

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

ISSUANCE OF CITY OF BLOOMINGTON BAN NOTICE AND REGULATION

Reviewed by: Lt. Timothy Stanesa	Effective Date: September 14, 2016
Authorized by: Asst. Chief Clay Wheeler	Revision Date: August 8, 2019

PURPOSE

The purpose of this SOP is to provide the means of formally issuing a ban notice and regulation to citizens who have abused their privilege of using City of Bloomington public parks, Parks and Recreational facilities, trails, or parking lots or parking garages owned and/or maintained by the City of Bloomington.

This policy will ensure that all City of Bloomington public parks, Parks and Recreational facilities, trails, parking lots and parking garages Ban Notice and Regulation Forms are consistent in appearance and correctly completed upon issuance.

The City Manager has authorized the Bloomington Police Department to ban and enforce said ban at all City of Bloomington public parks, Parks and Recreational facilities, trails, parking lots and parking garages under the conditions set forth in this policy. Such banning has been authorized to protect the rights of citizens for the use and enjoyment of City of Bloomington Public property and for intended use of the property.

The following is a step by step guide to issuing and completing all sections of the City of Bloomington Ban Notice and Regulation Form. This SOP will also address the procedure for issuing the City of Bloomington Ban Notice and Regulation Form, communication center procedures, and arrest procedure. This SOP is not intended to preclude an arrest for trespass when probable cause exists.

ISSUANCE PROCEDURE

1. This ban notice will be given by a Bloomington Police Officer only when an individual is arrested or cited for a violation of state law or city ordinance upon a City of Bloomington public parks, Parks and Recreational facilities, trails, parking lots, or parking garages owned and/or maintained by the City of Bloomington.
2. The person receiving the ban notice will receive a duplicate copy of the completed City of Bloomington Ban Notice and Regulation Form; the original copy will be retained by the officer.

3. The following information is required when completing the City of Bloomington Ban

Notice and Regulation form. (see corresponding attached Form, Appendix A):

- a. Last Name: (of person receiving ban notice)
- b. First Name: (of person receiving ban notice)
- c. MI: (Middle Initial of person receiving ban notice)
- d. Address: (of person receiving ban notice)
- e. City: (of person receiving ban notice)
- f. State: (of person receiving ban notice)
- g. Physical Description (Sex, Race, Age, Height, Weight, Hair, Eyes - description of person receiving ban notice)
- h. DOB: (Write the birthday of the person receiving the notice)
- i. SS#: (If available, include the SS# of the person receiving the notice)
- j. Alias (of person receiving ban notice)
- k. Gang Affiliation (if known)
- l. (Blank to legibly print the name of the person receiving ban notice)
- m. (Blank to legibly print the name of the person receiving ban notice)
- n. (Blank to enter the date the notice is given which is the date the ban begins)
- o. (Blank to enter the date which is the date the ban ends, list lifetime if a lifetime ban)
- p. Signature or Refused to Sign: (Have the person who is receiving the notice sign the Form, if they refuse note "Refused to Sign")
- q. Description and location of violation that caused ban
- r. Banned by: (Signature of Officer issuing the ban)
- s. Date Banned
- t. Time Banned
- u. Officer #: (Banning Officer needs to legibly list their ID #)
- v. Supervisor: A supervisor is to review the completed form and initial

DETERMINATING LENGTH OF BAN

Persons who have committed illegal acts while upon City of Bloomington public parks, Parks and Recreational facilities, trails, parking lots or parking garages owned and/or maintained by the City of Bloomington may be banned from said locations for one of three time periods. The ban period will be determined by the severity of the act committed while on the property, the threat and/or level of disturbance to others trying to properly use and enjoy the properties for their intended purposes. Persons being banned shall be banned for a period of one year, five years, or permanently for the remainder of their life time based on the severity of the act.

1. **One Year Ban** - Anyone issued a City of Bloomington Ordinance Violation, a Uniform Traffic Ticket, or arrested for a misdemeanor offense, not involving a crime against a person, for an offense which occurred upon property which is City of Bloomington public parks, Parks and Recreational facilities, trails, parking lots

or parking garages owned and/or maintained by the City of Bloomington shall be issued a Ban Notice and shall be banned for period of One Year.

2. **Five Year Ban** - Anyone arrested for a misdemeanor offense involving a crime against a person or a Felony Offense that is not a Forcible Felony, for an offense which occurred upon property which is a City of Bloomington public parks, Parks and Recreational facilities, trails, parking lots or parking garages owned and/or maintained by the City of Bloomington shall be issued a Ban Notice and shall be banned for period of Five Years.
3. **Life Time Ban** - Anyone arrested for an offense which occurred upon property which is a City of Bloomington public parks, Parks and Recreational facilities, trails, parking lots or parking garages owned and/or maintained by the City of Bloomington for a Felony Offense that is LISTED as a Forcible Felony defined under Illinois Law (720 ILCS 5/2-8) shall be issued a Ban Notice and shall be permanently banned for their life time.

(720 ILCS 5/2-8) (from Ch. 38, par. 2-8)
Sec. 2-8. "Forcible felony". "Forcible felony" means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement ~~and any other felony which involves the use or threat of physical force or violence against any individual.~~

Crimes Against the Person - The term "crimes against the person" refers to a broad array of criminal offenses which usually involve bodily harm, the threat of bodily harm, or other actions committed against the will of an individual. Those involving bodily harm (or the threat thereof) include assault, battery, and domestic violence. Additionally, offenses such as harassment, kidnaping, and stalking also are considered crimes against the person.

OFFICER SUBMITTING PROCEDURE

1. The officer issuing the notice is to submit the completed form to the supervisor at the desk via the basket to be reviewed.
2. A supervisor will review the form, checking for completeness and accuracy. Once the supervisor is satisfied with the completeness and accuracy of the form, the supervisor will initial it and then submit it to communications for database entry.

COMMUNICATIONS PROCEDURE FOR CITY OF BLOOMINGTON BAN NOTICE AND REGULATION

1. Upon receiving a completed Bloomington Ban Notice and Regulation Form, the Telecommunicator(s) tasked with reviewing the forms will verify a supervisor has initialed the form,
2. If form has not been approved by a supervisor it will be returned to the shift issuing the warning for review by a supervisor.

3. If initialed, the appropriate information will be recorded in the Bloomington Ban Notice and Regulation Form database and the warning form will be filed alphabetically, Last Name, First Name.
4. The Telecommunicator(s) will remove from the database and file any expired ban forms.
5. Expired ban forms will be retained in accordance with the Illinois Local Records Act.

OFFICER PROCEDURE IF A SUBJECT, WHO IS BANNED IS FOUND ON PUBLIC PROPERTY

1. Confirm via radio the suspect is on file as having been previously banned and confirm your contact is within the banned dates.
2. Arrest the subject for Trespassing and transport to the McLean County Jail.
3. Attach a copy of the ban sheet to the arrest report.
4. Issue another ban sheet if doing so will extend the time period the subject is banned.

EXEMPTION OR APPEAL REQUESTS

A person who receives a City of Bloomington Ban Notice from a Bloomington Police Officer may contest the conditions in two ways:

1. During the ban time period, a person banned may ask for an exemption of said ban from the City Manager for legitimate official business, for legal business or for administrative court processes. It is at the City Manager's discretion as to whether to allow said exemption for official business, legal business, or for administrative court processes. Said banned individual must ask for the City Manager's exemption from said ban no less than ten (10) business days before the date the individual banned is asking to enter on said City of Bloomington public parks, parks and recreational facilities, trails, parking lots and parking garages. Said request shall be in writing to be sent to 109 E. Olive Street, Bloomington, Illinois 61701. The City Manager's decision will be sent in writing to the banned individual.
2. If an individual wants to appeal said ban, the individual must contact the City Legal Department at 109 E. Olive, Bloomington, Illinois, or via phone at (309) 434-2213 and request that an appeal hearing be held. An appeal hearing will be set for an administrative court hearing. The appeal hearing notice will be mailed to the address listed on the ban form of the individual requesting said appeal.