

CHAPTER 27

POLICE

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ARTICLE I. IN GENERAL

Sec. 27-01 - 27 16. Reserved.

ARTICLE II. AUXILIARY POLICEMEN

*Cross References Authority of Police Department members to issue tickets and citations, Sec. 2 1; bond required for Chief of Police and Police Department members, Sec. 2-2; maintenance authority of Chief of Police, Sec. 2 10; duties of river patrol, Sec. 17 3; duty of police to enforce health chapter, Sec. 18 11; resisting or obstructing peace officer, Sec. 22 1; refusal to aid an officer, Sec. 22 2; aiding prisoner to escape, Sec. 22 3; impersonating an officer, Sec. 22 4; traffic and vehicles, Sec. 32-1 et seq.

*State law reference Auxiliary policemen, Ill. Rev. Stat. Ch. 24, Sec. 3 6 5

Sec. 27 17. Auxiliary Police -Appointment; qualifications; termination.

The Mayor is hereby authorized to appoint auxiliary policemen, as employees, subject to the advice and consent of the City Council. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Investigation, Washington, D.C. for any possible criminal record. No person shall be appointed as an auxiliary policeman if he has been convicted of a felony or other crime involving moral turpitude. The appointment of any or all auxiliary policemen may be terminated by the Mayor subject to the advice and consent of the City Council. (Ord. of 12 16 68, Sec. 1)

Sec. 27 18. Auxiliary Police - Not to be members of police department; no residency requirement.

Such auxiliary policemen shall not be members of the regular Police Department of the City. Auxiliary Policemen need not be residents of the City. (Ord. of 12 16 68, Sec.2)

Sec. 27 19. Auxiliary police identification symbols control by chief.

Identification symbols worn by auxiliary policemen shall be different and distinct from those used by the regular Police Department and shall be selected and chosen by the Chief of Police of the City. Auxiliary policemen shall at all times during the performance of their duties be subject to the direction and control of the Chief of Police of the City. (Ord. of 12 16 68, Sec.2)

Sec. 27 20. Auxiliary Police - Powers and duties.

Auxiliary policemen shall have the following powers and duties, when properly assigned and on duty:

- (1) To aid or direct traffic in the municipality.
- (2) To aid in control of natural or man made disasters.
- (3) To aid in case of civil disorder.

- (4) To perform normal and regular police duties when assigned by the Chief of Police on occasions when it is impracticable for members of the regular Police Department to perform normal and regular police duties.
- (5) To arrest or cause to be arrested, with or without process, all persons who break the peace, or are found violating any municipal ordinance or any criminal law of the State Code 317.
- (6) To commit arrested persons for examination.
- (7) If necessary, to detain arrested persons in custody overnight or Sunday in any safe place, or until they can be brought before the proper magistrate.
- (8) To exercise all other powers as conservators of the peace that the corporate authorities may prescribe.
- (9) To serve and execute all warrants for the violation of municipal ordinances, or the state criminal law, within the limits of the City and for this purpose to have all the common law and statutory power of sheriffs. (Ord. of 12 16-68, Sec. 3)

Sec. 27 21. Auxiliary Police carrying of firearms.

Auxiliary policemen shall not carry firearms except with the permission of the Chief of Police of the City and then only when in uniform and in the performance of their duties. (Ord. of 12 16-68, Sec. 4)

Sec. 27 22. Auxiliary Police training.

Auxiliary policemen, prior to entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures by the Chief of Police of the City. Such course of training shall be not less than fifty (50) hours in duration. Upon completion of the course of training, the Chief of Police shall file a certificate attesting to the auxiliary policeman's completion of such course, with the City Clerk. (Ord. of 12 16 68, Sec. 5)

Sec. 27 23. Auxiliary Police - Compensation.

Auxiliary Policemen shall receive no compensation for services performed. (Ord. of 12 16 68, Sec. 6)

Sec. 27 24 27 34. Reserved.

ARTICLE III. CITY MARSHAL AND DEPUTIES

* State law references Appointment of City Marshal; Ill. Rev. Stat. Ch. 24, Sec. 3 7 1; powers, Ch. 24, Sec. 3 9 4; duties Ch. 24, Sec. 3-11- 29.

Sec. 27 35. City Marshal; established; appointment; duties.

There is hereby established the office of City Marshal. The City Marshal shall be appointed by the Mayor with the advice and consent of the City Council. The City Marshal, in addition to his duties as marshal, may be appointed or employed by the City to act in any other capacity, provided that such appointment or employment is compatible with his duties as marshal. (Ord. of 4-1- 68, Sec. 1)

Sec. 27 36. Deputy marshals; established; appointment; number.

There is hereby established the office of deputy marshal. Deputy marshals shall be appointed by the mayor with the advice and consent of the city council in such number as the corporate authorities shall from time to time deem necessary.(4-1 68, Sec.2).

Sec. 27 37. Removal from office; compensation - marshals.

The City Marshal and the Deputy Marshals shall serve at the discretion of the City Council and may be removed from office at the will of the Mayor and City Council. The City Marshal and the Deputy Marshals shall receive such hourly compensation for their services as determined by the corporate authorities. (Ord. of 4 1-68, Sec. 3)

Sec. 27 38. Marshals not members of police department.

The City Marshal when functioning as Marshal and the Deputy Marshals shall not be considered to be members of the regular Police Department of the City and shall not function on a fulltime basis. (Ord. of 4 1 68, Sec. 4)

Sec. 27 39. City Marshal's uniforms and identification symbols.

Uniforms and identification symbols of the Marshal and Deputy Marshals shall be different and distinct from those used by members of the regular Police Department of the City. The Marshal and the Deputy Marshals shall at all times during the performance of their duties be subject to the direction and control of the Chief of Police of the City. (Ord. of 4 1 68, Sec. 4)

Sec. 27 40. Duties of deputies generally; carrying firearms.

Deputy Marshals shall perform such duties as directed by the City Marshal or by the corporate authorities. Deputy Marshals shall not carry firearms except with the special permission of and when issued by the Chief of Police, and when in uniform and while in the performance of their duties. (Ord. of 4 1 68, Sec. 5)

Sec. 27 41. Powers and duties of City and Deputy Marshals.

The City Marshal and the Deputy Marshals shall be conservators of the peace and shall have the following powers and duties:

- (1) To arrest or cause to be arrested, with or without process, all persons who break the peace or are violating any municipal ordinance or any criminal law of the state.
- (2) To commit arrested persons for examination.
- (3) To serve and execute all warrants for the violation of municipal ordinances or the state criminal law within the limits of the City.
- (4) All statutory and common law power of sheriffs.
- (5) To direct traffic and assist in traffic control.
- (6) To act as watchmen on special assignments.
- (7) To assist in parade control and to keep peace in all large gatherings in and about the community.
- (8) To assist in civil defense matters.
- (9) To assist in cases of riot, disaster and emergency control.
- (10) To perform such other related duties as directed by the Chief of Police of the corporate authorities. (Ord. of 4 1 68, Sec. 6)

Sec. 27 42. Bond for City and deputy marshals.

The City Marshal and the Deputy Marshals so appointed shall at the time of their appointment execute to the City a bond in the amount to be established by the corporate authorities with sureties to be approved by the corporate authorities and conditioned as required by law. (Ord. of 4 1 68, Sec. 7)

Sec. 27 43 27 53. Reserved.

ARTICLE IV. POLICE DEPARTMENT

Sec. 27 54. Police Department established; composition.

There is hereby established an executive department of the municipality of the City which shall be known as the Police Department. The Police Department shall be composed of not more than one (1) Chief of Police; not more than one (1) Deputy Chief of Police; not more than two (2) Commanders; not more than four (4) Lieutenants; not more than twelve (12) Sergeants; and not more than forty-nine (49) Patrolmen (Ord. No. 75 6, Sec. 1, 2 3 75; Ord. No. 85 51, Sec.1, 11-18 89; amended by Ord. 94-23, 5-2-94; Ord. No. 97-02, Sec. 1, 1-6-97, Ord. No. 99-104, 9-20-99, Sec. 1, Ord. No. 2003-35, 7-21-03; Ord. No. 08-63, 10-20-08; Ord. No. 2010-13, 4-19-2010; Ord. No. 2014-70, 10-21-14; Ord. 15-81, 12/21/15; Ord. 16-06, 2/16/16)

Sec. 27 55. Reserved.

Editor's Note Ord. No. 75 13, Sec. 1, adopted Feb. 18, 1975, repealed Sec. 27 55, relative to residence requirements for Police Department members. Said section was derived from Code 1965, Sec. 7 13.

Sec. 27 55.1. Residence requirements for members of the Police Department.

- (a) Any person employed by the City as a member of the Police Department shall reside within the City limits of the City.
- (b) Any presently employed person residing outside the City limits on the effective date of this section (March 3, 1975), pursuant to the ordinance previously in effect allowing persons to live within five (5) miles of the City limits, or any presently employed person under written agreement to purchase real estate within five (5) miles of the City limits on the effective date of this section shall not be affected by the requirements of this section. (Ord. No. 75-18, Secs. 1 and 2, 3-3-75).

*State law reference Police generally, Ill. Rev. Stat. Ch. 24, Sec. 10 2.1 1 et seq.

Sec. 27 56. Management and control of Police Department.

The Chief of Police shall, in subordination to the Mayor and the Board of Fire and Police Commissioners, have the full management and control of the Police Department, and all regulations and orders thereof shall be promulgated through him. All subordinate officers and members of the department shall be subject to such rules and regulations as shall, from time to time, be prescribed by the Chief of Police with the concurrence of the Mayor and the Police Committee. (Code 1965, Sec. 7.02)

Sec. 27 57. Chief of Police Appointments.

The Chief of Police shall be appointed by the Mayor, by and with the advice and consent of the City Council. (Code 1965, Sec. 7.02; Ord. No. 85 11, Sec.1, 11-18-85)

Sec. 27 58. Chief of Police Powers and duties.

- (a) The Chief of Police shall devote his entire time to the duties of his office, and shall be charged with the preservation of the peace, order, safety and cleanliness of the City, and with the duty of protecting the

rights of persons and property, and enforcing of all ordinances and orders of the City Council.

- (b) The Chief of Police shall take notice of all nuisances, obstructions and defects in the streets and alleys or other public places of the City, and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be.
- (c) The Chief of Police shall promptly report to the Mayor or Chairman of the Board of Fire and Police Commissioners any member of the police force who may be guilty of drunkenness, neglect of duty, disobedience of orders, or violation of the standing rules and regulations of the Police Department; and during the pending of formal charges against any police officer or patrolman on the force, the Chief of Police may suspend such officer or patrolman from duty until such charges can be investigated. In order to enforce discipline, the Chief of Police may temporarily suspend any member of the Police Department from duty, or impose any other appropriate penalty for any breach of discipline by a member.
- (d) The Chief of Police shall attend, either in person or by deputy, all meetings of the City Council, execute all its orders and close the council chamber upon adjournment. He shall execute all warrants or other legal process, required to be executed by him under any ordinances of the City. (Code 1965, Sec. 7.02; Ord. No. 85-51, Sec.1, 11 18 85)

Sec. 27 58.1. Deputy Chiefs - appointment, powers and duties.

There is hereby created the office of Deputy Chief. The Deputy Chief shall be appointed from the ranks of lieutenants and shall be appointed by the Mayor with the advice and consent of the City Council. The Deputy Chief shall perform the powers and duties of the Chief of Police when the Chief of Police is unable to perform these powers and duties. The Deputy Chief shall possess the powers and execute the duties of the Chief of Police in case of the temporary absence or disability of the Chief of Police. (Ord. No.08-43, 08-04-08).

Sec. 27 58.2. Commanders – appointment, powers, and duties.

There are hereby created the office of Commanders. The Chief of Police may appoint not more than two Commanders. A Commander may be appointed from the ranks of lieutenants and shall be appointed by the Police Chief. The Commanders shall be assigned those duties including responsibility for patrol or detective bureau or other duties as assigned by the Police Chief, or in the absence of the Police Chief, by the Deputy Chief. In case of the temporary absence or disability of the Chief of Police and Deputy Chief of Police, a commander may be designated to possess the powers of Chief of Police during said absence or temporary disability. (Ord. No. 08-43, 08-04-08)

Sec. 27 58.3. Lieutenant of Police; appointment, powers and duties.

There is hereby created the office of Lieutenant of Police who shall be appointed as provided by law. The powers and duties of a lieutenant shall be as set forth in section 27 67 of this Code. (Ord. No.75 9, Sec. 1, 2 3 75)

Sec. 27 58.4. Sergeant of Police; appointment, powers and duties.

There is hereby created the office of sergeant of police who shall be appointed as provided by law. The powers and duties of a sergeant shall be as set forth in section 27 67 of the Code. (Ord. No.75-10, Sec. 1, 2 3 75)

Sec. 27 58.5. Patrolmen; appointment, powers and duties.

There is hereby created the office of patrolman who shall be appointed as provided by law. The powers and duties of a patrolman shall be as set forth in section 27 67 of this Code. (Ord. No. 75 11, Sec. 1, 2 3 75)

Sec. 27-58.6 Community Service Officer.

There is hereby created the office of Community Service Officer who shall be appointed by the Chief of Police. The powers and duties of the Community Service Officer shall be as prescribed by the Chief of Police in a job description to be filed with the Clerk of the City of Kankakee prior to such time of any appointment to the position.

Sec. 27 59. Record of arrests.

The Chief of Police shall keep books of record of the Police Department, and of all persons arrested or committed by the police, showing the time and place of each arrest, the offense for which the same was made, the magistrate or court before whom such person was tried, and the disposition of each case. (Code 1965, Sec. 7.02)

Sec. 27 60. Monthly reports Police Department.

The Chief of Police shall, on the third Monday in each month, make a written report to the City Council, showing the number of arrests made by the police force during the preceding month, the name of each person arrested, the policeman making the arrest, the offense charged, the magistrate before whom tried, the disposition of the case, the amount of fine imposed, if any, and the amount of fines collected. (Code 1965, Sec. 7.02; Ord. No. 85 51, Sec. 1, 11 18 85)

Sec. 27 61. Keeping of books, records and property.

The Chief of Police shall have the care, custody and control of all books, records, equipment and other property belonging to the Police Department, and of all stolen goods seized and retained by the police authority. Upon the expiration of his term of office, or his resignation or removal, he shall surrender to his successor in office, all books, records, equipment and property, of every description, in his possession, belonging to the City, or pertaining to his office. (Code 1965, Sec. 7.02)

Sec. 27 62. Director of Traffic Control Established.

The office of Director of Traffic Control is hereby created and is established in the Police Department. (Code 1965, Sec. 7.04)

Sec. 27 63. Director of Traffic-Control Appointment.

The Director of Traffic Control shall be appointed by the Chief of the Police Department with the approval of the Mayor and shall be from among the members of the Police Department. (Code 1965, Sec. 7.04)

Sec. 27 64. Director of traffic-control - Powers and duties.

- (a) The Director of Traffic Control shall have the duty of determining the installation and maintenance of traffic control devices, analyzing accident records and devising remedial measures, studying traffic movements and requirements, and performing such other duties as are imposed by the City.
- (b) The Director of Traffic Control may make regulations necessary to make effective the provisions of the traffic regulations of this City and make temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days. (Code 1965 Sec. 7.04)

Sec. 27 65. Dispatcher Created; appointment.

The position of Civilian Dispatcher for the City Police Department is hereby created. He shall be hired, subject to the approval of the mayor and City Council, by the Chief of Police and serve at the pleasure of the Chief of Police (Ord. 9 20-66, Sec. 1)

Sec. 27 66. Dispatcher Duties; salary.

The civilian dispatchers' work shall consist of dispatching radio messages in the City Police Department between the hours of 8:00 a.m. and 4:00 p.m. The salary of the dispatcher shall be set by the Chief of Police. The duties of the dispatcher shall be as prescribed by the Chief of Police, under whose direction he shall serve. (Ord. of 9 20 66, Sec. 1)

Sec. 27 67. Powers and duties of police force.

- (a) Members of the police force, when on duty, shall devote their entire time to the proper discharge of the duties of their stations according to the laws and ordinances of the City and the rules and regulations of the Police Department. It shall be their special duty to preserve order, peace and quiet, and to enforce the ordinances throughout the City.
- (b) The members of the Police Department shall have power to arrest as prescribed by state law.
- (c) Members of the Police Department shall have power and authority, within the City, to serve and execute warrants or other legal process for the apprehension and commitment persons charged with, or held for the commission of any crime or violation of any law or ordinance of the City, and while serving or executing, or assisting in the service or execution of any such warrant or legal process, they shall be vested with all the powers of constables for such purposes.
- (d) It shall be the duty of the members of the Police Department to aid the Fire Department by giving alarms in case of fire, so that the firemen shall not be hindered or obstructed in the performance of their duties. (Code 1965, Sec. 7.05)

State law reference Arrests, Ill. Rev. Stat. Ch. 38, Sec. 107 1 et seq.

Sec. 27 68. Uniforms and badges.

- (a) The members of the police force shall wear a uniform, which shall be of such material and pattern as may be prescribed by the police committee.
- (b) Each police officer shall, upon his appointment, be supplied by the City with a badge, and a copy of the rules and regulations established for the government of the Police Department.
- (c) Upon the expiration of the term of office of any police officer, or his resignation or removal from office, he shall immediately deliver to the chief of police, for the use of the City, his star or badge, and all papers and effects, in his possession, belonging to the City, or pertaining to his office. (Code 1965, Sec. 7.06)

Sec. 27 69. Extra duty for police.

Whenever in the judgment of the Mayor or of the Chief of Police, it shall be deemed for the best interest of the welfare of the City that members of the Police Department off duty shall be recalled to extra duty, they or each of them shall have authority so to do and to designate which members shall be so recalled. It shall thereupon be the duty of any members so called to report for duty at the time and place specified in the call and to serve for the extra hours or period ordered. (Code 1965, Sec. 7.08)

Sec. 27 70. Policemen's pension fund.

- (a) There is hereby created an organization under the name of "The Board of the Policemen's Pension Fund," which board shall be composed of five (5) members, residents of the City, as provided by chapter 108 1/2, Section 3 128 of the Illinois Revised Statutes.
- (b) The duties of the board, its powers, manner of appointment, and election of members and their term of office shall be as designated by Chapter 108 1/2, Section 3-128 et seq. of the Illinois Revised Statutes.

State law reference - Policemen's pension fund, Ill. Rev. Statute, Ch.108 1/2. Sec. 3-101 et seq.

Sec. 27-72. Public Safety Fee Established.

The City of Kankakee shall charge the owner and/or occupant of each residential unit located within the city limits of the City of Kankakee, and which receives a bill for sewer service from Aqua Illinois, a "Public Safety Fee" in the amount of Ten Dollars (\$10.00) per month. The City of Kankakee shall charge each business located within the city limits of the City of Kankakee in a premises zoned commercial or industrial by the City of Kankakee Zoning Ordinance and which receives a bill for sewer service from Aqua Illinois, a "Public Safety Fee" in the amount of Twenty Dollars (\$20.00) per month.

Sec. 27-72.1 Collection.

- (a) Whenever the collection of the "Public Safety Fee" is not paid within thirty (30) days of billing, the "Public Safety Fee" shall be considered delinquent. The City of Kankakee may, in its discretion, file suit to collect such amounts as are delinquent and due against the responsible tenant, landlord, record title holder, contract purchaser, and any assignee of the above, in a civil action, and shall collect, as well as all court costs pertaining to such action, reasonable attorney fees, plus the sum of Twenty-Five Dollars (\$25.00) to cover the costs of preparation of all notices and forms as may be required.
- (b) The City shall add interest at the rate of nine percent (9%) per annum to all delinquent fees and on all judgments rendered against the responsible party.
- (c) In the event a bill for the "Public Safety Fee" remains unpaid after thirty (30) days from the date of its rendering, said charge shall then be delinquent, and there shall be added thereto a late payment penalty in the amount of ten percent (10%) of the amount of the bill.

This ordinance shall be in full force and effect on and after May 1, 2014 and shall automatically Terminate on April 30, 2018 without the need of further action by the Council.

(Ord. 14-12, 3/17/14)

Police Work Agreement Ordinances.

*Editor's note - Work Agreement Ordinances are on file in the City Clerk's Office. (Ord. 85-01, Patrolman's Contract; Ord. 85-02, 7-7-03 thru 4/30/06 Sergeant's Contract; Ord. 85-03, 88-43, Police Lieutenant's Contract; Ord. 89-08, 91-43, Police Chief, Deputy Chief and Commander's Contract; Ord. No. 91-37, Police Lieutenants Contract). Lateral Entry Police Officer 2007-105, 11/19/2007)

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*** Police Work Agreement on file in the City Clerk's Office