

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

PERSONS IN CUSTODY

Reviewed by: Lt. Jim Clesson	Effective Date: September 14, 2022
Authorized by: Chief Jamal A. Simington	Revision Date: January 24, 2025

PURPOSE

The purpose of this SOP is to institute a procedure for handling persons in the custody and temporary care of the Bloomington Police Department.

CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Illinois Constitution.

PROCEDURE

GENERAL RESPONSIBILITIES

Persons arrested by or detained in the Bloomington Police Department:

1. As required by [725 ILCS 5/107-2](#), the following questions will be asked at the time of arrest and captured on body worn camera.
 - a. The arresting officer shall question the arrestee as to whether they have any children under the age of 18 or dependent adult(s) who may be neglected as a result of the arrest or otherwise.
 - b. If yes, the officer shall assist the arrestee in the placement of the children or dependent adult with a relative or other responsible person designated by the arrestee.
2. The on-duty supervisor of the officer having the arrested or detained persons in their custody is accountable for the care of those persons.
3. The officer having the arrested person(s) in his custody is responsible for providing reasonable food, medical care, and access to toilet facilities for the arrested person. At no time will arrested persons be left unsupervised.
4. Any custody who requires medical treatment may be transported to either Carle BroMenn or St. Joseph's Medical Center by the most appropriate means.
 - a. If the arrested person is believed to be suffering from mental illness or to be in a mental crisis, refer to [SOP 5.22: Responding to Persons Affected By Mental Illness or In Crisis](#).
 - b. A supplemental report, detailing the injury/illness and all information having to do with the injury/illness, will be completed by the officer having custody of the person.
 - i. The complete report of the incident will be directed to the police administration via routine channels.

- ii. Determination of the responsibility for payment of medical services will be made by the police administration, and no officer or agent of the Bloomington Police Department will make promise to pay for medical services.
- c. Refer to [SOP 5.11: Securing and Transporting Persons in Custody](#) for more information regarding custodies at a medical facility.
- 5. In the event of fire or other disaster, the on-duty supervisor, or his designee is responsible for the safety and security of all persons detained in the Bloomington Police Department.
- 6. All persons arrested or detained at the Bloomington Police Department shall be held in a manner that provides for their security and safety, as well as the safety of the personnel of the Bloomington Police Department. At no time will any member of the Bloomington Police Department abuse, neglect or maltreat any person in their care or custody.
- 7. Any person arrested should be transported to the McLean County Jail as soon as possible after the arrest.

PRETRIAL FAIRNESS ACT

Refer to [SOP 7.17 Pretrial Fairness Act](#).

CUSTODIES TO BE SEARCHED FOLLOWING ARREST

Refer to [SOP 5.03: Searching Persons in Custody / Frisking of Persons Detained](#).

CUSTODIES INSIDE BPD TO BE SEARCHED USING METAL DETECTOR

Refer to [SOP 5.03: Searching Persons in Custody / Frisking of Persons Detained](#).

RIGHT TO COMMUNICATE

[725 ILCS 5/103-3.5: Right to communicate with attorney and family; transfers; presumption of inadmissibility](#)

- 1. Requires an arrested or detained person shall have the right:
 - a. To speak with an attorney and family via phone at no charge as soon as possible after arriving at a place of detention, but no later than 3 hours.
 - i. A "Place of detention", as defined by [725 ILCS 5/103-3.5\(h\)](#), is a *"building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency, other than a courthouse, that is owned or operated by a law enforcement agency, or other building, such as a school or hospital, where persons are held in detention in connection with criminal charges against those persons."*
 - ii. *"The 3-hour requirement under this Section shall not apply while the person in police custody is asleep, unconscious, or otherwise incapacitated or an exigent circumstance prevents the officers from timely compliance with this Section. If this occurs, it must be documented within the police report detailing the exigent circumstance."*
 - b. An arrested/detained person(s) must be given access to at least 3 free phone calls.
 - c. Reasonable access of the arrested/detained person(s) phone should be facilitated for the purpose of obtaining contact phone numbers. Exigent circumstances may prevent the officer from timely compliance and would need to be documented in the police report.
 - d. Signs must be posted conspicuously advising of these rights including the phone number of the public defender.
- 2. Calls to the public defender or other attorneys shall not be:
 - a. Monitored.

- b. Eavesdropped upon.
- c. Recorded.

PROCEDURE FOR FACILITATING PHONE CALLS

"As soon as possible" shall be determined on a case-by-case basis considering the criteria listed in [725 ILCS 5/103-3.5 \(f\)](#).

1. The person in custody is sleeping, unconscious, otherwise incapacitated.
2. Exigent circumstances may prevent officers from timely compliance with this section. Some examples include, but are not limited to:
 - a. Officer safety.
 - b. Reasonable potential for destruction of evidence.
 - c. Communication with suspected accomplices to the crime(s) under investigation.
3. Person(s) in the custody of the Bloomington Police Department upon arriving to a "place of detention" shall have the following information written on the information board outside the interview room they are placed in at the BPD, or if elsewhere the custodial officer will keep a record of:
 - a. First and last name.
 - b. Date and time of arrival.
 - c. Date, time, and number dialed for each phone call and whether call was successful.
 - d. If, due to exigent circumstances, the person(s) in custody is not able to make a phone call within 3 hours, the custodial officer will provide a written report as to the circumstances (for example, the person in custody did not request to make any calls, or any other reasons).
 - e. If the person in custody does not request to make a phone call this will be documented.
4. Facilitating phone calls:
 - a. A Bluetooth speaker shall be provided to persons in custody to facilitate their calls as needed.
 - b. Reasonable access of the arrested/detained person(s) phone should be facilitated for the purpose of obtaining contact phone numbers. Exigent circumstances may prevent the officer from timely compliance and would need to be documented in the police report.
 - c. How to use the Bluetooth speaker:
 - i. Unplug the wireless speaker from the power cord.
 - ii. Press the headset button on the phone.
 - iii. Dial the phone number on the main phone base.
 - d. Contact the recipient of the phone call and advise:
 - i. Calling officer's identity.
 - ii. The name of the custody desiring to speak with them and that they are in the custody of the Bloomington Police Department.
 - iii. The call is subject to monitoring and recording.
 - iv. Hand the wireless speaker to the custody.
 - v. When the phone call is completed, plug the speaker back into the USB-C cord to recharge the speaker for the next use.
 - vi. In the event the Bluetooth speaker gets turned off, it may require being re-paired with the phone.
 - e. If the call is to the person in custody's attorney:
 - i. Move the custody to a non-recorded interview room if available, if not available suspend the recording in the interview room, remembering to restart once the phone call is completed.

- ii. Do not monitor, record, or eavesdrop on the call to the attorney.
 - iii. Reasonable and intermittent checks on the arrestee will be conducted by visually looking into the interview room via the window.
 - iv. These checks will occur intermittently and randomly every 8 to 15 minutes.
 - v. Once the call to an attorney is completed, the person in custody will be returned to recorded room, or the recording will be restarted.
5. Documentation:
- a. The custodial officer will author a report which will include:
 - i. The requirements of [\(725 ILCS 5-103-3.5\(g\)\)](#)
 - ii. Date and time of arrival.
 - iii. Date, time, and number dialed for each phone call and whether call was successful.
 - iv. If, due to exigent circumstances, the person(s) in custody is not able to make a phone call within 3 hours, the custodial officer will provide a written report as to the circumstances.
 - v. If the person in custody does not request to make a phone call
 - vi. Any exigent circumstances resulting in calls being delayed beyond 3 hours from arrival.
6. Except for a juvenile custody, no arrested person(s) should be detained at the Bloomington Police Department outside of a secured room. All persons arrested will be searched prior to being placed in a secured room. [SOP 5.03: Searching Persons in Custody / Frisking of Persons Detained.](#)
7. All secured rooms shall be examined for the presence of unauthorized objects and/or contraband, before and after each use. Interviews of arrested persons shall be done in the provided secure rooms. Officers conducting interviews of arrested persons shall disarm themselves and secure their weapons in a weapon safe.
8. If the custody is to be interviewed by CID personnel, they shall be monitored by an officer, until the person is transferred to CID personnel involved in the investigation.

JUVENILES / MINORS

[Refer to SOP 2.08: Juvenile Contacts and Custodies](#)

CUSTODIES AT A MEDICAL FACILITY

[Refer to SOP 5.11: Securing and Transporting Persons in Custody](#)