

# University of Chicago Police Department

## GENERAL ORDER

<i>Effective Date:</i> January 14, 2015		<i>Number:</i> <b>GO 603</b>
<i>Subject:</i> <b>Felony Review Process</b>		
<i>References:</i>		
<i>Reevaluation Date:</i> Annually		<i>No. Pages:</i> 5
<i>Amends:</i> 01 JAN 2013 Version (O.D.P.)		<i>Rescinds:</i>
<i>Approved By:</i> Marlon C. Lynch, Associate Vice President and Chief of Police	<i>Signature:</i> (Original signed document on file in Accreditation Office.)	

### 603.1 PURPOSE

The purpose of this policy is to establish guidelines and procedures for consulting the Cook County State's Attorney Felony Review Unit for approval of felony charges and search warrants.

### 603.2 GENERAL INFORMATION

- A. The Cook County State's Attorney's Felony Review Unit is available 24 hours a day and is located at 2650 S. California Avenue, Room 14C10, and office phone (773) 674-3020. Felony charges (excluding narcotics and syndicated gambling cases), will not be approved without consulting an assistant state's attorney (ASA) and UCPD Shift Supervisor.
- B. In cases in which the ASA and the Shift Supervisor disagree, the appropriate Deputy Chief, will be contacted for a determination. In those cases, felony charges will not be filed without the approval of the appropriate exempt commanding officers. The appropriate exempt commanding officer will inform the assistant state's attorney of their decision to approve charges.

### 603.3 PROCEDURES

- A. Arresting Officer Responsibilities:
  - 1. When a person is taken into custody for the below offenses by UCPD officers, it will be the responsibility of the arresting officers conducting the preliminary

investigation to contact an Assistant State's Attorney from the felony review unit. The contact will be made after conferring with a Shift Supervisor and obtaining approval.

2. The assistance of an ASA in the preparation of the case does not relieve officers of their responsibility for proper case investigation and preparation. Officers will be prepared to provide relevant facts about their investigation.
3. The below listed felony charges will not be approved without consulting an Assistant State's Attorney.
  - a. burglary to a motor vehicle.
  - b. motor vehicle theft related charges.
  - c. prostitution related felony charges.
  - d. retail theft felony charges (including upgrade).
  - e. Unlawful Use of Weapon by convicted Felon, 720 ILCS 5/24-1.1(a).
  - f. Select Unlawful Use of Weapon, (UUW) felonies except for a violation of 720 ILCS 5/24-1(a)(7)(iii).
  - g. domestic battery felony charges (upgrade).
  - h. human trafficking charges.
4. The below listed information will be obtained and documented on all appropriate incident and arrest reports, and upon request, will be provided to ASA and detectives. Prior to dissemination, arresting officers will ensure the documents are complete and have been approved by a Shift Supervisor.
  - a. Document the dates and times that the ASA and Detectives were notified.
  - b. Obtain copies of the arrestee's criminal history (when applicable).
  - c. When evidence is inventoried, provide copies of the incident reports documenting inventoried evidence.

- d. Document the ASA's name, date and time of the approval or non-approval of charges.
  - e. In cases where charges are declined, document the reasons for non-approval.
  - f. In cases where arrestees are released without charging, document the reasons for release.
5. Arresting officer's duties to complete a timely and thorough investigation will not be unreasonably postponed by the consultation with an ASA, nor unreasonably delay the booking and charging process of persons in Department custody.

**B. Detective Responsibilities**

Investigative Services will be responsible for applicable follow-up investigations and consultations with the ASA. When an arrest is made by UCPD personnel requiring assistance for the below charges, it will be the responsibility of the arresting officer(s) to notify Investigative Services Detectives. The notification will be made after conferring with a Shift Supervisor and obtaining approval.

- 1. homicide.
- 2. aggravated battery.
- 3. aggravated assault (firearm fired).
- 4. criminal sexual assault.
- 5. aggravated criminal sexual abuse.
- 6. armed robbery.
- 7. strong arm robbery.
- 8. felony theft.
- 9. aggravated battery to a police officer.
- 10. arson.

**NOTE:** Any approval for charges for homicide is the sole responsibility of the State's Attorney's Felony Review Unit.

C. Shift Supervisor Responsibilities

1. The Shift Supervisor will be responsible for ensuring that arresting officers contact the Felony Review Unit for consultation when seeking approval of charges listed above in Section 603.3.A.3.
2. The Shift Supervisor will be responsible for ensuring that arresting officers notify Investigative Services Detective(s) for follow-up investigation and consultation of an ASA for charges listed above in Section 603.3.B.1.
3. Shift Supervisors will also be responsible for ensuring that an Assistant State's Attorney is promptly notified (within 2 hours of arrest) in the following instances:
  - a. A person is shot by a UCPD employee.
  - b. A person is seriously injured by an on-duty UCPD employee while in the performance of his/her official duties.

**NOTE:** This includes hospital admission not caused by a motor vehicle accident.

- c. An arrest involved statutory upgrades of misdemeanor charges based upon an arrestee's prior convictions.
- d. An offense which by statute (705 ILCS 405/5-130) requires a juvenile 15 to 17 years of age, to be charged as an adult for any of the following:
  1. First Degree Murder, 720 ILCS 5/9-1.
  2. Aggravated Criminal Sexual Assault, 720 ILCS 5/11-1.30.
  3. Aggravated Battery With a Firearm 720 ILCS 5/12-3.05(e), (where minor personally discharged firearm as defined in 720 ILCS 5/2-15.5).
  4. Armed Robbery (when the armed robbery was committed with a firearm), 720 ILCS 5/18-2(a)(2, 3 or 4).

5. Aggravated Vehicular Hijacking (when the high jacking was committed with a firearm), 720 ILCS 5/18-4(a)(4, 5 or 6).
6. Unlawful Use of a Weapon, 720 ILCS 5/24-1 **Sections (a)(1), (3), (4), or (10) only**, (while in school, or on real property comprising any school, regardless of the time of day or the time of year).

D. Arrest/Search Warrant Cases

1. All felony arrest warrants and juvenile arrest warrants for homicides and offenses arising from the same incident must be approved by an Assistant State's Attorney assigned to the Felony Review Unit.
2. When a felony arrest is made pursuant to a criminal warrant authorized by an Assistant State's Attorney, an ASA from the Felony Review Unit will be contacted for final approval and preparation of the requisite documents.

**NOTE:** Even though a judge has already issued the warrant, the Felony Review Unit will be contacted so that an ASA prepares the necessary documents required to complete the processing.

3. Requests for search warrants must be presented to a Cook County ASA assigned to the Felony Review Unit or Narcotics Prosecution Bureau for review and approval.