

DEKALB POLICE DEPARTMENT

Subject: **Arrest, Booking, & Bond Procedures**

Policy #: **404.2**

Effective Since: 8-21-03
95

Originally Issued As: General Order # 36 of 6-2-

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FTO Training Task: # 19

Reference Material: ILCS, IACP "Arrests" Research Paper

ILEAP Standards Covered: ADM.02.02, 02.04; OPR.07.01, 07.02, 07.04, 07.05; 08.01, 09.01-09.03

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PURPOSE: The purpose of this policy is to outline the department's general arrest, booking, and bond procedures. The safe, secure, efficient processing of arrestees is to be performed in a proper manner in accordance with federal and state laws.

POLICY: It is the policy of the department to make lawful, appropriate arrests, and to treat each arrestee humanely and in regard to each defendant's legal rights. Officers are required to affect arrests in accordance with federal and state law, and to follow departmental policy regarding proper booking and bonding procedures.

DEFINITIONS:

Probable Cause: The existence of circumstances that would lead a reasonably prudent officer to believe that a person is committing or has committed a criminal offense.

Arrest: 725 ILCS 5/102-5 defines arrest as "taking of a person into custody"; 725 ILCS 5/107-5(a) says that "an arrest is made by actual restraint of the person or by his submission to custody."

Warrant of Arrest: 725 ILCS 5/107-1(a): "A warrant of arrest is a written order from a court directed to a peace officer, or to some other person specifically named, commanding him to arrest a person."

Bail: 725 ILCS 5/102-6, "Bail means the amount of money set by the court which is required to be obligated and secured as provided by law for the release of a person in custody in order that he will appear before the court in which his appearance may be required and that he will comply with such conditions as set forth in the bail bond."

Bail Bond: 725 ILCS 5/102-7, "Bail bond means an undertaking secured by bail entered into by a person in custody by which he binds himself to comply with such conditions as are set forth therein."

Offense: 725 ILCS 5/102-15, "Offense means a violation of any penal statute of this State."

Diplomatic Immunity: a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities.

PROCEDURES:

- I. **ARRESTS:** for purposes of this policy, **general arrest procedures apply to custodial arrests of adult offenders**. The issuing of a traffic citation for a petty offense, or the issuing of a city ordinance complaint on a citation or mail-in complaint are not custodial arrests that require processing. Juvenile procedures and arrests are outlined in Policy 404.3, Juvenile Procedures. Officer discretion and alternatives to custodial arrest are described in Policy 101.1, Agency Role and Authority.
 - A. **Officers may make custodial arrests in the following situations**, pursuant to 725 ILCS 5/107-2:
 1. A valid warrant or body attachment commands the arrest of an individual.
 2. When there are reasonable grounds to believe that a warrant for the person's arrest has been issued in this State or another jurisdiction. (Officers should take note of any restrictions placed upon the arrest by the language of the warrant, including geographical limitations.)
[ILEAP ADM.02.02(g)]
 3. When there is reasonable grounds to believe that the person is committing or has committed an offense. Probable cause for arrest may be established by one of the following:

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- a. Observations or investigations of the officer.
 - b. Information or evidence obtained during an investigative detention (Terry stop) or during a consensual citizen contact.
 - c. An identified citizen's specific complaint.
 - d. Information provided by a police informant of proven reliability.
 - e. Information provided by other law enforcement sources.
- [ILEAP ADM.02.02(h)]

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- B. **Officers shall not make a ny arrest based upon the following :**
 - 1. Uncorroborated information received solely from an anonymous source.
 - 2. Mere suspicion, not amounting to probable cause.
- C. **The following persons are exempt from arrest** , pursuant to 725 ILCS 5/107-7:
 - 1. Electors, in all cases except treason, felony, or breach of the peace during their attendance at election, and in going to and returning from the same.
 - 2. Senators and representatives; same language as above when present, going to, and returning from the General Assembly.
 - 3. The militia; same language as above when present, going to, and returning from musters and elections.
 - 4. Judges, attorneys, clerks, sheriffs, and other court officers while attending court and while going to and returning from court.
- D. An arrest can be made at any time of day or night, pursuant to 725 ILCS 5/107-5(b). The location, timing, and manner of arrest should be planned as much as practically possible to maximize the probability of a safe, successful arrest and to minimize the danger to officers, suspects, and third parties.
- E. **Releasing a person without charges when it becomes apparent that there is insufficient probable cause to hold or charge the arrestee** : "A peace officer who arrests a person without a warrant is authorized to release the person without requiring him to appear before a court when the officer is satisfied that there are no grounds for criminal complaint against the person arrested." 725 ILCS 5/107-6.
- F. **Off duty arrests** ; generally, off-duty officers need not enforce traffic, ordinance, minor misdemeanor, or other nuisance offenses. Off-duty officers may always contact the police department having authority for the investigation or apprehension of criminal conduct. To protect the officer and the department, an officer should only make an off-duty arrest when:
 - 1. The arresting officer is not personally involved in the incident.
 - 2. There is an immediate need to prevent a crime or apprehend a suspect.
 - 3. The crime would require a full custodial arrest.
 - 4. The arresting officer possesses appropriate police identification.
- G. **The method of physically taking some one into custody** can vary, depending on the situation and the level of cooperation of the offender:
 - 1. Under normal conditions, officers should order the individual under arrest to turn around and place their hands behind their back (for handcuffing).
 - 2. In situations where the individual is reasonably believed to be armed, or otherwise poses a perceived or an actual safety threat, the officer should order the person under arrest to assume a prone position (for handcuffing).
 - 3. Uncooperative persons who fail to follow lawful orders or physically resist arrest may have to be physically restrained.
 - 4. Pursuant to 720 ILCS 5/7-5, a police officer "is justified in the use of any force which he reasonably believes is necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest." To this end, officers must use only that force which is necessary to effect the arrest. Use of force guidelines are located in Policy 103.3.
- H. **Searches Incident to Arrest** : This is the most common exception to the requirement for a search warrant. 725 ILCS 5/108-1 provides for this type of search upon making a valid arrest. Officers may reasonably search a person who

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has been arrested and the area that is in the person's immediate control for the purpose of:

1. Protecting the officer from attack,
 2. Preventing the person from escaping,
 3. Discovering the fruits of the crime,
 4. Discovering any instruments, articles or things that may have been used in the commission of, or other things that may constitute evidence of an offense.
 5. The only justification that is needed for this type of search is that the arrest be valid.
 6. With a search warrant, areas specified on the warrant may be searched. See Policy 402.14, Search & Seizure Guidelines for more information.
 7. Strip Searches will only be done in accordance with Policy 404.4, Strip Searches.
- I. **Every arrested individual shall be , at a minimum, frisked for weapons prior to transport in a police vehicle .**
- J. A complete custodial search of the individual incident to arrest should take place as soon as practically possible, which could include at the scene prior to transport.
- K. Any weapons or items of illegal contraband should be secured and logged into evidence following legal regulations and departmental procedures. Lawful weapons and other items may be returned to the individual upon release.
- L. **Handcuffing :**
1. Every arrested individual requiring transport will be handcuffed, with hands behind their back.
 2. In exigent circumstances, a person may be handcuffed in front, such as a person with a shoulder or arm injury that prevents handcuffing behind their back. It may not be possible to handcuff some physically disabled persons. Officers should always attempt to restrain every person, but consider the safety and medical concerns of persons who have a legitimate problem with ordinary handcuffing. The degree of cooperation or demeanor the arrestee has shown is NOT acceptable criteria for no or alternative handcuffing.
 3. Combative persons, including mentally disabled persons, who may not necessarily be under arrest but have posed a physical threat to themselves, officers, or others may be handcuffed for safety purposes during the encounter and/or transport.
 4. Standard double-locking handcuffs shall be used in ordinary arrest situations. Officers should ensure a proper fit (neither too tight nor too loose, generally a finger-width between the cuff and wrist) and double-lock the cuffs when possible. [ILEAP OPR.08.01]
 5. Mass arrest situations may call for the use of plastic flex cuffs. [ILEAP OPR.08.01]
 6. A combative person may have their ankles flex-cuffed together or "hobbled" to prevent kicking attempts to injure officers or others. Combative arrestees should be transported in vehicles equipped with a cage barrier.
 7. A handcuffed person shall not be left in a face-down prone position due to asphyxiation hazards.
 8. In exigent situations, arrestees may be restrained with one handcuff to one hand of each arrestee, providing that male arrestees will not be handcuffed to female arrestees, and juvenile arrestees will not be handcuffed to adult arrestees.

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II. Transporting Prisoners :

- A. Prisoner Search Required: A frisk for weapons must always be performed; it is the best and preferred practice to complete a full custodial search of the individual prior to transport in a police vehicle, including a complete pat-down of the person's clothing and checking all objects contained in clothing. When transferring a prisoner who is already in custody from one location to another, the transporting officer should conduct a search of the prisoner; it should never be assumed that someone else has already searched the prisoner. [ILEAP OPR.07.01(d)]
- B. Vehicle Inspection Required: Prior to placing an arrestee in the police vehicle, the interior of the vehicle where the arrestee is being placed shall have been previously searched to ensure that no weapons or contraband are present. The same shall occur after transport. [ILEAP OPR.07.01(c)]
- C. Prisoner Handcuffing Required: Prisoners shall be handcuffed in the manner described previously. [ILEAP OPR.07.01(a)]
- D. Combative Prisoners: A combative prisoner should always be transported in a vehicle with a cage barrier. If the prisoner becomes dangerously combative or other problems arise during transport, the officer should advise dispatch by police radio and pull over to a safe location if necessary to secure the situation.
- E. Vehicle Security & Safety:
 - 1. Upon placing the arrestee in the police vehicle, the officer should ensure that the windows are up and the doors remain locked.
 - 2. Officers should ensure the safety of the arrestee and remain in view of the vehicle at all times.
 - 3. Officers should not allow persons to approach the police vehicle when a prisoner is detained in the vehicle and/or being transported. The prisoner should not be allowed to communicate with others while being transported. The prisoner should not be allowed to use a cell phone during transport. The prisoner's right to communicate with attorneys and others will be exercised in a secure police facility.
- F. Prisoner Position in Vehicle: Prisoners shall be transported in the back seat. When transporting one prisoner, the preferred location in the back seat is on the passenger side for easier viewing of the prisoner. [ILEAP OPR.07.01(b)]
- G. Number of Prisoners Transported: One officer may transport up to two adult prisoners at a time. If transporting more than two prisoners at once is necessary, a second officer will accompany the transport officer. A squad car will not be used to transport more than three prisoners at a time. The police transport vehicle may be used to transport up to six prisoners at a time.
- H. Transportation Requirements:
 - 1. Arrestees should be seatbelted whenever possible or whenever they request such.
 - 2. Seatbelts should be secured on the prisoner whenever possible.
 - 3. Officers should advise dispatch by police radio when beginning transport of any prisoner.
 - 4. Juvenile prisoners may not be transported with adult prisoners. Officers must call in the beginning and ending mileage when transporting a juvenile prisoner. [ILEAP OPR.07.04(a)]

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5. Officers must also call in the beginning and ending mileage when transporting a prisoner of the opposite sex. This information, as well as the transport times, will be recorded in CAD by the telecommunicators. [ILEAP OPR.07.04(b)]
 6. Arrestees should be transported to the police facility as soon as practically possible.
 7. Officers should obey all traffic laws.
 8. Upon transport, the officer should proceed directly to the police facility or other designated location. Only in exigent circumstances where a life is in danger will the transport be interrupted while en route for the transporting officer to intervene in a situation.
 9. Officers should advise dispatch by police radio when ending the transport.
- I. Escapes: in all situations, whether during transport, from the lock-up facility, from a medical facility, another agency's lock-up facility, or any other location:
1. Use of force in preventing escape, 720 ILCS 5/7-9: "a peace officer or other person who has an arrested person in his custody is justified in the use of such force to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting such person."
 2. In the event of an escape, the officer must immediately report such over the radio, ensuring that a supervisor is aware. The officer and any other available officers will respond to locate the escapee.
 3. If the escape occurs in another department's jurisdiction, or if the escapee has been pursued to another jurisdiction, that agency must be immediately notified.
 4. Any escape will be documented on the case report and the State's Report of Extraordinary or Unusual Occurrences.
 5. If the escapee remains at large, an ISPERN message will be broadcast. The Patrol Commander, Deputy Chief and Chief must be notified by the on-duty supervisor of any escapee that remains at large and an operational plan for re-capture will be prepared and executed. [ILEAP OPR.07.05 and OPR.09.03]
- J. Arrival at Police Lock-Up Facility:
1. Each officer will receive initial training in the operation and security of the lock-up facility as part of the field training program. [ILEAP OPR.09.01(a)]
 2. Upon arrival at the police lock-up facility, the officer's sidearm must be secured in the designated lockboxes prior to removing the prisoner from the vehicle. [ILEAP OPR.09.01(b)]
 3. Officers arriving at another police agency's facility are subject to their security procedures.
 4. Upon completion of transportation, officers shall check the passenger area of the police vehicle where the prisoner was transported for any weapons, contraband, or other items left by the arrestee.
 5. A complete custodial search of the individual incident to arrest must take place upon arrival at the police facility. [ILEAP OPR.09.01(d)]

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6. Handcuffs or other restraints may be removed at the police facility when the prisoner is in a designated secure area, or at the direction of the receiving agency if transported to an outside agency.
7. Access fobs and cell keys must be kept secure at all times, either on the officer's person or in the designated drawer in the booking room. [ILEAP OPR.09.01(c)]

K. Transferring Prisoners to Other Agencies:

1. If transferring a prisoner from one facility to another, positive identification of the prisoner should be made and confirmed. If necessary, compare identification cards, photographs, or booking records to verify the identity of the prisoner.
2. If dropping the prisoner off with another officer or at another police facility, the transporting officer must ensure that any pertinent information or documentation be left with the receiving officer. This includes prisoner's personal property, medication, criminal complaints or other charging documents, documentation of medical treatment, and other pertinent property or documents.
3. The transporting officer must advise any receiving officer or department of any potential medical or security risks, to include any suicide threats or attempts and any attempted or actual escape. The receiving officer or department should be advised of any medical condition, unusual illness, medical services offered or provided, and be provided with any written medical releases or information. Any security or flight risk hazards should be relayed as well.
4. When a prisoner being transported to another agency or to court is considered an unusual security risk, such information must be passed on to the receiving agency so additional security measures can be taken if deemed appropriate by the receiving agency or judge.
5. Prisoner transports or transfers of custody will be documented in the case report.

L. Extraordinary Prisoner Transports: Any extraordinary transportation of a prisoner, such as transportation to a residence to arrange for child care, or to obtain necessary property, medication, or bond, must have permission of the shift supervisor and will only be performed in exigent circumstances when there are no other means of communication or methods to obtain or retrieve property. A second officer should accompany the transporting officer in situations where a prisoner is allowed movement in a non-secure setting. In no case shall a prisoner be allowed out of sight of the officer.

M. Documentation: Prisoner transports should be documented in the case report. [ILEAP OPR.07.01(e)]

III. **Rights of arrestees** ; at all times, officers shall respect the legal rights of arrestees and treat them in a humane manner.

- A. Ensuring care of children: Upon arrest, the officer shall inquire if such arrest will leave any dependent children of the arrestee unattended, and must provide for the attending of minor children as necessary, pursuant to 725 ILCS 5/107-2(2)

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- B. Informing of nature of warrant: "After an arrest on a warrant, the person making the arrest shall inform the person arrested that a warrant has been issued for his arrest and the nature of the offense specified in the warrant." 725 ILCS 5/103-1(a)
- C. Informing of nature of arrest: "After an arrest without a warrant the person making the arrest shall inform the person arrested of the nature of the offense on which the arrest is based." 725 ILCS 5/103-1(b)
- D. Right of silence: "On being taken into custody every person shall have the right to remain silent. No unlawful means of any kind shall be used to obtain a statement, admission, or confession from any person in custody." 725 ILCS 5/103-2(a) and (b)
- E. Humane treatment: "Persons in custody shall be treated humanely and provided with proper food, shelter and, if required, medical treatment." 725 ILCS 5/103-2(c)
 - 1. Prisoners are always to be treated humanely.
 - 2. Food from contracted sources is provided to prisoners awaiting release or transport at approximate meal times.
 - 3. Medical treatment is administered and/or provided when necessary, utilizing the City Fire Department EMS services.
 - 4. If a detainee becomes sick or is injured prior or incidental to arrest, medical attention should be sought at that time. If a prisoner becomes sick or injured during booking, the Fire Department EMS services will be summoned.
 - 5. The officer must take reasonable measures to provide for the needs of a physically or mentally disabled person. This may include assisting non-ambulatory prisoners in and out of vehicles or buildings, transporting walking aids, acquiring a special vehicle to accommodate transport, arranging for the procurement of medication, etc.
 - 6. Medical transports will be performed by ambulance only; see Policy 405.2, "Emergency Transportation of the Injured."
- F. Constitutional safeguards must be made to non-English speaking persons in a language they understand. Translation services are available through the department's vendor for telephone-based translation. [ILEAP ADM.02.02(i)]
- G. Constitutional safeguards must be made to hearing-impaired persons by use of written communication or sign language. [ILEAP ADM.02.02(j)]
- H. Obtaining statements: "No unlawful means of any kind shall be used to obtain a statement, admission or confession from any person in custody." 725 ILCS 5/103-2(b)
- I. Miranda rights: Persons in custody that are about to be questioned about the commission of an offense must be given their Miranda rights warning. Note that Miranda rights do not apply in DUI arrests prior to chemical testing unless direct incriminating questions are being asked. Interview and interrogations procedures are outlined in Policy 402.1.
- J. Right to contact attorney and family: "Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody." 725 ILCS 5/103-3(a)

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- K. Right to contact attorney and family upon prisoner transport: "In the event the accused is transported to a new place of custody his right to communicate with an attorney and a member of his family is renewed." 725 ILCS 5/103-3(b)
- L. Right to consult with attorney: "Any person committed, imprisoned or restrained of his liberty for any cause whatever and whether or not such person is charged with an offense shall, except in cases of imminent danger of escape, be allowed to consult with any licensed attorney at law of this State whom such person may desire to see or consult, alone and in private at the place of custody, as many times and for such period each time as is reasonable." 725 ILCS 5/103-4 [ILEAP ADM.02.02(c)]
- M. Consular Notification and Access (CNA) to foreign nationals: When making a custodial arrest involving the prolonged detention of a foreign national (anyone who is not a citizen of the United States, including both documented and illegal aliens), there are procedures involving CNA. A number of countries participate in treaties with the United States, including Articles 51 and 55 of the Vienna Convention, that require that the police notify the foreign national's consulate upon custodial arrest and/or detention. When arresting a foreign national who is on the U.S. Department of State's list as a treaty country, the officer must notify the foreign national's consulate and also advise the foreign national that he has the right to confer with his consulate. For those countries not under treaty, CNA is at the option of the foreign national. In these cases, the officer should advise the foreign national that he may contact his consulate if so desired. Officers should refer to the CNA guide, which lists the countries under applicable treaties. The department maintains a copy of the CNA booklet from the U.S. Department of State (also available online) that lists contact telephone and fax numbers of the consulate offices. [ILEAP ADM.02.04]
- N. Claims of diplomatic immunity: This applies only to an individual that displays a driver's license or diplomatic/consular identification issued by the U.S. Department of State or otherwise claims diplomatic immunity. Officers should be aware that there are different levels of immunity and immunity does not mean that the individual does not have to conform to criminal and traffic laws; it means that U.S. courts may not have jurisdiction over the offense, and may mean the individual has personal inviolability. If an individual with diplomatic immunity commits a crime, the police should notify the U.S. Department of State, who will request a waiver of immunity so the offense can be charged in a U.S. court. The U.S. Department of State has published the following guidelines:
 - 1. It is acceptable to detain the person long enough to inquire with the U.S. Department of State in order to verify the driver's license status and immunity.
 - 2. Foreign diplomats who violate traffic laws should be cited, as long as the issuance of the citation does not constitute a custodial arrest. Forward a copy of the citation and/or accident report to the Secretary of State's office within five days, as stated in 625 ILCS 5/16-108.
 - 3. Personal inviolability is enjoyed to some degree by a majority of foreign diplomatic and consular personnel. This inviolability generally precludes handcuffing, arrest, detention in any form, and forbids U.S. authorities

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from entering or searching the residences, automobiles, or property owned by that person.

4. Allegations of crimes should be fully investigated, promptly reported to the U.S. Department of State, and procedurally developed to the maximum permissible extent.
5. Officers should never be inhibited in their efforts to protect the public welfare in extreme situations.
6. The U.S. Department of State should be advised promptly of any serious difficulties arising in connection with diplomatic or consular personnel.
7. Officers should feel free to contact the U.S. Department of State for general advice on any matter concerning diplomatic or consular personnel. Contact information is available at the U.S. Department of State's website, and the police department maintains a copy of U.S. Department of State's publication, "Diplomatic and Consular Immunity." [ILEAP ADM.02.04]

IV. **Booking Procedures** : these are general booking procedures; officers may be further governed by federal and state standards pertaining to the detention and care of prisoners.

A. Authorized Booking Area:

1. Intake to the booking area is usually conducted through the sallyport. In some situations, prisoners are walked in through one of the entrances.
2. There are two cages and four cells for temporarily detaining or separating prisoners.
3. There are two secure interview rooms adjacent to the main booking room. These can be used for interviews or for temporarily detaining or separating prisoners.

B. Training: Personnel will be provided with initial training pertaining to the use of the booking area and booking procedures. Retraining will occur when any substantial change is made.

C. Persons Subject to Booking: Every person arrested for an offense other than a non-custodial ordinance or traffic violation is subject to booking procedures.

D. Prisoner Accountability:

1. The arresting officer will normally be the officer responsible for the searching, processing, and temporary detention of the arrestee.
2. Other officers may assist or may be assigned by a supervisor to assume these duties.
3. On-duty supervisors should periodically check the status of prisoners in custody at the police department.
4. Under the following conditions, prisoner supervision shall be provided by an employee of the same sex as the prisoner: physical examinations, such as body searches; personal hygiene activities such as showers, use of toilet, and related activities.

E. Securing Prisoners in Locked Spaces: Prisoners may be temporarily detained within designated locked spaces, being the two booking room interview rooms, the two cages, and the four jail cells, especially if uncooperative, combative, or facing an extended wait for booking. Cooperative prisoners who are expected to be booked within a short period of time are not required to be detained within a locked space.

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- F. Securing Prisoners to Fixed Objects: Cooperative prisoners who are expected to be booked within a short period of time may be seated on a designated booking bench seat. These are designed and intended to secure a prisoner with a handcuff to the handcuff ring mounted on the bench or wall. Officers should not use other fixed objects within the booking area to secure prisoners except in exigent emergency situations.
- G. Prisoner Rights: Prisoner's rights, including ones listed in Section III of this policy, are to be observed at all times, as provided for by federal and state law.
- H. Prisoner Property & Inspection Sheets: (see Annex A) These sheets should contain the following:
 - 1. time in and out of the facility
 - 2. prisoner property
 - 3. periodic prisoner inspection times
 - 4. interrogations
 - 5. meals provided
 - 6. medication taken
 - 7. attorneys present or other visitors allowed
- I. Security:
 - 1. The department's booking rooms and cell areas are considered secure facilities; officers shall not wear weapons in the secure area. Firearms are to be secured in the designated lockboxes. The only exception to weapons restrictions is during emergency situations, such as an escape, officer in trouble, or hostage situation. Officers from other agencies are also subject to this policy.
 - 2. Prisoners are to have been completely searched upon their arrival at the booking area. Recovered weapons must be removed and secured.
 - 3. Prisoner property should be removed and searched, and recorded on the Prisoner Property and Inspection Sheet, and secured in a locker.
 - 4. Smoking is not permitted in the facility; lighters and matches will be removed from prisoners.
 - 5. Officers should use their portable radios to broadcast any information relating to an emergency need, such as assistance needed for a combative prisoner, escape, etc.
 - 6. Access to prisoners, other than the defendant's requested attorney, is not permitted in the booking area unless authorized by the Shift Commander and accompanied at all times by a police officer. Any non-police person allowed access to the booking area when a prisoner is present is subject to search.
 - 7. Doors leading away from the booking area will remain locked at all times. Prisoners will remain restrained when not in the presence of an officer.
 - 8. Periodic prisoner inspections (adults every half-hour; juveniles every fifteen minutes) must be performed and should be noted on the Prisoner Property and Inspection Sheet. [ILEAP OPR.09.01(e)]
 - 9. More frequent observation checks should take place when a prisoner exhibits behavior or indicates potential for self-inflicted injury.
 - 10. The department utilizes booking room cameras, to be monitored in the dispatch center, to assist in visual observation of prisoners.

DEKALB POLICE DEPARTMENT

Subject: **Arrest, Booking, & Bond Procedures**

Policy #: **404.2**

Effective Since: 8-21-03

Originally Issued As: General Order # 36 of 6-2-

95

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FTO Training Task: # 19

Reference Material: ILCS, IACP "Arrests" Research Paper

ILEAP Standards Covered: ADM.02.02, 02.04; OPR.07.01, 07.02, 07.04, 07.05; 08.01, 09.01-09.03

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11. Juveniles must be kept beyond sight and sound of adult prisoners. Male and female prisoners must be kept separate. The designated cell for juveniles and females is Cell A in ordinary circumstances.
- J. Strip search procedures are outlined in Policy 404.4.
- K. Providing access to water, restrooms, and other needs:
1. Prisoners should be offered water or other beverage on a periodic basis or when requested. Paper cups should be used when providing drinks.
 2. Prisoners should be allowed to use the toilet on a periodic basis or when requested. Cooperative prisoners can use the prisoner bathroom in the booking room. The restroom shall be inspected prior to prisoner use and any unnecessary items removed.
 3. Meals will be offered or provided if detaining a prisoner for an extended period during approximate meal times.
 4. Other needs or services will be provided as deemed necessary.
- L. Fingerprint and photograph procedures: These apply to any custodial arrest on a warrant or a state charge with or without a warrant. Booking photographs and fingerprints are not required on city ordinance charges or failure to appear warrants.
1. Record complete and accurate defendant personal information in the Livescan or handwritten arrest sheet; this information must be updated upon each arrest of the individual.
 2. Photograph the defendant with the booking camera and make the appropriate computer or log book entry.
 3. Fingerprint the defendant as required on the Livescan machine or state & federal fingerprint cards.
 4. Fingerprint inquiries can be made with the FBI in cases where the identity of the defendant is unknown or unsure.
 5. Turn in a copy of the booking arrest sheet with the case report.
 6. All custodial arrests will require a complete case report be submitted.
 7. The prisoner should be under the direct supervision of an officer at all times, unless the prisoner is in a cell or handcuffed to a booking room bench. Prisoners may be handcuffed to a booking room bench while awaiting booking or release. Prisoners facing a long wait should be placed in a cell.
 8. Civilian police volunteers and interns are permitted to assist with booking; however, they will not be left alone with prisoners who have displayed a potential for violence. Non-sworn personnel will not be requested nor permitted to take part in the detention or search of suspects in custody.
- M. If the prisoner is to be placed in a cell:
1. Shoes must be removed.
 2. Any belts, suspenders, strings, cords, or bands must be removed from clothing.
 3. Any necklaces or chains must be removed.
- N. Upon placing a prisoner in a cell:

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1. The cell should be searched to ensure it contains no weapons, contraband, or other items.
2. The prisoner should not be allowed to have personal property or other items with him.
3. The prisoner must be physically checked every half-hour (or more frequently).
4. Juveniles 17 years of age or younger may not be securely detained for a status offense.

O. Medical assistance:

1. Medical assistance shall be provided when necessary.
2. Medical assistance is available 24 hours a day by the Fire Department's staff of paramedics.
3. Any injuries or medical assistance should be brought to the attention of the Shift Sergeant. [ILEAP OPR.07.02(a)]
4. Documentation of injuries or illnesses, and the treatment thereof, will be made in the case report.
5. Any seriously injured, seriously ill, or unconscious person will not be admitted into the Booking area until a medical examination has been conducted by a physician.
6. Prisoners should be asked if they are on any required medication. Required medication may be taken under supervision of the officer and will be noted on the Inspection sheet.
7. Threats or attempts of suicide will require an evaluation by medical personnel.

P. Upon prisoner transportation to a medical facility: occasionally prisoners must be taken to a medical facility for evaluation and/or treatment.

1. If hospital admission is not necessary, or if medical treatment is not expected to take long, the officer should stand by and transport the prisoner back to the appropriate police facility when medical services are completed.
2. If hospital admission is necessary or medical treatment may take some time, for city ordinance or minor misdemeanor offenses, the Shift Sergeant may approve:
 - a. the release of the person, with charges to be filed later; or
 - b. the release of the person with charges on an I-bond.
3. If hospital admission and/or medical treatment over an extended period is necessary and the person is in custody for a serious offense or where release is not appropriate:
 - a. The officer should discuss security measures with the medical staff. The person should remain restrained unless restraint removal is necessary for medical care. The degree of risk should be discussed, including any need for isolation, continued use of restraints, etc. Visitors should be prohibited as well as telephone use unless closely monitored by the officer.
 - b. The prisoner may be left in the custody of other on-scene police personnel if agreed upon and approved by the supervisor.
 - c. If the prisoner is to be guarded, officers should exercise due diligence and not allow the prisoner to be out of sight except for necessary medical procedures. It is recommended to rotate officers on guard duty every few

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hours to prevent fatigue and/or complacency due to the low-activity tedious assignment.

- d. When released from treatment, the detainee's condition should be noted and documented. All instructions for future treatment and medication should be obtained in writing and signed by the attending physician.
- e. Prior to transport, the prisoner should be searched and restrained. [ILEAP OPR.07.02(b)]

- Q. In the event of fire or other emergency, prisoners will be moved to a secure location or by arranging for temporary confinement at the county jail. The booking area will follow the building's fire prevention, fire evacuation, and fire suppression plan.
- R. Mass arrest situations may call for the use of mobile, or in-field booking. Field booking procedures will be established by the Operations Commander or a designated supervisor and will be customized as needed to the situation. Mass booking will always include necessary photographing, fingerprinting, and arrest recording.
- S. Extraordinary or unusual occurrences that involve or endanger the lives or physical welfare of employees or prisoners must be documented on the case report and the State's Report of Extraordinary or Unusual Occurrences. Such occurrences include death, attempted suicide, serious injury, escape, attempted escape, fire, riot, battery to an employee by a prisoner, battery to a prisoner by an employee, battery to a prisoner by another prisoner, sexual assaults, and occurrences of serious infection, disease or illness. [ILEAP OPR.07.02(c)]
- T. Booking Area Inspections:
 - 1. Officers using the booking area should be alert for any safety or sanitary needs.
 - 2. The booking area will be cleaned by maintenance personnel on a regular basis.
 - 3. The booking area shall be inspected by a supervisor on a weekly basis.
 - 4. Any maintenance needs will be reported to the appropriate employee or agency.
 - 5. At least every three years, the administration will review the booking area facility and booking process to determine if any unsafe conditions are developing and address any concerns.

V. **Bail and Bonding Procedures:**

- A. All arrestees that are permitted bail bond under state law shall be given opportunity to post such established bail. Unless otherwise specified by statute or on an arrest warrant, 10% of the full bond amount is the required amount of bail bond, pursuant to 725 ILCS 5/110-7.
- B. Bail for misdemeanor offenses are outlined in the ILCS model complaint book. Bail for arrest warrants are pre-established by the issuing court.
- C. Felony offenses typically require an appearance before a judge and bail cannot be accepted prior to such.

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- D. In no cases shall the bail amount be changed or waived when the amount has been previously set by a judge on an arrest warrant.
- E. Individual bonds, or recognizance bonds, may be issued for eligible offenses upon permission by the Shift Sergeant. I-bonds may be granted on a case-by-case basis, generally in less serious misdemeanor cases where attempts to obtain bond have been unsuccessful, there is reasonable belief that the defendant will appear in court as required, the defendant has provided a valid current address, and does not pose a danger to any person or the community.
- F. The department accepts cash bail and credit card payments. Cash bail should be counted twice for accuracy.
- G. Any monetary change that needs to be made during business hours can be made from the Records cash register. After hours, change can be provided under the supervision of the Shift Sergeant.
- H. Upon accepting bail, officers shall complete a Bail Bond form, indicating the name of the defendant, criminal charges, full amount of bail, the type and amount of bail paid (usually 10%), date and location of court appearance, and signature of the defendant and officer.
- I. Persons who post bond on behalf of the defendant may either give the money directly to the defendant for assignment of bail, or that person may elect to complete the "Notice to Person Who Posted Bail Bond Other Than Defendant" section of the bail bond form and sign for the commitment of bail.
- J. The completed Condition of Bail Bond form, together with the amount of bail, shall be turned in at the Communications Center for recording purposes and to be directed to the Circuit Clerk. A copy of the Bail Bond form is issued to the defendant, and one copy is turned in with the case report.

Policy originally issued 8 -21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.

ANNEX A FOLLOWS, PRISONER PROPERTY AND INSPECTION SHEET

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ANNEX A

RD:_____

**DEKALB POLICE DEPARTMENT
PRISONER PROPERTY AND INSPECTION SHEET**

-To be turned in to Records with yellow arrest sheet-

Date:_____

Prisoner Name:_____

Officer:_____

Property secured by officer : (Provide evidence receipt for any property to be held)

CIRCLE :

Keys Checkbook Jewelry:_____

Watch Wallet or Purse Cash (amount):_____

Hat/cap Pens/pencils Other:_____

Belt Cigarettes _____

Shoes Coat _____

Pager Cell Phone _____

Lighter Pocketknife _____

I acknowledge that these items were secured by the officer. These items were:

() returned to me upon my release; or () transported with me upon my transport to another facility

Arrestee Signature:_____ (Officer: Check here:____if shown but refused to sign)

Cell Inspection Information:

(Adults=check every ½ hour; Juveniles=every 15 min.)

Juveniles under 16 may not be placed in cell.

Time placed in cell/locked room:_____ Cell number: _____

Placed by Officer_____ (note any meals, medicine, interviews, visitors, and time of release)

Time:	Condition:	Officer:	Remarks:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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