

# University of Chicago Police Department

## GENERAL ORDER

<b>Effective Date:</b> January 1, 2024		<b>Number:</b> <b>GO 602</b>
<b>Subject:</b> <b>Interviews and Interrogations</b>		
<b>References:</b> CALEA Standard: 1.2.3, 44.2.3, Illinois Statutes 725 ILCS 5/103-2.1, 5/107-14,		
<b>Reevaluation Date:</b> Annually		<b>No. Pages:</b> 5
<b>Amends:</b> 01 FEB 2023 Version (O.D.P.) 04 MAR 2013		<b>Rescinds:</b>
<b>Approved By:</b> Kyle L. Bowman, Chief of Police	<b>Signature:</b> Original signed document on file in Accreditation Office	

### 602.1 PURPOSE

The purpose of this policy is to establish guidelines for interviews and interrogations conducted by the University of Chicago Police Department.

### 602.2 POLICY

It is the policy of the University of Chicago Police Department to conduct interviews and interrogations in a manner which respects the Constitutional rights of individuals.

### 602.3 DEFINITIONS

**Custodial Interrogation** - Questioning initiated by a law enforcement officer after a person is taken into custody or otherwise deprived of his or her freedom in any significant way, thus requiring that the person be advised of his or her applicable Constitutional rights (Miranda).

**Field Interview / Terry Stop** - A stop of a person by a law enforcement officer based upon reasonable suspicion that the person may have been engaged in criminal activity at the time of the stop, or that criminal activity, involving the person stopped, may be afoot.

**Reasonable Suspicion** - An objectively justifiable suspicion that is based on specific facts or circumstances and that justifies stopping a person thought to be involved in criminal activity at the time of the stop. An officer stopping a person based on reasonable suspicion must be able to point to specific facts or circumstances to individually support both the stop and the frisk, if one is conducted.

**Consensual Encounter** – When an officer approaches a citizen and engages them in conversation. This exchange has minimal contact and the citizen is free to leave at any time. When testing whether a situation is a consensual encounter both the officer(s) actions and the conversation are used to measure whether a reasonable person would have felt free to leave.

## **602.4 INTERVIEW AND INTERROGATION**

### **A. Custodial Interrogation**

Sworn personnel shall ensure that the Constitutional rights of persons are not violated and shall follow Illinois Statutes. Persons subjected to custodial interrogation shall be advised of their rights under the Miranda decision. Case law holds that an actual arrest is not necessary for the protections of custodial interrogation to apply. Generally, if the subject is not free to leave, those protections apply. The number of officers, officer actions, conversation and other factors are utilized to determine whether a reasonable person would have felt free to leave. Particular attention should be given to protect against:

1. Coercion or involuntary confessions or admissions during interviews and interrogations.
2. Failure to inform defendants of their rights, including access to counsel. If counsel arrives at the Department or District when UCPD personnel are going to conduct or are conducting an interrogation, those personnel are responsible for notifying the suspect of the attorney's presence and asking the suspect if they wish to speak to the attorney. This notification shall be documented along with the date and time. The UCPD Attorney Visitation Form shall be completed. See Procedural Order 601-01 for full procedure.
3. Custodial interrogations will be recorded in compliance with Illinois Statutes 725 ILCS 5/103-2.1, 705 ILCS 405/5-401.5, and any other Illinois Criminal Code Statute which requires recording.
4. Custodial interrogations of persons with a severe or profound intellectual disability, conducted at a police station or other place of detention, will not include deception by a law enforcement officer or juvenile officer. 725 ILCS 5/103-2.2.

See GO 520.6 for **Juvenile Interrogation**.

### **B. Field Interviews/Terry Stops- Adult or Juvenile**

Field Interviews/Terry Stops shall only be conducted when reasonable suspicion can be articulated by the officer(s) accountable for the stop. A Terry Stop for a field interview and a frisk are justified separately, though a lawful Terry Stop must occur before a frisk. The officer must clearly articulate the reasonable suspicion justifying the Terry Stop, and if a frisk is performed, the officer must clearly articulate the additional reasonable suspicion to believe that the subject is armed.

In most instances a citizen call for service, or information contained in a BOLO (Be On The Lookout) will be an element of the reasonable suspicion articulated by the officer(s). Criminal activity actually observed by officers, providing probable cause for arrest, does not invoke the requirements of Terry v. Ohio. At no time will race and gender alone, without articulable facts necessary to meet the reasonable suspicion test, be utilized to initiate a stop, interview or frisk of a person.

Field Interviews/Terry Stops are initiated only with the intent to uncover or prevent criminal activity. The following guidelines apply to all Field Interviews/Terry Stops.

1. Pursuant to Illinois Compiled Statutes 725 ILCS 5/107-14, Temporary Questioning without Arrest, officers may temporarily stop individuals for the purpose of conducting field interviews when there is insufficient probable cause for arrest, provided that the officer has reasonable suspicion that the person is committing, has committed, or is about to commit a violation of the law.
2. If at any time during the field interview, it is determined that reasonable suspicion no longer exists or the basis for the stop was not valid, the interview should be stopped immediately and the individual informed that they are free to go.
3. It is important that the officer be able to articulate the basis for the suspicion. The following are factors which should be taken into consideration when establishing reasonable suspicion for all Field interviews/Terry Stops:
  - a. A citizen call for service or specific details regarding criminal activity occurring or being afoot.
  - b. Articulate facts indicating that the individual being stopped is connected to the criminal activity. Race and gender alone are insufficient in most instances.
4. Refer to General Order 508, regarding frisk.
5. When conducting a field interview, the officer shall notify ECC via radio of the location where the field interview is being conducted, the number of individuals and the reason for the stop. The reasonable suspicion for the stop (and additional reasonable suspicion for a frisk, if applicable) will be communicated to ECC. Officers shall record Field Interviews in the RMS (Records Management System) system by entering the reason for the stop, physical description, distinct physical characteristics, clothing description, in addition to the location and time of the stop.

Field Interviews in RMS will be utilized by Investigations and Patrol in conducting investigations, to determine whether any documented field interviews may be of suspects or other parties related to any reported crime.

- a. A "Who We Are" community information card will be given to the person stopped.
6. The length of the stop must be reasonable, based on its scope. Either a stop progresses to probable cause for arrest, or results in release. The interaction is limited to the time necessary, under the particular circumstances, to determine whether probable cause exists or not.
7. Pursuant to Illinois Statute 625 ILCS 5/11-212(b-5), officers detaining a pedestrian in a public place, **and subjecting them to frisk, search, summons or arrest**, shall complete a Uniform Pedestrian Stop Card. The Stop Card will be turned in with the officer's daily paperwork for routing to the Records Section, and entry into the IDOT database.
8. Additionally, a Stop/Frisk Receipt will be issued to any pedestrian stopped and frisked or searched, pursuant to 725 ILCS 5/107-14(b). See also GO 508.
9. HANDCUFFING DURING INVESTIGATIVE DETENTION/TERRY STOP  
To apply handcuffs during an investigatory stop, the officer must have a reasonable suspicion that such restraints are necessary for a legitimate purpose or that the suspect is armed and dangerous. **It is "well established that if suspects are cooperative and officers have no objective concerns for safety, the officers may not use intrusive tactics such as handcuffing absent any extraordinary circumstances."** El-Ghazzawy v. Berthiaume, #10-2058, 2011 U.S. App. Lexis5095 (8th Cir.)
  - a. When handcuffing a detainee or subject of an investigative stop, the officer **shall** inform the subject that they are not under arrest and that the handcuffs are only a **temporary measure** for everyone's safety.
  - b. If the subject is released without arrest, or released after arrest pursuant to 725 ILCS 5/107-6 (without processing), the incident will be documented in an incident report. The facts which justified the use of handcuffs will be articulated and documented, by the officer, and reviewed and approved by the supervisor.
  - c. Criteria/Factors to determine use of handcuffs

1. Does the subject's behavior give reasonable possibility of danger to officer, or flight?
2. Is the subject armed, or info that they are armed?
3. Did the stop closely follow a violent crime?
4. Is there reasonable suspicion that a crime involving violence is about to occur?
5. How many officers and/or subjects are present?
6. Officer's prior knowledge of subject criminal history and/or gang affiliation.
7. Subject's body language, subject's size, and/or subject's age, regarding threat level.

C. **Consensual Encounters**

An officer may approach and talk to any person, adult or juvenile, without the person's being seized. No evidence or suspicion is required to approach and speak to any person. However, the officer has *no authority* over the person, and the person may refuse to be engaged in conversation and end the encounter.