

LOMBARD POLICE DEPARTMENT

Date: October 18, 2005

To: William T. Lichter
Village Manager

From: Ray Byrne
Police Chief

**Re: Ordinance Amending Section 130.01 of the Village Code (Intoxication;
Begging)**

Attached to this correspondence is a proposed ordinance that would completely revise Section 130.01 of the Village Code. The current language in the Village Code is apparently from the 1970's and is very outdated. Most importantly, it does not reflect current state statutes or case law, particularly as it is applicable to intoxicated individuals.

As you know, the police department is often called to deal with intoxicated individuals in public places. In order to appropriately handle these situations, police officers often must make serious judgment calls as to how best to protect the public as well as the intoxicated individual. It is often a gray area that fluctuates between a medical condition and a case of disorderly conduct. The police department is of the opinion that this proposed ordinance would clarify the option of an arrest when it is appropriate and necessary.

Given these circumstances, and the outdated language in Section 130.01 of the Village Code, we did request that the Village Attorney review the current provision in light of recent statutes and case law. The Village Attorney's opinion is included for your review. The proposed language largely reflects the language found in the Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/25-15). I would request that this ordinance be sent to the Village Board for their review and approval. If you should have any questions, or would like additional information, please do not hesitate to contact me.

cc: Command Staff