

**ARRESTEE AND IN-CUSTODY COMMUNICATIONS**

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RESCINDS:	08 May 2012 version		
INDEX CATEGORY:	Processing Persons		

I. PURPOSE

This directive:

- A. informs Department members of certain procedures and restrictions regarding arrestee and in-custody communications.
- B. introduces the Attorney Visitation Notification form ([CPD-11.573](#)) available on the Department Intranet.

II. GENERAL INFORMATION

- A. Department members will communicate with an arrestee and/or carry a communication from an arrestee to others for appropriate police purposes only.
- B. Lockup *personnel* and detention aides will allow persons, including Department members, access to arrestees **only** with the express permission of the station supervisor.
- C. An arrestee or person-in-custody will be notified as soon as practicable upon the arrival at the police facility of his or her legal representative.

III. VISITATION IN DISTRICT DETENTION FACILITIES AND DETECTIVE AREA DETENTION FACILITIES

- A. Arrestees may be allowed a reasonable number of visitations for a reasonable period of time, except in cases of danger of escape. Visitors will **not** be permitted in the lockup facilities when a visitation area is available.
- B. District desk or detective area personnel will:
 - 1. immediately notify the station supervisor of the arrival of an arrestee's or person-in-custody's attorney.
 - 2. enter the visitor and/or attorney information in the section entitled "Interview / Visitors Logs" available in the CLEAR Arrest Application if a CB Tracking Number has been assigned.

NOTE: Visitors or lawyers refusing to provide required information (i.e., name, address, telephone number, and relationship) will not be permitted to visit an arrestee or person-in-custody.

- 3. complete an Attorney Visitation Notification form, present the form to the arrestee, and follow the procedures outlined in Item V of this directive.

C. Station supervisors or designated supervisors will:

1. allow visitation by attorneys if they are licensed to practice law and possess sufficient personal and professional identification.

NOTE: Department members will notify an arrestee or person-in-custody of the arrival of his or her attorney even if the person has not requested legal representation. However, arrestees and persons-in-custody must agree to attorney visitations.

2. allow visitation by other persons who have provided the required personal information unless, in the judgment of the station supervisor, it would not be prudent to do so at that time. In this case, the station supervisor must have a sound, articulable justification for denying the visitation request.

D. Lockup personnel and detention aides will:

1. enter the date and time the visitor or attorney enters and leaves the lockup in the appropriate field in the Arrest Report.
2. search arrestees in accordance with Department directives, policy, and procedure prior to returning them to their cells.
3. comply with existing rules, regulations, and directives relating to arrestees and their safekeeping.

IV. VISITATION IN OTHER POLICE FACILITIES

In the event of the arrival of an attorney at a police facility other than a district station or detective area, Department personnel assigned to the facility will:

- A. immediately notify the unit's on-duty supervisor of the arrival of the attorney.
- B. determine if the attorney is licensed to practice law within the State of Illinois and possesses sufficient personal and professional identification.
- C. complete an Attorney Visitation Notification form (CPD-11.573) and ensure that all the required information is provided by the attorney.

NOTE: If the attorney refuses to provide required information (i.e., name, address, and telephone number), he or she will not be permitted to visit the arrestee or person-in-custody.

- D. present the Attorney Visitation Notification form to the arrestee or person-in-custody and follow the procedures in Item V of this directive.

V. ARRESTEE VISITS

- A. An arrestee or person-in-custody must agree to the attorney visitation. When the arrestee or person-in-custody agrees to the attorney visitation, Department personnel will:

1. have the arrestee or person-in-custody acknowledge the notification and indicate the acceptance of the attorney visitation by checking the appropriate box and signing the Attorney Visitation Notification form.

NOTE: If the arrestee or person-in-custody refuses to sign the Attorney Visitation Notification form, the Department member will document the refusal by checking the "Signature Refused" box just below the signature line.

2. provide the arrestee or person-in-custody with a completed copy of the Attorney Visitation Notification form.
 3. allow for an on-site visitation and advise the attorney of the location of the on-site visitation area.
 4. inventory the original completed Attorney Visitation Notification form, separate from other items recovered when appropriate, using the procedures outlined in the Department directive entitled "**Processing Property Under Department Control.**"
 5. include a photocopy of the completed Attorney Visitation Notification form in any Department file or packet completed pertaining to the arrestee or person-in-custody (i.e. arrest packet, court documents packet).
- B. If the arrestee or person-in-custody declines the attorney visitation, Department personnel will:
1. have the arrestee or person-in-custody acknowledge the notification and indicate the declination of the attorney visitation by checking the appropriate box and signing the Attorney Visitation form.
 2. provide the arrestee or person-in-custody with a copy of the Attorney Visitation form.
 3. immediately notify the attorney of the person's refusal.
 4. inventory the original completed Attorney Visitation Notification form, separate from other items recovered when appropriate, using the procedures outlined in the Department directive entitled "**Processing Property Under Department Control.**"
 5. include a photocopy of the completed Attorney Visitation Notification form in any Department file or packet completed pertaining to the arrestee or person-in-custody (i.e. arrest packet, court documents packet).

VI. TELEPHONE PROCEDURES

- A. Arrestees will be permitted to make a reasonable number of telephone calls to communicate with their attorney, family, or friends within a reasonable period of time after their arrival at the first place of custody. If arrestees are transferred to a new place of custody, their right to communicate with an attorney, family member, or friend is renewed.
- B. Members will enter the telephone number and time of the arrestee's telephone call in the box provided on the Arrest Report. Additional telephone calls will be documented in the appropriate portion of the Arrest Report.
- C. Any Department member receiving any medical information regarding a person in Department custody from their attorney, family, or friends, whether it be in-person or by phone call, is responsible for immediately providing the information to the station supervisor in charge of the detention facility.
1. The station supervisor of the detention facility will:
 - a. document the information in the watch commander's comments section of the Automated Arrest Report.
 - b. communicate the information to lockup personnel.
 - c. ensure the information is appropriately acted upon.
 2. The lockup personnel will note the discussion, observations, and course of action in the lockup keepers comments section of the Automated Arrest Report.

(Items indicated by *italic/double underline* were added or revised)

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