



# ARRESTEE AND IN-CUSTODY COMMUNICATIONS



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<b>RESCINDS:</b>	31 October 2017 version		
<b>INDEX CATEGORY:</b>	Processing Persons		

## I. PURPOSE

This directive:

- A. informs Department members of certain procedures and restrictions regarding arrestee and in-custody communications.
- B. continues the use of:
  - 1. Attorney/711 Visitation Notification form ([CPD-11.573](#)) available on the Department Directives System, and
  - 2. Juvenile - Attorney/711 Visitation Notification form ([CPD-11.575](#)) available on the Department Directives System.
- C. informs Department members of the arrestee/detainee in-custody communications during transports.
- D. satisfies CALEA standards in Chapter 70 and 72.

## II. GENERAL INFORMATION

- A. Department members will communicate with an arrestee 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.

**NOTE:** Arrestee and in-custody communication does not apply to detainees during transport.

- D. An arrestee or person in custody may agree to or decline a visitation while in Chicago Police Department custody. Any visitation must be agreed to by the arrestee or person in custody.
- E. In addition to an attorney, a person holding a valid 711 license issued by the Supreme Court of Illinois is authorized to visit an arrestee or person in custody as legal representation. A person holding a valid 711 license:
  - 1. must have completed one-half of the total credits required for graduation from their law school and be in good academic standing.
  - 2. can only use the 711 license while working at:
    - a. a legal aid bureau, legal assistance program, or clinic chartered by the State of Illinois, or
    - b. the Office of the Cook County Public Defender, or
    - c. the Office of the Cook County State's Attorney.
  - 3. will not have been admitted to the Illinois Bar Association as an attorney.

F. Visitation Documentation Form:

1. An Attorney/711 Visitation Notification form (CPD-11.573) will be used to document a visit from an attorney or person holding a valid 711 license if the arrestee or person in custody is an **ADULT**.
2. A Juvenile - Attorney/711 Visitation Notification form (CPD-11.575) will be used to document a visit from an attorney or person holding a valid 711 license if the arrestee or person in custody is a **JUVENILE** under the age of 18.
3. The appropriate visitation notification form will be completed and processed following the procedures outlined in Item V of this directive.

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 visitor.

**NOTE:** Civilian Office of Police Accountability (COPA) personnel conducting complaint investigations pursuant to their jurisdiction outlined in Chapter 2-57 of the Municipal Code of Chicago are allowed to visit arrestees or persons in Department custody, consistent with the provisions outlined in this directive.

2. enter the visitor information in the section entitled "Interview / Visitors Logs" available in the CLEAR Arrest Application if a CB Tracking Number has been assigned.
  - a. All visitors will be required to provide photo identification to verify their identity as follows:

(1) In addition to valid government issued photo identification, attorneys are required to produce their valid Attorney Registration Card.

(2) A person holding a valid 711 license is required to produce the license.

**Example:**



(3) COPA investigators are required to produce their valid COPA credentials.

**NOTE:** COPA investigators will also provide the Complaint Log (CL#) number associated with the visit to be included in the section entitled "Interview / Visitors Logs" available in the CLEAR Arrest Application.

- b. Visitors 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. indicate in the section entitled "Interview / Visitors Logs" available in the CLEAR Arrest Application whether or not the visit was agreed to and/or conducted.
  4. if the visit is from an attorney or person holding a valid 711 license, complete the appropriate visitation form, as outlined in Item II-F of this directive, present the visitation form to the arrestee or person-in-custody, and follow the procedures outlined in Item V of this directive.
- C. Station supervisors or designated unit supervisors will:
  1. allow visitation by attorneys if they are licensed to practice law and possess sufficient personal and professional identification.
  2. allow visitation by a person holding a valid 711 license.

**NOTE:** Department members will notify an arrestee or person in custody of the arrival of legal representation, even if the person has not requested it. However, any visitation must be agreed to by the arrestee or person in custody from an attorney or person holding a valid 711 license.

  3. allow visitation by other persons who have provided the required personal information unless, in the judgment of the supervisor, it would not be prudent to do so at that time. In this case, the 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 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, a person holding a valid 711 license, or COPA investigator 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, a person holding a valid 711 license, or COPA investigator.
- B. require visitors to provide photo identification to verify their identity as follows:
  1. In addition to valid government issued photo identification, attorneys are required to produce their valid Attorney Registration Card or similar credentials.
  2. a person holding a valid 711 license is required to produce the license.
  3. COPA investigators are required to produce their valid COPA credentials.

**NOTE:** If the visitor 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.

- C. if the visit is from an attorney or a person holding a valid 711 license, complete the appropriate visitation form, as outlined in Item II-F of this directive, present the visitation form to the arrestee or person in custody, and follow the procedures outlined in Item V of this directive.

## V. ATTORNEY AND PERSONS HOLDING A VALID 711 LICENSE VISITS

The Procedures Below Apply to Attorneys and Persons Holding a Valid 711 License Visits

- A. Any person in custody, including a juvenile under the age of 18, has the right to an attorney visitation, even if the juvenile is not going to be interviewed by a Department member.
1. The juvenile arrestee's parent/legal guardian is not required to give consent nor be present for an attorney or public defender's visitation.
  2. Juveniles will be permitted to contact a parent/legal guardian by telephone immediately after being informed that an attorney has requested visitation.
  3. If the juvenile arrestee did not notify his or her parent/legal guardian of the attorney's visitation request, Department members will contact the juvenile arrestee's parent/legal guardian by telephone notifying them of the juvenile's decision.

- B. An arrestee or person in custody may agree to or decline a visitation while in custody. When the arrestee or person in custody agrees to the visitation, Department personnel will:

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

**NOTE:** If the arrestee or person in custody refuses to sign the visitation form, the Department member will document the refusal by checking the "Refused" box adjacent to the signature line.

2. provide the arrestee or person-in-custody with a completed copy of the appropriate visitation form.
3. allow for an on-site visitation and advise the attorney or a person holding a valid 711 license of the location of the on-site visitation area.
4. inventory the original, completed visitation form separate from other items recovered when appropriate, using the procedures outlined in the Department directive titled "**Processing Property Under Department Control.**"

**NOTE:** Members will select the Item Type "Attorney/711 Visitation Notification" option in Step 2 of the eTrack Inventory Items drop down.

5. include a photocopy of the completed visitation form in any Department file or packet completed pertaining to the arrestee or person in custody (e.g. arrest packet, court documents packet).

- C. If the arrestee or person in custody declines the visitation, Department personnel will:

1. have the arrestee or person in custody acknowledge the notification and indicate the declination of the visitation by checking the appropriate box and signing the appropriate visitation form.
2. provide the arrestee or person in custody with a copy of the visitation form.
3. immediately notify the attorney or person holding a valid 711 license that the arrestee or person in custody has refused the visitation.
4. inventory the original, completed visitation form separate from other items recovered when appropriate, using the procedures outlined in the Department directive titled "**Processing Property Under Department Control.**"

**NOTE:** Members will select the Item Type "Attorney/711 Visitation Notification" option in Step 2 of the eTrack Inventory Items drop down.

5. include a photocopy of the completed visitation form in any Department file or packet completed pertaining to the arrestee or person-in-custody (e.g. arrest packet, court documents packet).

## VI. TELEPHONE PROCEDURES

- A. Arrestees will be provided access to a phone and be able to make a reasonable number of telephone calls to communicate with their attorney, family, or friends as soon as practicable upon being taken into 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. notify the watch operations lieutenant.
    - 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 Arrest Report.
  3. The watch operations lieutenant will:
    - a. document the information in the watch operations lieutenant comments section of the Arrest Report.
    - b. ensure the information is appropriately acted upon.

## VII. OTHER COMMUNICATION

- A. The receipt of mail, packages, or any other written communication will be prohibited while the arrestee is in the custody of the Department.
- B. The Department will not provide transportation for special situations for any detainee; special situations include but are not limited to funerals, hospital visitation, or any other type of visit that would require a special transport.

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

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Interim Superintendent of Police

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