is used by a person during the aiding or abetting or commission of, or in the attempt to commit, a misdemeanor, ~~or felony or forcible felony~~ as those terms are defined in the Illinois Criminal Code, 720 ILCS 5/2-7, and 2-8 and 2-11 and as provided in the Illinois Vehicle Code, as amended, and adopted in Section 9-5-2 of the Darien City Code.
- (B) Any motor vehicle that is used in the commission of, or in the attempt to commit, the following offenses set forth in Article 9 of the Illinois Criminal Code, 720 ILCS 5/9, et seq., as amended: (i) first degree murder (9-1); and (ii) involuntary manslaughter and reckless homicide (9-3).
- (C) Any motor vehicle that is used in the commission of, or in the attempt to commit, aggravated kidnapping in violation of Section 10-2 of the Illinois Criminal Code, 720 ILCS 5/10-2, as amended.
- ~~(B) Any motor vehicle that is used in the commission of prostitution as defined in the Illinois Criminal Code, 720 ILCS 5/11, et seq., as amended, to solicitation of a prostitute or a sexual act as defined in said Code, pimping or juvenile pimping as defined in said Code, or exploitation of a child as defined in said Code.~~
- (D) Any motor vehicle that is used in the commission of, or in the attempt to commit, the following offenses set forth in Article 11 of the Illinois Criminal Code, 720 ILCS 5/11 et seq., as amended: (i) criminal sexual assault (11-1.20); (ii) aggravated criminal sexual assault (11-1.30); (iii) predatory criminal sexual assault of a child (11-1.40); (iv) criminal sexual abuse (11-1.50(a)); (v) aggravated criminal sexual

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assault (11-1.60(a), (c) or (d); (vi) indecent solicitation of a child (11-6); (vii) promoting juvenile prostitution (except for keeping a place of juvenile prostitution) (11-14.4); (viii) soliciting for a minor engaged in prostitution (11-15.1); (ix) child pornography (11-20.1); and (x) aggravated child pornography (11-20.1B).

- ~~(C)~~ Any motor vehicle that is used in the commission of the following offenses set forth in Article 12 of the Illinois Criminal Code, 720 ILCS 5/12, et seq., as amended: (i) aggravated assault (5/12-2); (ii) aggravated battery (5/12-4); (iii) aggravated battery with a firearm (12/5-4.2); (iv) aggravated battery of a child (12/5-4.3); and aggravated battery of a senior citizen (12/5-12-4.6).
- ~~(E)~~ Any motor vehicle that is used in the commission of, or attempt to commit, aggravated battery in violation of subsections (a)(1), (a)(2), (a)(4), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6) or (e)(7) of Section 12-30.05 of the Illinois Criminal Code, 720 ILCS 5/12-3.05, as amended.
- ~~(F)~~ Any motor vehicle that is used in the commission of, or attempt to commit, the following offenses set forth in Article 12 of the Illinois Criminal Code, 720 ILCS 5/12 et seq., as amended: (i) stalking (12-7.3); (ii) aggravated stalking (12-7.4); (iii) criminal sexual abuse (12-15(a)); and (iv) aggravated criminal sexual abuse (12-16(a), (c) or (d)).
- ~~(D)~~ Any motor vehicle that is used in the commission of retail theft as defined in the Illinois Criminal Code, 720 ILCS 5/16A-3, as amended, when the value of the merchandise taken exceeds three hundred dollars (\$300.00).
- ~~(G)~~ Any motor vehicle that is used in the commission of, or attempt to commit, theft in violation of Article 16 (theft and related offenses) and Article 16(A) (retail theft) of the Illinois Criminal Code, 720 ILCS 5/16-1, et seq., and 5/16A-1, et seq., respectively, as amended.
- ~~(EH)~~ Any motor vehicle that is used in the commission of, or attempt to commit, the following offenses set forth in Article 18 of the Illinois Criminal Code, 720 ILCS 5/18, et seq., as amended: (i) robbery (5/18-1); and (ii) armed robbery in violation of the Illinois Criminal Code, 720 ILCS (5/18-2), as amended.

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- (F) Any motor vehicle that is used in the commission of, or attempt to commit, the following offenses set forth in Article 19 of the Illinois Criminal Code, 720 ILCS 5/19, *et seq.*, as amended: (i) burglary (5/19-1); and (ii) possession of burglary tools (19-2); and (iii) residential burglary (5/19-3).
- (G) Any motor vehicle used in the commission, or attempt to commit, the following offenses as set forth in Article 20 of the Illinois Criminal Code, 720 ILCS 5/20, *et seq.* of arson as defined in the Illinois Criminal Code, 720 ILCS 5/20-1, as amended; (i) arson aggravated arson, as defined in 720 ILCS 5/(20-1); and (ii)-1, as amended, and in connection with the unlawful possession and transportation of explosives or explosive or incendiary devices in violation of 720 ILCS 5/(20-2), as amended.
- (H) ~~Any motor vehicle used in the commission of the following offenses set forth in Article 21 of the Illinois Criminal Code, 720 ILCS 5/21, *et seq.*, as amended: (i) criminal damage to property (5/21-1); (ii) criminal damage of fire fighting apparatus, hydrants or equipment (5/21-1.1); (iii) institutional vandalism (5/21-1.2); criminal defacement of property (5/21-1.3); and criminal damage to government supported property (5/21-4).~~
- (I) ~~Any motor vehicle used in the unlawful use of weapons in violation of 720 ILCS 5-24, *et seq.*, as amended, ("Deadly Weapons") of the Illinois Criminal Code, or that contains a firearm or ammunition for which a Firearms Owner Identification Card is required under the Illinois Owners Identification Card Act, 430 ILCS 65/0.01, *et seq.*, as amended.~~
- (K) Any motor vehicle that is used in the commission of, or attempt to commit, the following offenses set forth in Article 24 of the Illinois Criminal Code, 720 ILCS 5/24 *et seq.*, as amended: (i) unlawful use of weapons (24-1); (ii) aggravated discharge of a firearm (24-1.2); (iii) aggravated discharge of a machine gun or firearm equipped with a device designed or used for silencing the report of a firearm (24-1.2-5); (iv) reckless discharge of a firearm (24-1.5); and (v) unlawful possession of firearms and firearm ammunition (24-3.1).
- (J) ~~Any motor vehicle used in the commission of mob action as defined in the Illinois Criminal Code, 720 ILCS 5/25-1, as amended.~~

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- (L) Any motor vehicle that is used in the commission, or attempt to commit, gambling in violation of the Illinois Criminal Code, 720 ILCS 5/28-1, as amended.
- (M) Any motor vehicle that is used in the commission, or attempt to commit, possession of a deadly substance in violation of the Illinois Criminal Code, 720 ILCS 5/29D-15.2, as amended.
- (N) Any motor vehicle that is used in the commission of, or in attempt to commit, the following offenses set forth in the Cigarette Tax Act, 35 ILCS 130 et seq., as amended, if the motor vehicle contains more than 10 cartons of cigarettes: (i) destruction or use of forfeited property (130/21); (ii) counterfeiting or forging stamps (130/22); (iii) sale of packages with counterfeit stamps or stamps previously affixed (130/23); (iv) sale or possession of contraband cigarettes (130/24); and (v) acting as distributor without license (130/26).
- (O) Any motor vehicle that is used in the commission of, or attempt to commit, the following offenses set forth in the Cigarette Use Tax Act, 35 ILCS 135 et seq., as amended if the motor vehicle contains more than 10 cartons of cigarettes: (i) forging, altering, or counterfeiting stamps (135/28); (ii) sale of improper stamp (135/29); and (iii) sale or possession of unstamped packages of cigarettes, other than by a licensed distributor or transporter (135/30).
- (P) Any motor vehicle that is used in the commission of, or attempt to commit, disposal of hazardous waste in violation of the Environmental Protection Act, 415 ILCS 5/44, as amended.
- (Q) Any motor vehicle that is operated by a person driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code, 625 ILCS 5/11-501, as amended, during a period in which his/her driving privileges are revoked or suspended where the revocation or suspension was driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof; Section 11-501.1 of the Illinois Vehicle Code, 625 ILCS 5/11-501.1, as amended (statutory summary suspension or revocation of driver's license for driving under the influence); Section 11-401(b) of the Illinois Vehicle Code, 625 ILCS 5/11-401(b), as amended (failing to stop when involved in an accident resulting

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in personal injury or death); and reckless homicide as defined in Section 9-3 of the Illinois Criminal Code, 720 ILCS 5/9-3, as amended.

- (R) Any motor vehicle that is operated by a person driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof and has been previously convicted of reckless homicide or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted of committing a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof and was involved in a motor vehicle accident that resulted in death, great bodily harm or permanent disability or disfigurement to another when the violation was a proximate cause of the death or injuries.
- (KS) Any motor vehicle otherwise subject to seizure and impoundment pursuant to 720 ILCS 5/36-1, as amended.
- (ET) ~~Any motor vehicle that contains any cannabis or controlled substance of more than thirty (30) grams or more, as defined in~~ that is operated or used in the commission of, or in the attempt to commit, an offense in violation of the Illinois Cannabis Control Act, 720 ILCS 550/1, et seq., as amended, and the Illinois Controlled Substances Act, 720 ILCS 570/100, et seq., as amended, including, but not limited to, or that is used in the solicitation, possession, attempt to solicit or possess, delivery, trafficking, purchase, attempt to purchase, sale or attempt to sell such cannabis or controlled substances in violation of said Acts.
- (M) ~~Any motor vehicle used in the sale or delivery of drug paraphernalia or the unlawful possession of drug paraphernalia in violation of the Drug Paraphernalia Control Act, 720 ILCS 600/1, et seq., as amended.~~
- (NU) Any motor vehicle which is operated by a person ~~who does not own a valid Illinois~~ with an expired driver's license or permit or a restricted driver's permit in violation of 625 ILCS 5/6-101(a), as amended, of the Illinois Vehicle Code; except said violation does not include instances where a driver's license was validly issued to the vehicle operator but has expired for a period of ~~less than one (1) year~~ or less.

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- (V) Any motor vehicle which is operated by a person who was never issued a driver's license, permit or restricted driving permit in violation of 625 ILCS 5/6-101 of the Illinois Vehicle Code, as amended, or operating a motor vehicle without ever having been issued a driver's license, permit or restricted driving permit due to a person's age.
- (ΘW) Any motor vehicle which is operated by a person driving while his/her driver's license, permit or privilege to operate a motor vehicle is suspended or revoked in violation of 625 ILCS 5/6-303, as amended, of the Illinois Vehicle Code; except a ~~person whose driver's license, permit or privilege to operate a~~ that a motor vehicle shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing is suspended only for a violation of 625 ILCS 5/13, et seq., as amended, "The Emissions Inspection Law," or suspended for vehicle registration. For purposes of this subsection, the terms "revoked" or "suspended" when used in context of driving privileges or driver's licenses, shall have the same meaning as contained on the Illinois Vehicle Code, 625 ILCS 5/6-100, et seq., as amended.
- (RX) Any motor vehicle which is operated by a person which is not covered by a liability insurance policy Any person who is in violation of 7-601 of the Illinois Vehicle Code, 625 ILCS 5/7-601, as amended. shall have his/her motor vehicle immediately impounded.
- (PY) Any motor vehicle which is operated by a person when such vehicle is used by the person in fleeing or attempting to elude a law enforcement officer or in aggravated fleeing or attempting to elude a law enforcement officer in violation of 625 ILCS 5/11-204.1 and 204.1, respectively, as amended, of the Illinois Vehicle Code.
- (QZ) Any motor vehicle which is operated by a person who is under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, in violation of 625 ILCS 5/11-501(a), as amended, of the Illinois Vehicle Code.

~~1. The maximum amount of time allowed for the impoundment of such vehicle under this subsection is 12 hours after the time of arrest of the driver of the vehicle~~

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~~pursuant to section 4-203(e) of the Illinois Vehicle Code, 625 ILCS 5/4-203(e), as amended.~~

- (~~RAA~~) Any motor vehicle which is operated by a person driving against whom a warrant has been issued by ~~the a C~~ircuit ~~C~~court in Illinois for failing to answer charges that the driver violated ~~subsection 9-8-2(O) or 9-8-2(Q) above~~ Section 6-101 (driving without license, permit or restricted driving permit), Section 6-303 (driving while driver's license, permit or privilege to operate motor vehicle is revoked), or 11-501 (driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof) of the Illinois Vehicle Code, 625 ILCS 5/6-101, 5/6-303 or 5/11-501, respectively, as amended.
- (~~S~~-BB) Any motor vehicle which is operated by a person who commits reckless driving as defined in 625 ILCS 5/11-503, as amended, of the Illinois Vehicle Code.
- (~~F~~CC) Any motor vehicle which is operated by a person who is engaging in street racing as defined in 625 ILCS 5/11-506, as amended, of the Illinois Vehicle Code.
- (~~U~~DD) Any motor vehicle which is operated by a person when such vehicle's registration is cancelled, suspended or revoked in violation of 625 ILCS 5/3-702, as amended, of the Illinois Vehicle Code, unless the registration of the motor vehicle has been suspended for noninsurance or the registration of the motor vehicle has been suspended for failure to purchase a vehicle tax sticker.
1. Any motor vehicle which is operated by a person when such vehicle's registration is suspended for noninsurance is subject to seizure and impoundment where a person has been convicted of a second or subsequent violation of 625 ILCS 5/3-708, as amended, of the Illinois Vehicle Code (operation of a motor vehicle when the registration is suspended for noninsurance).
- (~~V~~EE) Any motor vehicle which is operated by a person when such vehicle is being operated with a false, fraudulent, stolen or altered registration in violation of 625 ILCS 5/3-703, as amended, of the Illinois Vehicle Code.

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- (WFF) Any motor vehicle which is operated by a person when such vehicle's registration is suspended for noninsurance in violation of 625 ILCS 5/3-708, as amended, of the Illinois Vehicle Code, as provided in subsection (DD)1., above.
- (XGG) Any motor vehicle which is operated by a person who presents or displays a false insurance card to a law enforcement officer, court, or officer of the court in violation of 625 ILCS 5/3-710, as amended, of the Illinois Vehicle Code.
- ~~(Y) Any motor vehicle that has any alcoholic beverage which is not in its original container and/or has its seal broken in the passenger area of the vehicle in violation of 625 ILCS 5/11-502, as amended, of the Illinois Vehicle Code.~~

9-8-3: **EXCEPTIONS:** This Chapter shall not apply to:

- (A) ~~Driving a vehicle while a person whose driver's license, permit or privilege to operate a motor vehicle is suspended only for a violation of 625 ILCS 5/13, et seq., as amended, "The Emissions Inspection Law," or suspended for vehicle registration;~~
- (BA) A vehicle used in any of the violations set forth in Section 9-8-2 of this Chapter that was stolen at the time ~~and the theft was reported to the appropriate law enforcement authorities within twenty-four (24) hours after the theft was discovered or reasonably should have been discovered~~ and the owner provides verifiable proof that the vehicle was stolen at the time the vehicle was impounded; or
- (CB) ~~If the vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle; or~~ Any person who is the lessor of the vehicle pursuant to a written lease agreement; provided, that upon the request of the City received within 120 days after the violation occurred, the lessor provides within 60 days after receipt of such receipt, the name and address of the lessee. The driver's license number of the lessee may be subsequently individually requested by the City if needed for enforcement of this Chapter. The lessee shall be provided an opportunity for a hearing, as afforded the registered owner, as provided in Section 9-8-6 of this Chapter.
- ~~(D) With respect to subsections 9-8-2(I), (L) or (M) of this Chapter, the owner proves the item(s) found is not unlawful.~~

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9-8-4: ADMINISTRATIVE FEES: The registered owner of record of a properly impounded vehicle, or the agents(s) of said owner, shall be liable to the City for an administrative fee of \$500.00. Said administrative fee represents the administrative and processing costs associated with the investigation, arrest and detention of an offender, or the removal, impoundment, storage and release of the vehicle. The administrative fee is in addition to any towing and storage fees charged for the towing and storage of the impounded vehicle.

- (A) All administrative fees and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner.
- (B) The fees shall be in addition to (i) any other penalties that may be assessed by a court of law for the underlying violations; and (ii) any towing or storage fees, or both, charged by the towing company.
- (C) The fees shall be collected by and paid to the City.
- (D) The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle. The towing and storage fees shall be those approved by the Chief of Police for all towers authorized to tow for the City of Darien Police Department.

~~9-8-4: GENERAL REGULATIONS:~~

- ~~(A) This Chapter is in addition to and shall not replace or otherwise abrogate any existing federal or state laws or City codes or ordinances pertaining to the seizure, towing and/or impoundment of motor vehicles.~~
- ~~(B) The owner of record of the motor vehicle shall be subject to the administrative penalty set forth in this Chapter in addition to any penalties that may be assessed by a court of law for any criminal charges in connection with said violation.~~
- ~~(C) The owner of record is responsible for paying fees for towing and storage of a vehicle towed and impounded pursuant to this Chapter, in addition to the \$500.00 administrative penalty imposed by Section 9-8-2 of this Chapter. The fees for towing~~

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~~and storage of a motor vehicle under this Chapter shall be those approved by the Chief of Police for all towers authorized to tow for the City of Darien Police Department.~~

9-8-5: NOTICE OF IMPOUNDMENT ~~AND PRELIMINARY HEARING:~~

- (A) **Notice.** Whenever a police officer determines that a motor vehicle is subject to seizure and impoundment pursuant to this Chapter, the police officer shall provide for the towing of the vehicle to a facility authorized by the Chief of Police. Before or at the time the vehicle is towed, the police officer shall notify or make a reasonable attempt to notify any person identifying him/herself as the owner, lessee or any person identifying him/herself as the owner or lessee of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, and who is physically present at the scene, of the alleged violation, seizure and impoundment of the vehicle and the vehicle owner's or lessee's right to request a preliminary vehicle impoundment-an administrative hearing, to be conducted pursuant to this Chapter. If the owner is present at the scene, the police officer shall inform the owner that he/she has the right to make a written request for a preliminary vehicle impoundment hearing within forty eight (48) hours of the seizure in accordance with Section 9-8-6 of this Chapter. If the owner or lessee of the vehicle is not present at the scene, the City shall send the owner or lessee written notice of the seizure and impoundment by certified mail, return receipt requested by personal service or first class mail, at the address listed on the owner's vehicle registration within twenty-four (24) hours of the impoundment, excluding Saturdays, Sundays and City holidays. Said notice shall inform the owner or lessee that he/she has the right to an administrative hearing request a preliminary impoundment hearing within forty eight (48) hours of the owner's receipt of the notice in accordance with Section 9-8-6 of this Chapter .
- (B) **Impoundment Pending Hearing.** The City shall provide notice to the owner or lessee that Said the motor vehicle shall be remain impounded pending the completion of the preliminary vehicle impoundment administrative hearing provided for in Section 9-8-6 of this Chapter, unless the owner or lessee of the vehicle or a lienholder posts with the City a cash bond equal to, or pays by money order or certified check, with the City of Darien Police Department the amount of the administrative fee of

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~~\$500.00 plus any accrued towing and storage charges and pays for all towing and storage charges.~~

~~9-8-6: **PRELIMINARY HEARING:** — If the owner of record of a motor vehicle seized and impounded pursuant to this Chapter desires to appeal the seizure, said owner must make a request for a preliminary vehicle impoundment hearing within forty eight (48) hours of the seizure, or within forty eight (48) hours of receipt of notice by the owner of the vehicle if the owner is not present at the time of the seizure. Said request shall be in writing and filed with the Chief of Police, or his duly authorized designee, who shall conduct such preliminary hearing within forty eight (48) hours after receipt of the request, excluding Saturdays, Sundays and City holidays. All interested persons shall be given a reasonable opportunity to be heard at the preliminary vehicle impoundment hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence will be admissible only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. If, after the hearing, the Chief of Police, or his duly authorized designee, determines there is probable cause to believe the vehicle is subject to seizure and impoundment pursuant to this Chapter, the Chief of Police or his duly authorized designee, shall order the continued impoundment of the vehicle as provided in this Chapter, unless the owner of the vehicle posts with the City, a cash bond, or pays by money order or certified check, the amount of \$500.00 plus any applicable towing and storage fees. If the Chief of Police, or his duly authorized designee, determines there is no probable cause for the seizure and impoundment of the vehicle pursuant to this Chapter, the vehicle will be returned to the owner without penalty or other fees.~~

~~9-8-76: **ADMINISTRATIVE HEARING:**~~

~~(A) **Notice.** Unless the owner of the motor vehicle prevails at a preliminary vehicle impoundment hearing held pursuant to Section 9-8-6 of this Chapter, or the owner of record affirmatively waives his/her right to an administrative hearing, Within five (5) ten (10) days business days after a motor vehicle has been seized and impounded pursuant to this Chapter, the City shall notify the owner of record, lessee, and any lienholder of record by personal service or certified by first class mail, return receipt requested, to the interested party's address as registered with the Secretary of State, of the date, time and location of the scheduled hearing that will be conducted pursuant to this Section. The name and address of the person to whom a vehicle is registered~~

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as shown on the records of the state in which the vehicle is registered shall be conclusive evidence of the name and address of the owner of record of the vehicle, unless the owner of record has given the City actual written notice of a different name and/or address. The notice shall state the penalty and fees that may be imposed, and that a motor vehicle not released by cash bond or other form of payment acceptable to the City may be sold or disposed of by the City in accordance with applicable law.

- (B) **Hearing.** ~~The administrative hearing shall be scheduled, unless the owner prevailed at the preliminary vehicle impoundment hearing, affirmatively waives the administrative hearing, or the hearing is continued by order of the hearing officer, no later than thirty (30) forty-five (45) days after the motor vehicle is seized date of the mailing of the notice of hearing.~~ The hearing shall be conducted, and the case heard and decided, by a hearing officer appointed by the City as provided in Title 9, Chapter 7, "Administrative Hearing System," of the City Code. Formal or technical rules of evidence shall not apply. The hearings shall be recorded and the hearing officer shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at the hearing may be represented by counsel at their expense. At the conclusion of the hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment. If, after the hearing, the hearing officer determines ~~by a preponderance of the evidence~~ that the motor vehicle, operated with the permission, express or implied of the owner, was used in connection with a violation set forth in this Chapter, the hearing officer shall enter an order finding the owner of record civilly liable to the City for an administrative penalty in an amount not to exceed \$500.00 and requiring the vehicle to continue to be impounded until the owner pays the administrative penalty to the City plus any applicable towing and storage fees. If the owner fails to appear at the hearing, the hearing officer shall enter a default order in favor of the City, requiring the payment to the City of an administrative penalty in the amount of \$500.00. A copy of the default order shall be sent to the registered owner via certified mail, return receipt requested. If a cash bond or other acceptable form of payment has been posted, that amount shall be applied to the amount owed. If the hearing officer finds ~~by a preponderance of the evidence~~ that the vehicle was improperly seized and impounded pursuant to this Chapter, the hearing officer shall order the immediate return of the owner's vehicle along with any previously paid cash bond and any

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additional fees. All final decisions of the hearing officer shall be subject to review under the provisions of the Illinois Administrative Review Law (735 ILCS 5/3-101, et seq.).

- (C) **Driving While Intoxicated; Standard of Evidence.** A sworn report of a police officer prepared in conformity with Section 11-5-1.1 of the Illinois Vehicle Code, 625 ILCS 5/11-501.1, as amended, establishing that a person refused testing or has submitted to a test that discloses a blood alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, controlled substance listed in the Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, shall constitute prima facie evidence under this Chapter sufficient to establish a finding of the vehicle owner's liability under this Chapter. The presumption may be rebutted by clear and convincing evidence.

9-8-87: ADMINISTRATIVE PENALTY:

- (A) **Liability for Administrative Penalty and Costs.** If an administrative penalty is imposed pursuant to this Chapter, such penalty shall constitute a debt due and owing the City. If a cash bond or other form of monetary payment acceptable to the City has been posted pursuant to this Chapter, such amount shall be applied to the total penalty assessed at the hearing. ~~If a motor vehicle has been impounded when such an administrative penalty has been imposed, the City may seek to obtain a judgment on the debt and enforce such judgment against the vehicle as provided by law~~ Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Chapter, which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law, may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Except as provided otherwise in this Chapter, a vehicle shall continue to be impounded until: (i) the administrative penalty is paid to the City and any applicable towing and storage fees are paid to the tower, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle; or (ii) the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law. If the administrative penalty and other applicable fees are not paid within thirty-five (35) days after an administrative

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~~penalty is imposed against the owner of record who defaults by failing to appear at the hearing, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles. In all other cases, if the administrative penalty and other applicable fees are not paid within thirty (30) days after the expiration of time in which administrative review of the hearing officer's determination may be sought, or within thirty days (30) after an action seeking administrative review has been resolved in favor of the City, whichever is applicable~~ the hearing officer issues a written decision, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided for the disposition of unclaimed vehicles under section 4-208 of the Illinois Vehicle Code, 625 ILCS 5/4-208, as amended; provided, however, where proceedings have been instituted under state or federal drug asset forfeiture laws, the vehicle may not be disposed of by the City except in a manner consistent with the disposition of vehicles that is provided for in those proceedings.

- (B) **Vehicle Possession.** Except as otherwise specifically provided by law, no owner, lienholder, or other person shall be legally entitled to take possession of a vehicle impounded under this Chapter until the administrative penalty and other applicable fees under this Chapter have been paid in full. However, whenever a person with a lien of record against an impounded vehicle has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he/she agrees in writing to refund the City the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lienholders of record, not to exceed the administrative penalty plus applicable fees.

SECTION 2: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent that the terms of this ordinance should be

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inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN,
DU PAGE COUNTY, ILLINOIS, this _____ day of _____, 2012.**

AYES: _____

NAYS: _____

ABSENT: _____

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE
COUNTY, ILLINOIS, this _____ day of _____, 2012.**

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

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**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
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WHEREAS, the City of Darien is a home rule unit of government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the City has previously adopted Ordinance No. O-11-11, "An Ordinance Amending Title 9, 'Traffic Regulations, By Adding New Chapter 7, 'Administrative Hearing System,' New Chapter 8, 'Seizure and Impoundment of Motor Vehicles,' And New Chapter 9, 'Administrative Fees,' Thereto"; and

WHEREAS, subsequent to the adoption of Ordinance No. O-11-11, the Illinois General Assembly adopted Public Act 97-109, effective January 1, 2012, which amends Chapter 11-208 of the Illinois Vehicle Code by providing for administrative fees and procedures for impounding vehicles (625 ILCS 5/11-208.7); and

WHEREAS, the provisions of Chapter 11-208 of the Illinois Vehicle Code are a limitation on the authority of home rule units to adopt local police regulations inconsistent herewith except pursuant to Section 11-208 of the Illinois Vehicle Code; and

WHEREAS, certain provisions of Title 9, Chapter 8 of the Darien City Code must be amended to be in compliance with Section 11-208.7 of the Illinois Vehicle Code (625 ILCS 5/11-208.7).

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**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS
HOME RULE POWERS, as follows:**

SECTION 1: Title 9, Chapter 8, "Seizure and Impoundment of Vehicles, of the Darien
City Code, is hereby amended as follows:

CHAPTER 8

SEIZURE AND IMPOUNDMENT OF VEHICLES

- 9-8-1: Definitions
- 9-8-2: Conduct Prohibited
- 9-8-3: Exceptions
- 9-8-4: Administrative Fees
- 9-8-5: Notice of Impoundment
- 9-8-6: Administrative Hearing
- 9-8-7: Administrative Penalty

9-8-1: **DEFINITIONS:** The following words, terms and phrases, when used in this
Chapter, shall have the meanings ascribed to them in this Section, except where the
context indicates a different meaning:

- (A) **Business Day.** Any day in which the office of the City Clerk of the City of Darien
is open to the public for a minimum of seven (7) hours.
- (B) **Motor Vehicle.** Any vehicle which is self-propelled, including but not limited to
automobiles, trucks, vans, motorcycles and motor scooters.
- (C) **Owner of Record or Owner.** The record title holder(s) of a motor vehicle as
registered with the Secretary of State of the State of Illinois, or if not registered in
Illinois, the particular state where the motor vehicle is registered.

9-8-2: **CONDUCT PROHIBITED:** A motor vehicle operated with the permission,
express or implied, of the owner of record, shall be declared a public nuisance and shall

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be subject to seizure and impoundment under this Chapter where such motor vehicle is used in connection with any of the following violations. This Chapter is in addition to and shall not replace or otherwise abrogate any existing federal or state laws or City codes or ordinances pertaining to the seizure, towing and/or impoundment of motor vehicles.

- (A) Any motor vehicle which is used by a person during the aiding or abetting or commission of, or in the attempt to commit, a misdemeanor or felony as those terms are defined in the Illinois Criminal Code, 720 ILCS 5/2-7 and 2-8, as amended, and as provided in the Illinois Vehicle Code, as amended, and adopted in Section 9-5-2 of the Darien City Code.
- (B) Any motor vehicle that is used in the commission of, or in the attempt to commit, the following offenses set forth in Article 9 of the Illinois Criminal Code, 720 ILCS 5/9, *et seq.*, as amended: (i) first degree murder (9-1); and (ii) involuntary manslaughter and reckless homicide (9-3).
- (C) Any motor vehicle that is used in the commission of, or in the attempt to commit, aggravated kidnapping in violation of Section 10-2 of the Illinois Criminal Code, 720 ILCS 5/10-2, as amended.
- (D) Any motor vehicle that is used in the commission of, or in the attempt to commit, the following offenses set forth in Article 11 of the Illinois Criminal Code, 720 ILCS 5/11, *et seq.*, as amended: (i) criminal sexual assault (11-1.20); (ii) aggravated criminal sexual assault (11-1.30); (iii) predatory criminal sexual assault of a child (11-1.40); (iv) criminal sexual abuse (11-1.50(a)); (v) aggravated criminal sexual assault (11-1.60(a), (c) or (d)); (vi) indecent solicitation of a child (11-6); (vii) promoting juvenile prostitution (except for keeping a place of juvenile prostitution) (11-14.4); (viii) soliciting for a minor engaged in prostitution (11-15.1); (ix) child pornography (11-20.1); and (x) aggravated child pornography (11-20.1B).
- (E) Any motor vehicle that is used in the commission of, or attempt to commit, aggravated battery in violation of subsections (a)(1), (a)(2), (a)(4), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6) or (e)(7) of Section 12-3.05 of the Illinois Criminal Code, 720 ILCS 5/12-3.05, as amended.
- (F) Any motor vehicle that is used in the commission of, or attempt to commit, the following offenses set forth in Article 12 of the Illinois Criminal Code, 720 ILCS

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5/12, *et seq.*, as amended: (i) stalking (12-7.3); (ii) aggravated stalking (12-7.4); (iii) criminal sexual abuse (12-15(a)); and (iv) aggravated criminal sexual abuse (12-16(a), (c) or (d)).

- (G) Any motor vehicle that is used in the commission of, or attempt to commit, theft in violation of Article 16 (theft and related offenses) and Article 16(A) (retail theft) of the Illinois Criminal Code, 720 ILCS 5/16-1, *et seq.*, and 5/16A-1, *et seq.*, respectively, as amended.
- (H) Any motor vehicle that is used in the commission of, or attempt to commit armed robbery in violation of the Illinois Criminal Code, 720 ILCS 5/18-2, as amended.
- (I) Any motor vehicle that is used in the commission of, or attempt to commit, the following offenses set forth in Article 19 of the Illinois Criminal Code, 720 ILCS 5/19, *et seq.*, as amended: (i) burglary (19-1);(ii) possession of burglary tools (19-2); and (iii) residential burglary (19-3).
- (J) Any motor vehicle used in the commission of, or attempt to commit, the following offenses as set forth in Article 20 of the Illinois Criminal Code, 720 ILCS 5/20, *et seq.*, as amended: (i) arson(20-1); and (ii)possession of explosives or explosive or incendiary devices(20-2).
- (K) Any motor vehicle that is used in the commission of, or attempt to commit, the following offenses set forth in Article 24 of the Illinois Criminal Code, 720 ILCS 5/24, *et seq.*, as amended: (i) unlawful use of weapons (24-1); (ii) aggravated discharge of a firearm (24-1.2); (iii) aggravated discharge of a machine gun or firearm equipped with a device designed or used for silencing the report of a firearm (24-1.2-5); (iv) reckless discharge of a firearm (24-1.5); and (v) unlawful possession of firearms and firearm ammunition (24-3.1).
- (L) Any motor vehicle that is used in the commission of, or attempt to commit, gambling in violation of the Illinois Criminal Code, 720 ILCS 5/28-1, as amended.
- (M) Any motor vehicle that is used in the commission of, or attempt to commit, possession of a deadly substance in violation of the Illinois Criminal Code, 720 ILCS 5/29D-15.2, as amended.

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TITLE 9, CHAPTER 8, "SEIZURE AND IMPOUNDMENT
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- (N) Any motor vehicle that is used in the commission of, or attempt to commit, the following offenses set forth in the Cigarette Tax Act, 35 ILCS 130, *et seq.*, as amended, if the motor vehicle contains more than 10 cartons of cigarettes: (i) destruction or use of forfeited property (130/21); (ii) counterfeiting or forging stamps (130/22); (iii) sale of packages with counterfeit stamps or stamps previously affixed (130/23); (iv) sale or possession of contraband cigarettes (130/24); and (v) acting as distributor without license (130/26).
- (O) Any motor vehicle that is used in the commission of, or attempt to commit, the following offenses set forth in the Cigarette Use Tax Act, 35 ILCS 135, *et seq.*, as amended, if the motor vehicle contains more than 10 cartons of cigarettes: (i) forging, altering, or counterfeiting stamps (135/28); (ii) sale of improper stamp (135/29); and (iii) sale or possession of unstamped packages of cigarettes, other than by a licensed distributor or transporter (135/30).
- (P) Any motor vehicle that is used in the commission of, or attempt to commit, disposal of hazardous waste in violation of the Environmental Protection Act, 415 ILCS 5/44, as amended.
- (Q) Any motor vehicle that is operated by a person driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code, 625 ILCS 5/11-501, as amended, during a period in which his/her driving privileges are revoked or suspended where the revocation or suspension was driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof; Section 11-501.1 of the Illinois Vehicle Code, 625 ILCS 5/11-501.1, as amended (statutory summary suspension or revocation of driver's license for driving under the influence); Section 11-401(b) of the Illinois Vehicle Code, 625 ILCS 5/11-401(b), as amended (failing to stop when involved in an accident resulting in personal injury or death); and reckless homicide as defined in Section 9-3 of the Illinois Criminal Code, 720 ILCS 5/9-3, as amended.
- (R) Any motor vehicle that is operated by a person driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof and has been previously convicted of reckless homicide or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or

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the person has previously been convicted of committing a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof and was involved in a motor vehicle accident that resulted in death, great bodily harm or permanent disability or disfigurement to another when the violation was a proximate cause of the death or injuries.

- (S) Any motor vehicle otherwise subject to seizure and impoundment pursuant to 720 ILCS 5/36-1, as amended.
- (T) Any motor vehicle that is operated or used in the commission of, or in the attempt to commit, an offense in violation of the Illinois Cannabis Control Act, 720 ILCS 550/1, *et seq.*, as amended, and the Illinois Controlled Substances Act, 720 ILCS 570/100, *et seq.*, as amended, including, but not limited to, the solicitation, possession, attempt to solicit or possess, delivery, trafficking, purchase, attempt to purchase, sale or attempt to sell such cannabis or controlled substances in violation of said Acts.
- (U) Any motor vehicle which is operated by a person with an expired driver's license or permit or a restricted driver's permit in violation of 625 ILCS 5/6-101, as amended, of the Illinois Vehicle Code; except said violation does not include instances where a driver's license was validly issued to the vehicle operator but has expired for a period of one (1) year or less.
- (V) Any motor vehicle which is operated by a person who was never issued a driver's license, permit or restricted driving permit in violation of 625 ILCS 5/6-101, as amended, of the Illinois Vehicle Code, or operating a motor vehicle without ever having been issued a driver's license, permit or restricted driving permit due to a person's age.
- (W) Any motor vehicle which is operated by a person driving while his/her driver's license, permit or privilege to operate a motor vehicle is suspended or revoked in violation of 625 ILCS 5/6-303, as amended, of the Illinois Vehicle Code; except that a motor vehicle shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.

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- (X) Any motor vehicle which is operated by a person which is not covered by a liability insurance policy in violation of 7-601 of the Illinois Vehicle Code, 625 ILCS 5/7-601, as amended.
- (Y) Any motor vehicle which is operated by a person when such vehicle is used by the person in fleeing or attempting to elude a law enforcement officer or in aggravated fleeing or attempting to elude a law enforcement officer in violation of 625 ILCS 5/11-204 and 204.1, respectively, as amended, of the Illinois Vehicle Code.
- (Z) Any motor vehicle which is operated by a person who is under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, in violation of 625 ILCS 5/11-501, as amended, of the Illinois Vehicle Code.
- (AA) Any motor vehicle which is operated by a person driving against whom a warrant has been issued by a circuit court in Illinois for failing to answer charges that the driver violated Section 6-101(driving without license, permit or restricted driving permit), Section 6-303 (driving while driver's license, permit or privilege to operate motor vehicle is revoked), or 11-501(driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof) of the Illinois Vehicle Code, 625 ILCS 5/6-101, 5/6-303 or 5/11-501, respectively, as amended.
- (BB) Any motor vehicle which is operated by a person who commits reckless driving as defined in 625 ILCS 5/11-503, as amended, of the Illinois Vehicle Code.
- (CC) Any motor vehicle which is operated by a person who is engaging in street racing as defined in 625 ILCS 5/11-506, as amended, of the Illinois Vehicle Code.
- (DD) Any motor vehicle which is operated by a person when such vehicle's registration is cancelled, suspended or revoked in violation of 625 ILCS 5/3-702, as amended, of the Illinois Vehicle Code, unless the registration of the motor vehicle has been suspended for noninsurance or the registration of the motor vehicle has been suspended for failure to purchase a vehicle tax sticker.

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1. Any motor vehicle which is operated by a person when such vehicle's registration is suspended for noninsurance is subject to seizure and impoundment where a person has been convicted of a second or subsequent violation of 625 ILCS 5/3-708, as amended, of the Illinois Vehicle Code (operation of a motor vehicle when the registration is suspended for noninsurance).

(EE) Any motor vehicle which is operated by a person when such vehicle is being operated with a false, fraudulent, stolen or altered registration in violation of 625 ILCS 5/3-703, as amended, of the Illinois Vehicle Code.

(FF) Any motor vehicle which is operated by a person when such vehicle's registration is suspended for noninsurance in violation of 625 ILCS 5/3-708, as amended, of the Illinois Vehicle Code, as provided in subsection (DD)1., above.

(GG) Any motor vehicle which is operated by a person who presents or displays a false insurance card to a law enforcement officer, court, or officer of the court in violation of 625 ILCS 5/3-710, as amended, of the Illinois Vehicle Code.

9-8-3:

EXCEPTIONS:

This Chapter shall not apply to:

- (A) A vehicle used in any of the violations set forth in Section 9-8-2 of this Chapter that was stolen at the time and the owner provides verifiable proof that the vehicle was stolen at the time the vehicle was impounded; or
- (B) Any person who is the lessor of the vehicle pursuant to a written lease agreement; provided, that upon the request of the City received within 120 days after the violation occurred, the lessor provides within 60 days after receipt of such receipt, the name and address of the lessee. The driver's license number of the lessee may be subsequently individually requested by the City if needed for enforcement of this Chapter. The lessee shall be provided an opportunity for a hearing, as afforded the registered owner, as provided in Section 9-8-6 of this Chapter.

9-8-4: **ADMINISTRATIVE FEES:** The registered owner of record of a properly impounded vehicle, or the agents(s) of said owner, shall be liable to the City for an

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administrative fee of \$500.00. Said administrative fee represents the administrative and processing costs associated with the investigation, arrest and detention of an offender, or the removal, impoundment, storage and release of the vehicle. The administrative fee is in addition to any towing and storage fees charged for the towing and storage of the impounded vehicle.

- (A) All administrative fees and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner.
- (B) The fees shall be in addition to (i) any other penalties that may be assessed by a court of law for the underlying violations; and (ii) any towing or storage fees, or both, charged by the towing company.
- (C) The fees shall be collected by and paid to the City.
- (D) The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle. The towing and storage fees shall be those approved by the Chief of Police for all towers authorized to tow for the City of Darien Police Department.

9-8-5: NOTICE OF IMPOUNDMENT:

- (A) **Notice.** Whenever a police officer determines that a motor vehicle is subject to seizure and impoundment pursuant to this Chapter, the police officer shall provide for the towing of the vehicle to a facility authorized by the Chief of Police. Before or at the time the vehicle is towed, the police officer shall notify or make a reasonable attempt to notify the owner, lessee or any person identifying him/herself as the owner or lessee of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, and who is physically present at the scene, of the alleged violation, seizure and impoundment of the vehicle and the vehicle owner's or lessee's right to an administrative hearing. If the owner or lessee of the vehicle is not present at the scene, the City shall send the owner or lessee written notice of the seizure and impoundment at the address listed on the owner's vehicle registration within twenty-four (24) hours of the impoundment, excluding Saturdays, Sundays and City holidays. Said notice shall inform the owner or lessee that he/she has the right to an administrative hearing.

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- (B) **Impoundment Pending Hearing.** The City shall provide notice to the owner or lessee that the motor vehicle shall remain impounded pending the completion of the administrative hearing unless the owner or lessee of the vehicle or a lienholder posts with the City a cash bond equal to, or pays by money order or certified check, with the City of Darien Police Department the amount of the administrative fee of \$500.00 and pays for all towing and storage charges.

9-8-6: **ADMINISTRATIVE HEARING:**

- (A) **Notice.** Within ten (10) days business days after a motor vehicle has been seized and impounded pursuant to this Chapter, the City shall notify the owner of record, lessee, and any lienholder of record by personal service or by first class mail, to the interested party's address as registered with the Secretary of State, of the date, time and location of the scheduled hearing that will be conducted pursuant to this Section. The name and address of the person to whom a vehicle is registered as shown on the records of the state in which the vehicle is registered shall be conclusive evidence of the name and address of the owner of record of the vehicle, unless the owner of record has given the City actual written notice of a different name and/or address. The notice shall state the penalty and fees that may be imposed, and that a motor vehicle not released by cash bond or other form of payment acceptable to the City may be sold or disposed of by the City in accordance with applicable law.
- (B) **Hearing.** The administrative hearing shall be scheduled no later than forty-five (45) days after the date of the mailing of the notice of hearing. The hearing shall be conducted, and the case heard and decided, by a hearing officer appointed by the City as provided in Title 9, Chapter 7, "Administrative Hearing System," of the City Code. Formal or technical rules of evidence shall not apply. The hearings shall be recorded and the hearing officer shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at the hearing may be represented by counsel at their expense. At the conclusion of the hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment. If, after the hearing, the hearing officer determines that the motor vehicle, operated with the permission, express or implied of the owner, was used in connection with a violation set forth in this Chapter, the hearing officer shall enter an order finding the owner of record civilly liable to the City for an administrative penalty in an amount not to exceed \$500.00 and requiring the

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vehicle to continue to be impounded until the owner pays the administrative penalty to the City plus any applicable towing and storage fees. If the owner fails to appear at the hearing, the hearing officer shall enter a default order in favor of the City, requiring the payment to the City of an administrative penalty in the amount of \$500.00. A copy of the default order shall be sent to the registered owner via certified mail, return receipt requested. If a cash bond or other acceptable form of payment has been posted, that amount shall be applied to the amount owed. If the hearing officer finds that the vehicle was improperly seized and impounded pursuant to this Chapter, the hearing officer shall order the immediate return of the owner's vehicle along with any previously paid cash bond and any additional fees. All final decisions of the hearing officer shall be subject to review under the provisions of the Illinois Administrative Review Law (735 ILCS 5/3-101, *et seq.*).

- (C) **Driving While Intoxicated; Standard of Evidence.** A sworn report of a police officer prepared in conformity with Section 11-501.1 of the Illinois Vehicle Code, 625 ILCS 5/11-501.1, as amended, establishing that a person refused testing or has submitted to a test that discloses a blood alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, controlled substance listed in the Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, shall constitute prima facie evidence under this Chapter sufficient to establish a finding of the vehicle owner's liability under this Chapter. The presumption may be rebutted by clear and convincing evidence.

9-8-7: ADMINISTRATIVE PENALTY:

- (A) **Liability for Administrative Penalty and Costs.** If an administrative penalty is imposed pursuant to this Chapter, such penalty shall constitute a debt due and owing the City. If a cash bond or other form of monetary payment acceptable to the City has been posted pursuant to this Chapter, such amount shall be applied to the total penalty assessed at the hearing. Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Chapter, which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law, may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

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Except as provided otherwise in this Chapter, a vehicle shall continue to be impounded until: (i) the administrative penalty is paid to the City and any applicable towing and storage fees are paid to the tower, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle; or (ii) the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law. If the administrative penalty and other applicable fees are not paid within thirty-five (35) days after the hearing officer issues a written decision, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided for the disposition of unclaimed vehicles under section 4-208 of the Illinois Vehicle Code, 625 ILCS 5/4-208, as amended; provided, however, where proceedings have been instituted under state or federal drug asset forfeiture laws, the vehicle may not be disposed of by the City except in a manner consistent with the disposition of vehicles that is provided for in those proceedings.

- (B) **Vehicle Possession.** Except as otherwise specifically provided by law, no owner, lienholder, or other person shall be legally entitled to take possession of a vehicle impounded under this Chapter until the administrative penalty and other applicable fees under this Chapter have been paid in full. However, whenever a person with a lien of record against an impounded vehicle has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he/she agrees in writing to refund the City the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lienholders of record, not to exceed the administrative penalty plus applicable fees.

SECTION 2: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

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SECTION 3: This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DARIEN, DU PAGE COUNTY, ILLINOIS, this ___ day of _____, 2012.**

AYES: _____

NAYS: _____

ABSENT: _____

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE
COUNTY, ILLINOIS, this _____ day of _____, 2012.**

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

g:\rncj\dar\ordres\9-8 amendment seizure & impoundment vehicles clean copy.docx

ITEM #6

AGENDA MEMO
Police Committee
April 2, 2012

ISSUE STATEMENT

Motion recommending approval for the purchase and installation of a Bi- Directional STARCOM Amplifier (BDA) for the police facility.

BACKGROUND/HISTORY

The FYE12 Budget includes the purchase/installation of a BDA system for the police facility. Because of the dense construction of the Police Facility – the STARCOM radios would not work in the lower level or some areas of the upper level of the building. The BDA will allow officers to receive and transmit on the STARCOM system anywhere in the building. The budget line item 01-40-4815 includes \$8350 for this project. The low quote was \$6,943.28. Quotes are as follows:

Company	Price Quote
Communications Direct, Inc.	\$ 6,943.28
Chicago Communications	\$ 8723.00
A Beep	\$17,124.00
United Radio Communications, Inc.	\$17,340.00
Miner Electronics	\$23,684.48

Staff made an error and authorized this project prior to formal council approval. Staff has internally reviewed the purchasing authority to ensure purchases over \$5,000 receive prior council approval.

STAFF/COMMITTEE RECOMMENDATION

The Staff recommends approval of the expenditure to Communications Direct Inc for \$6,943.28.

ALTERNATE CONSIDERATION

N/A

DECISION MODE

This item will be on the April 16, 2012, City Council Agenda for formal approval.

Please Return This Portion With Your Payment

Please put your customer number and invoice number on your check for prompt processing

Invoice Number

IN113200

Customer Number

12109

Invoice Date

3/9/2012

\$6,943.28



Send Payment To: Communications Direct Inc.
735 Hunter Drive - Unit F
Batavia, IL 60510

Invoice Total

Amount Paid

Billed ACCOUNTS PAYABLE
To: DARIEN POLICE DEPARTMENT
1710 PLAINFIELD RD
DARIEN, IL 60561

Billed To:
ACCOUNTS PAYABLE
DARIEN POLICE DEPARTMENT
1710 PLAINFIELD RD
DARIEN, IL 60561

Shipped To:
JOHN COOPER
DARIEN POLICE DEPARTMENT
1710 PLAINFIELD RD
DARIEN, IL 60561

Invoice

Date: 3/9/2012
Invoice #: IN113200

Sales Person	P. O. Number	Ship Via	Payment Terms	Due Date
Roger Folkerts	JOHN COOPER	INSTALL	NET 10	3/19/2012

Description	Quantity	Unit Price	Sub Total
BDA SYSTEM	1.00	\$5,528.28	\$5,528.28
Shipping	1.00	\$65.00	\$65.00
LABOR AND INSTALLATION	1.00	\$1,350.00	\$1,350.00
Subtotal			\$6,943.28
Tax			\$0.00
Total			\$6,943.28

For Questions Regarding This Invoice Please Call Roger Folkerts

Thank You For Your Business!



QUOTE 1

Communications Direct, Inc.

735 Hunter Drive

Unit F

Batavia, IL 60510

(630)406-5404 Fax: (630)406-5405

PRICE QUOTE

Date	Estimate No.
10/28/2011	1-KM5OZ

Name / Address

Darien Police Department
 1710 Plainfield Road
 Darien, Illinois 60561
 Attn: Deputy Chief Cooper

ITEM	DESCRIPTION	QTY	COST	TOTAL
			Terms	FOB
			Net 10	Prepay/Add
				P.O.
1	CSI 65 DB SMR700 BDA Amplifier	1	\$2,300.06	\$2,300.06
2	Cellmax In Building Antenna	5	\$36.00	\$180.00
3	Telewave 8DB Yagi Antenna	1	\$447.00	\$447.00
4	ICA12 1/2" Plenum Transmission Line	350	\$2.89	\$1,011.50
5	LDF4-50A 1/2" Foam Transmission Line	100	\$3.00	\$300.00
6	L4THM N'Male Connector	14	\$23.50	\$329.00
7	L4TNF N' Female Connector	2	\$23.50	\$47.00
8	Andrews #241088-1 Ground Kit	1	\$17.99	\$17.99
9	MLB D2 2 Port Splitter	1	\$68.33	\$68.33
10	MLB DN 4.8db Directional Coupler	1	\$118.34	\$118.34
11	MLB DN 8db Directional Coupler	2	\$118.34	\$236.68
12	L400-NMNM Cable Assembly	1	\$62.12	\$62.12
13	SAT-A42 NMNF Plenum Cable Assembly	6	\$32.22	\$193.32
14	SAT-A42 NMNM Plenum Cable Assembly	4	\$39.78	\$159.12
15	Consumables	1	\$58.00	\$58.00
16	Shipping	1	\$65.00	\$65.00
17	Installation and Optimization Charges	1	\$1,350.00	\$1,350.00
Thank you for using Communications Direct, inc.			Total:	\$6,943.46

John Cooper

QUOTE 2

From: Barry Wilk [bwilk911@comcast.net]
Sent: Tuesday, November 01, 2011 7:00 AM
To: John Cooper
Subject: Starcom 21 BDA System - Darien PD 11-1-11

United Radio Communications, Inc.

9200 S. Oketo Ave.
Bridgeview, IL 60455
Tel: 708-430-5800

November 1, 2011

Deputy Chief John Cooper
Darien Police
1710 Plainfield Road
Darien, IL 60561

John –

United Radio Communications, Inc. is pleased to provide the following proposal as requested and described below:

Description

One (1) Starcom 21 Radio System Building Enhancement System to include:

- Bi-Direction Amplifier, 700/800 MHz, 80 DB
- UPS, 2200VA, Dual Conversion
- Antenna, 700/800 Directional
- 1/2" Transmission Line w/Connectors
- 1/2" Transmission Line, Plenum w/Connectors
- Transmission Line Grounding
- Antenna Lighting Suppression
- Antenna Mount, Roof
- Splitters, 2 Port
- Antennas, Multi-band, Ceiling Mount
- RF Interconnect Cables
- Installation of above
- Set-up as required
- Testing as required

Project Cost – \$ 17,340.00 (1)

(1) Plus applicable Taxes, Shipping and Handling

TERMS

50% with Order

30% upon Equipment Delivery

10% upon Completion of Installation

10% upon Acceptance

Valid for 30 days

System is engineered to provide in excess of 95% in-building coverage with donor signal level of -70 dbm or better @ roof level.

QUOTE 3



August 23, 2011

Deputy Chief John Cooper
Darien Police Department
1710 Plainfield Rd.
Darien, IL 60561

Dear Chief Cooper:

On behalf of Chicago Communications LLC, I am pleased to provide you with the pricing information you requested for adding in-building amplification for the 700 MHz frequency range in order to be able to fully communicate within your PD building when using the new 700/800 MHz Starcom county radio system. In addition, you will continue to be able use the current in-building amplifier system used for the Sprint/Nextel system, assuming it is currently providing the quality of service you require. Since the existing amplification system is not in our scope of work for this project, we have not verified its operating condition.

Our pricing for adding this amplifier is \$8,723.00. This pricing will remain valid until October 26, 2011.

The scope of this proposal is the addition of a 700 MHz SMR to the existing Nextel 800 SMR DAS currently installed in your building. This proposal includes the required 700 MHz repeater as well as the replacement of all in-building antennas, couplers, and splitters for 700 MHz compatibility. All existing in-building DAS cabling will be reused as installed and terminated. Both the existing roof penetration for our outdoor cable run, as well as, the current BDA electrical will be used for this upgrade.

Installation, engineering, and our project management are also included in our proposal pricing. Chief, if you have questions, both Dennis and I are available to provide you with the answers. Please do not hesitate to contact us.

Once again, Chief, thank you for this opportunity to work with you on this important project.

Sincerely,
Chicago Communications LLC

Ray Hill
Account Manager
(630)993-4230

Headquarters
**200 Spangler Ave.
Elmhurst, IL 60126
Phone (630) 832-3311
Fax (630) 832-7599**

Chicago Location
**2100 S Peoria
Chicago, IL 60608
Phone (312) 829-2700
Fax (312) 829-5157**

QUOTE 4



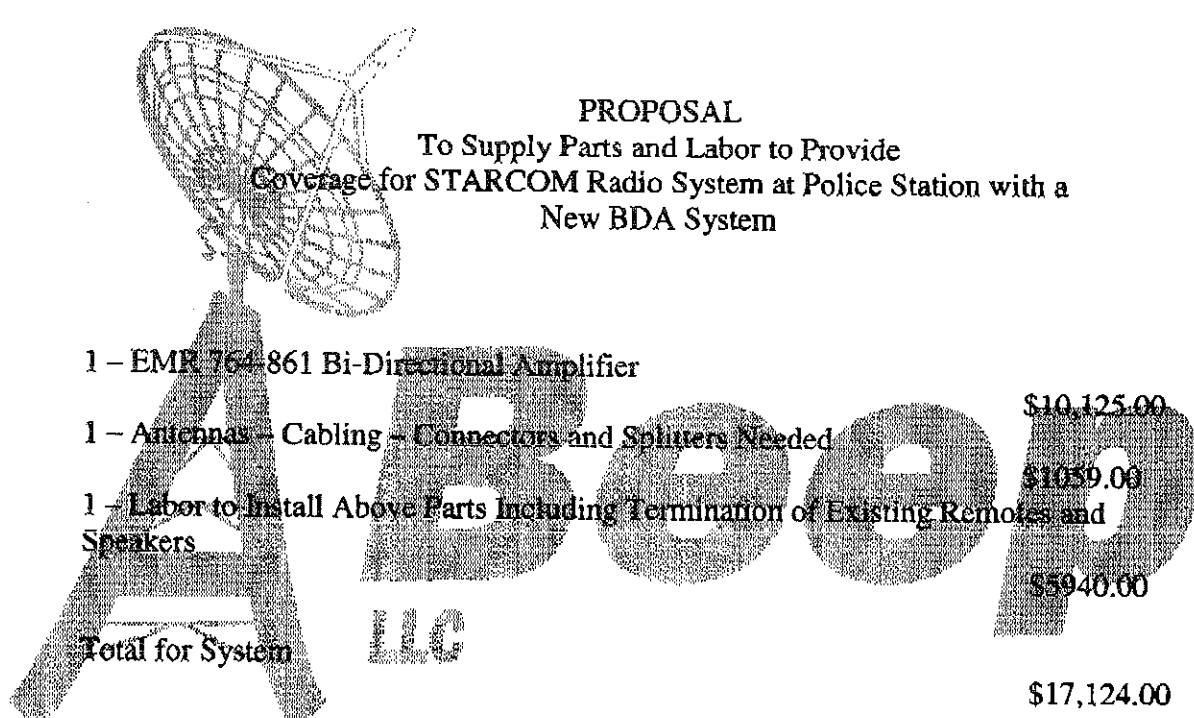
452 N. CHICAGO ST. • JOLIET, IL 60432 • Fax (815) 740-1357 • (815) 740-1780 • www.abeep.com

Darien Police Department
 1710 Plainfield Rd.
 Darien, IL. 60561
 Attn : Deputy Chief John Cooper

11/23/11

PROPOSAL
 To Supply Parts and Labor to Provide
 Coverage for STARCOM Radio System at Police Station with a
 New BDA System

1 - EMR 764-861 Bi-Directional Amplifier	\$10,125.00
1 - Antennas - Cabling - Connectors and Splitters Needed	\$1059.00
1 - Labor to Install Above Parts Including Termination of Existing Remotes and Speakers	\$5940.00
Total for System	\$17,124.00



STARCOM BDA

FY 2011/2012 EQUIPMENT REPLACEMENT INFORMATION

Department Police

Fund 01-40-4815

Description of item to be replaced.

Requesting to add a 700 MHz signal booster to the police departments current BDA- bi-directional amplifier to help the STARCOM radio system operate out of the police building

Status/Condition of item to be replaced.

Year purchased 2000

Original Cost Free from Nextel

Year item was/is scheduled for replacement- N/A

Additional information, including mileage/hours, condition, repair history, accident history. Include additional supporting material if needed. Dupage County and Darien Police are going to a new interoperable radio system called STARCOM in June 2011. This new radio system operates on 700 MHZ. Staff tested a STARCOM radio throughout the city. Unfortunately the only place found with a poor signal was the police station. The lower level was especially bad in booking. It is imperative that the officers can transmit and receive radio communications within the police station.

Description of replacement item, including upgrades and technological improvements. In 2000, Nextel provided the police department with a BDA at no cost to help the City cell phones work within the police building. Before the BDA, the reliability of the Nextel phones/radios was terrible. Part of the problem is the way the police department building is constructed with re-enforced concrete.

Staff had Chicago Communications out to look at the issue with the STARCOM radios. They devised a way to add a 700 MHz booster to the Nextel BDA. They will also need to change out the antennas. This is a savings over putting another amplifier into the building.

Purchase information.

Estimated Cost \$8,323.00

Expected month of purchase May 2012

Account Name Capital

Account # 01-40-4815

Disposition of old equipment. N/A

CITY OF DARIEN POLICE DEPARTMENT WORKLOAD ANALYSIS

Executive Summary:

The International City Management Association Center for Public Safety Management recommends conducting a *Workload Analysis* as a means to reduce costs and improve performance of your public safety services. An analysis of police workload, including citizen- and officer-initiated activities, allows communities to show how actual workload compares to deployment, providing objective data on staffing and scheduling requirements. The International Association of Chiefs of Police (IACP) states; "Ready-made, universally applicable patrol staffing standards do not exist. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions."

Using the raw data extracted from the police department's dispatch agency, staff converts calls for service into police services workload and then effectively graphs workload reflecting seasonally, weekday / weekend and time of day variables. Using this information the police department can contrast actual workload with deployment and identify the amount of discretionary patrol time available (as well as time commitments to other police activities. Police service workload differentiates from calls for service in that calls for service are a number reflecting the incidents recorded. Workload is a time measurement recording the actual amount of police time required to handle calls for service from inception to completion. Various types of police service calls require differing amounts of time (and thus affect staffing requirements). As such, call volume (number of calls) as a percentage of total number of calls could be significantly different from workload in a specific area as a percentage of total workload.

This analysis will provide the City with the strategy for how we will measure the Darien Police Department and make the management decisions that will define where, when and how resources are allocated. Those decisions will be based upon quantifiable data that is measured with the overall benefit to the public that we serve. The information in the analysis will identify how much work the officers are engaged in, in what categories, what percentage of the effort is self-generated and what is the result of a call for service via 911. Additionally, the analysis seeks to determine how much of the officers time is spent on radio response and how much discretionary patrol time is available to officers.

GLOSSARY OF TERMS:

CFS-Call(s) For Service-used to identify any activity that resulted in an event number being created.

Event Number-A numerical value assigned to each activity that DU-COMM is notified of.

911 Call- Any call from a citizen or other agency requesting police service that is fielded by the DU-COMM operator and dispatched or otherwise assigned to a sworn police officer

Incident Type- Every event category is given an event number, it is also given a written designation that outlines the type of incident to which an officer responds or an event number was created.

Create to Close- The period of time from when an event number is opened until the DU-COMM operator closes the event. This can occur because an officer responds and concludes a preliminary investigation or will occur even if no officer response was required.

Overnight Parker- When a citizen notifies the DU-COMM operator that they intend to leave a vehicle or a guest intends to leave a vehicle parked on the public way.

Discretionary Time- That time that is available to an officer, but is not related to, 911 CFS, court, training, or other directed law enforcement activities.

Shift/Tour of Duty- The time that an officer is at work commencing at 7:00/am, 3:00/pm and 11:00/pm. It is an eight hour day with a .45 minute period allowed for an allotted lunch time included.

CR-Case Report-Whenever an officer is required as a first responder or preliminary investigator to chronicle in a report an incident or event to which he/she has responded.

Time of Day Analysis- An assessment of the time of the day during which an event occurred.

Day of Week Analysis- An assessment that examines the day of the week that an event is occurs on.

Call Source Analysis- An assessment of how officers receive the events that they respond to.

First Watch- The Police Shift (tour of duty) that commences at 1100/pm and ends at 7:00/am. It is designated so because it is the first police shift of the day, also called mids., midnights, graveyard

Second Watch- The shift (tour of duty) that commences at 0700/am and ends at 3:00/ pm. Also referred to as days, day shift, day watch.

Third Watch- The police shift that commences at 3:00/pm and ends at 11:00/pm, also referred to as afternoons.

In-Progress Call- a call, usually a 911 call of a criminal nature, where, based upon the caller's information the incident is reported as occurring at the time that the call to DU-COMM is placed.

Workload analysis overview:

At the inception of my tenure, I was asked several pointed questions regarding what was the correct compliment of officers on the Department and the correct number on a shift. The ancillary questions that resided within the overall questions were; how many officers is enough and how many are too many? These questions are difficult to answer due to the number of variables that impact those questions. However, the first step in understanding the questions related to resource allocation and manpower requirements is to develop the numerical data in order to perform a workload analysis. It is the hope of this writer, that the overview of the workload analysis contained herein will allow us to begin to frame responses to those questions based upon the information available in the data. It should be stated that a workload analysis is NOT the definitive answer to these questions. What a workload analysis will do is provide the framework from which sound management decisions can be made regarding a wide array of operational and administrative areas of the Department.

TOTAL NUMBER OF EVENTS CATALOGUED:

TIME FRAME	TOTAL	PATROL	% of TOTAL
JULY	2055	1271	61.8%
SEPTEMBER	1873	1118	59.6%
NOVEMBER	1506	996	66.1%
EIGHT MONTH	14,170	8,829	62.3%

The table above identifies the total number of events created for each of the months identified and then separates out those events created that require a response by Darien P.D. patrol officers. The two issues to be assessed in this table is the overall trend when looking at each month individually and to determine if the trend holds true throughout the eight month period when looking at the data as an aggregate. As you can see, the trend does remain consistent when looking at the months individually and as an aggregate. What is evident is that for July and September the total number of events remains fairly close. November represents a significant decline in the number of events created. Each month Patrol Officers handle approximately 62% of all events created and that the number of events created seems to decline in the latter part of the year. The impact or any causal relationships, whether it is the weather, the holiday season or just cyclical shifts in human behavior, must be viewed with comparative data. Since we only began using DU-COMM in May of last year there is not yet comparative data to evaluate, but we will be looking at this as the historical data develops. One additional point to be gleaned from the data, is that if the volume of activity, both self-generated and citizen-initiated reaches a peak during the summer months, it is likely that as managers we should consider continuing to grant summer vacations, but limit the number of officers who are simultaneously on vacation during those peak periods.

TOTAL NUMBER OF MINUTES CATALOGUED:

TIME FRAME	TOTAL	PATROL	% OF TOTAL
JULY	54,702.35	44,967.11	82.2%
SEPTEMBER	70,152.25	53,035.55	75.6%
NOVEMBER	41,562.42	34,512.49	83.0%
EIGHT MONTH	455,373.69	356,550.76	78.2%

As you look at the two tables above it also lends itself to a comparison of minutes used to the number of Events handled. Such comparisons will cause the police managers to look and determine if the assignments in some months were more complex or should there be a heightened level of scrutiny on the manner by which we manage our time, including time spent on assignment.

EVENT SOURCE ORIGIN BY WATCH-1ST WATCH (midnights):

TIME FRAME	TOTAL	911	% OF TOTAL	Self-Generated	% of TOTAL
JULY	333	134	40.2%	199	59.7%
SEPTEMBER	241	88	36.5%	153	63.4%
NOVEMBER	201	64	31.8%	137	68.1%
EIGHT MONTH	2012	713	35.4%	1299	64.5%

The merit to looking at a workload analysis over a period of months is because it will allow you to develop trends in the work load and allocation of work. What this table shows is that on the 1st watch, between 30-40% of the activity is generated as the result of a 911 call generated by a police officer. As you can see this pattern holds true in the individual months. Conversely what we see is that between 60-68% of the event activity on the 1st watch is self-initiated by Darien Police officers.

EVENT SOURCE ORIGIN BY WATCH-2ND WATCH (DAYS)

TIME FRAME	TOTAL	911	% OF TOTAL	Self-Generated	% of TOTAL
JULY	445	223	50.1%	222	49.8%
SEPTEMBER	470	208	44.2%	262	55.7%
NOVEMBER	398	239	60.0%	159	40.0%
EIGHT MONTH	3390	1813	53.4%	1577	46.5%

In following the same pattern we see that there is a shift in event source origin when we look at the day shift or 2nd watch. What we see in this instance is that about 53% of the event activity is the result of a 911 call. Further, we see that 46% of the event activity is self-initiated by officers.

EVENT SOURCE ORIGIN BY WATCH-3RD WATCH (AFTERNOON)

TIME FRAME	TOTAL	911	% OF TOTAL	Self-Generated	% of TOTAL
JULY	493	312	63.2%	181	36.7%
SEPTEMBER	407	254	62.4%	153	37.5%
NOVEMBER	397	258	64.9%	139	35.0%
EIGHT MONTH	3427	2124	61.9%	1303	38.0%

Finally, in looking at the 3rd watch event activity, we see that approximately 62% of the event activity is the result of a 911 call. Only 38% of the event activity is based upon self-initiated activity. The numbers offer several inferences in terms of management decisions.

- On the first watch most of the activity is self-generated nearly 65%.
- The demand from citizens is at its lowest during that watch
- As we evaluate the 2nd watch we see that the 911 calls and self-generated event activity is close to being equally balanced.
- In assessing the 3rd watch or afternoon shift, we can easily determine that the greatest amount of event activity (62%) is based upon the receipt of a 911 call and that about 38% are based upon self-generated activity.
- Staffing all 3 shifts at the same level is likely counterintuitive.
- The evidence of these facts becomes glaring when we look at a time of day analysis.

DAY OF WEEK OVERVIEW:

Day of the week	July	September	November	Eight month
Sunday	206	158	121	1245
Monday	181	141	125	1218
Tuesday	151	148	164	1204
Wednesday	135	139	187	1231
Thursday	147	193	110	1194
Friday	220	165	133	1343
Saturday	231	174	156	1394
	1271	1118	996	8829

As you can see there are trends evident in the analysis of the day of the week. This activity looks solely at events created and responded to by patrol officers. You can see clearly, that in July and September That Friday, Saturday and Sunday are the busiest days of the week. That pattern is clearly evident in November, but not nearly to the same extent. In November we see that Tuesday and Wednesday are much busier days. Despite the apparent anomaly for November, the eight month assessment reflects that Friday, Saturday and Sunday remain the busiest days of the week.

TIME OF DAY COMPARISON/ANALYSIS

TIME OF DAY	JULY	SEPTEMBER	NOVEMBER	8 MONTHS	
0001	93	53	65	568	6.4%
0100	62	52	36	396	4.4%
0200	42	31	26	247	2.7%
0300	24	21	13	155	1.7%
0400	16	13	8	97	1.0%
0500	11	10	10	87	.9%
0600	20	33	20	180	2.0%
0700	46	41	38	285	3.2%
0800	76	94	65	562	6.3%
0900	71	78	38	462	5.2%
1000	55	62	53	454	5.1%
1100	55	60	62	471	5.3%
1200	55	49	42	419	4.7%
1300	42	43	58	373	4.2%
1400	45	43	42	364	4.1%
1500	45	47	56	407	4.6%
1600	97	58	64	579	6.5%
1700	59	50	59	522	5.9%
1800	54	68	49	457	5.1%
1900	56	49	46	377	4.2%
2000	65	44	46	378	4.2%
2100	58	50	34	363	4.1%
2200	59	41	43	344	3.8%
2300	65	28	23	282	3.1%
	1271	1118	996	8829	

The table above is intended to provide information about the events created based upon the time of day. The ramifications of reviewing such data are that it allows one to understand what time of the days seems the busiest. Some points of interest follow;

- Midnight in July is a particularly busy time with 92 events created.
- As is 1100/pm in July, but we see in September and November it is much less busy.
- The 6 hour period from 0200-0700 accounts for 11.5% of the daily total in terms of events.
- There are seasonal trends that from a management perspective will need to be accounted for
- Should the other summer months reveal the same trend, allowance for vacation time that occurs predominately in the summer from a management perspective may not be the most ideal circumstance.
- In reviewing this data, you must also keep in mind the portion of this activity that is self-initiated and that which is the result of 911 calls for service.

- Again, from a management perspective this will cause us to re-focus on the level of commitment and responsiveness to 911 calls for service, since we are well aware that on the 3rd watch citizen calls account for 62% of the events created.

SAMPLE WORKLOAD:

Based Upon 2,322.02 Minutes/90 Incidents Handled

	911 Calls	Self-Generated	Case Reports	Citations	Training	2 person Response	Total Possible
Events	64	26					
Minutes	1887.36	434.66					
Hours	31.4	7.2	13.0	10.7	15.0	5.8	143
Actual							83.1
% of Actual							58.1%

The table above reflects the actual workload of an officer within the Department. I will briefly explain the entries into the columns therein. The column headed 911 calls identify the number of events, minutes allocated and a conversion to hours for those events that were created due to a 911 call.

The self-generated column identifies the same data set based upon events that were initiated by the officer. The column headed cases reports contains 13 hours. That figure is based upon the number of case reports written by all personnel for the month and divided among all of the officers on the shift with one hour allocated for each case report written. It is highly likely that that time was accounted for in the “create top close minutes”, but in the event it was not I have added 13 additional hours for the month. The column headed citations was computed in a similar manner. I identified the total number of citations written and based on an average I allocated approximately 15 minutes per citation and added an additional ten minutes to that. The result was that each citation written was granted a value of about 30 minutes resulting in an addition of 10.7 hours. The next column relates to training hours. In order to calculate this figure I took into consideration the Lexipol training, and other training and I allocated 15 hours for each officer. ***[It should be noted that when the actual monthly allocation for training was computed for the first time in February, the actual number of hours for the entire Department was 58 hours]***. Despite that fact, I continued the allocation as identified in the table above. The final column takes into consideration the number of hours spent on assignments that are likely to require a 2-officer response. Based upon prior experience, I identified those calls likely to require such a response. I converted the minutes to hours and divided them equally among all personnel on the shift and then doubled that figure resulting in the 5.8 hours that you see.

As you can see even with the very generous allocations for the variables of case reports, citations, training, the workload for this officer only accounted for 58% of the available time. Discretionary time is identified as that time when an officer is not on a dedicated assignment. As such, if the 7.2 hours of self-generated activity is removed the computation would result in the officer only using 53.0% of the time leaving 47% of the time as discretionary.

TOTAL NUMBER OF EVENTS HANDLED BY SERGEANTS

TIME FRAME	TOTAL	SERGEANTS	% OF TOTAL
JULY	54,702.35	5811.17	
SEPTEMBER	70,152.25	6194.04	
NOVEMBER	41,562.42	3777.34	
EIGHT MONTH	455,373.69	48,452.54	

The information contained in the table above is essentially an informational comparison. I say that because front line supervision is one of the most critical areas of administration in terms of maintaining organizational integrity in law enforcement. As such, the least critical function that a sergeant can engage in is handling of assignments unless there is a critical manpower shortage. Surely, we expect sergeants to be on the street to assist, mentor and direct their subordinates, but we don't want them encumbered with response to assignments. Therefore, the table is intended only to be illustrative of the consistent effort on the part of the sergeants despite such an effort not being a requirement.

TOTAL NUMBER OF EVENTS HANDLED BY CIVILIANS-AUXILLIARY

TIME FRAME	TOTAL	PATROL	AUXILLIARY	AUX EVENT	% OF TOTAL
JULY	54702.34	44,967.11	1752.8	19	3.2%
SEPTEMBER	70,152.25	53,035.55	1094.43	15	1.5%
NOVEMBER	41,562.42	34,512.49	433.71	7	1.0%
EIGHT MONTH	455,373.69	356,550.76	7156.76	106	1.5%

Once again, the table above underscores the impact of the analysis. The previous goal for the Auxiliary Officers has been to have them work approximately 12 hours per month and basically augmented the sworn officers. The level of analysis allows us to drill down into and identify exactly what it is we would want them to do. It should also allow for additional thought on how they can best serve the operational efficiency of the Department

TOTAL NUMBER OF CIVILIAN MINUTES/EVENTS CATALOGUES INCLUDING CSO

TIME FRAME	TOTAL	PATROL	CIVILIANS/CSO	CIV. EVENT	% OF TOTAL
JULY	54,702.34	44,967.11	1113.28	244	2.0%
SEPTEMBER	70,152.25	53,025.55	6633.78	249	9.4%
NOVEMBER	41,562.42	34,512.49	1196.72	59	2.8%
EIGHT MONTH	455,373.69	356,550.76	16,494.07	1,539	3.6%

The table above reflects only those assignments that are handled by the cadre of civilians within the Department. The tables are in no way reflective of the sum total of their productivity. The table is unable to reflect the fingerprinting, the timekeeping functions, internal records management, customer service questions handled. Similarly to the table for sergeants it is more informational than analytical, but allows for a frame when examining ways to allocate added responsibilities to the civilian cadre within the Department.

The information contained within this overview or the workload analysis itself, should not be construed to reflect a conclusion that the Department is underworked, overstaffed or used to support any notion that there is not enough work to sustain our workforce. What it should suggest, and does suggest to me is that it provides proof positive that we can take full advantage of that discretionary time by directing our officers to engage in pro-active policing strategies, community engagement and law enforcement based problem solving, table top exercises, and many other highly necessary public service activities.