**Section 1295.50 Recording and Minimization Standards**

Electronic Criminal Surveillance Officers shall comply with the minimization standards required by the Act and this Part:

a) Minimization requires that the intercepting officer must use judgement and background knowledge of the criminal investigation and its participants, together with facts and circumstances that develop in the overheard conversations, to refrain from intercepting their non-pertintent, innocent, or privileged conversations as they take place.

b) Judgements concerning minimization decisions shall be based on the knowledge possessed by the interception officer at the time of the decision. Examples of factors to be considered are as follows:

1) The nature and scope of the criminal activity being investigated.

2) The use of ambiguous, guarded, coded, or foreign language.

3) The location of the telephone or facility.

4) The expectation of the intercepted conversation containing statements relating to criminal conduct.

5) The likelihood of the interception containing privileged communications.

c) Officers authorized to supervise the interception of private oral communications shall, if possible, ascertain the identities and phone numbers of targeted conspirators, spouses, attorneys, clergymen, and physicians. This information shall be disseminated to all officers charged with responsibility for intercepting the referenced communications in order to assist in identifying potentially privileged communications.

d) Minimization shall be a simultaneous process involving the cessation of audio interception, monitoring and recording, and the registering of such information. All such transactions shall be documented on the Intercept Log and/or electronic intercept device.

e) Spot monitoring of apparently privileged and non-pertinent conversations shall be permitted in order to ensure that such conversations do not lose their privileged and innocent character. This process shall be used to safeguard against instances where conspirators assume the identities of privileged parties to initiate non-pertinent conversations to mask criminal communications. All spot monitoring shall be reflected on the Intercept Log and/or electronic intercept device.

(Source: Amended at 45 Ill. Reg. 13430, effective October 5, 2021)