

University of Chicago Police Department

GENERAL ORDER

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<i>Subject:</i> Limits of Authority			
<i>References:</i> CALEA: 1.2.1, 1.2.6, 1.2.7			
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<i>Amends:</i> 23 JUL 2018 Version (O.D.P.) 17 JUN 2013		<i>Rescinds:</i>	
<i>Approved By:</i> Kenton W. Rainey, Chief of Police		<i>Signature:</i> Original signed document on file in Accreditation Office	

101.1 PURPOSE

The purpose of this order is to define the legal authority vested in sworn personnel.

101.2 DEFINITION

Sworn Officer: All ranks of sworn personnel with the authority to make a full custody arrest.

101.3 LEGAL AUTHORITY OF SWORN OFFICERS

- A. The U.S. Constitution, Illinois Constitution, and Illinois Compiled Statutes define the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, ordinances, and arrests.
1. Illinois Compiled Statutes 110 ILCS 1020/1, grants the authority to the Board of Trustees of a private university to appoint persons to be members of a campus police department. This statute grants to members of the campus police department the powers of municipal peace officers.
 2. Illinois Compiled Statutes 65 ILCS 5/11-1-1, et seq., define police powers of municipal peace officers.
 3. Chicago City Ordinance, O2011-7316, University of Chicago Extension of Jurisdiction, delineates the University of Chicago Police Extended Patrol Jurisdiction.
 4. The University of Chicago Gleacher Center, located at 450 N. Cityfront Plaza Drive, Chicago (and the public ways contiguous to it), and the University of Chicago Arts Incubator, located at 301 E. Garfield Boulevard, Chicago (and some

other University owned area properties), are **within the statutory jurisdiction of UCPD**, despite their locations outside of the UCPD extended Patrol jurisdiction.

5. University of Chicago Medicine locations which are off-campus.
Weiss Memorial Hospital 4646 N. Marine Drive, Chicago; Downtown locations: 150 E. Huron, Chicago and 333 S. Des Plaines St., Suite 201, Chicago; Clinics located in Chicago and suburbs including Calumet City, Crestwood, Elmhurst, Evanston, Evergreen Park, Flossmoor, Harvey, Hinsdale, Joliet, Kankakee, Lombard, Naperville, New Lenox, Orland Park, River Forest, South Holland, Springfield, and Tinley Park. These locations are **within the statutory jurisdiction of UCPD**, even when their locations are outside of the UCPD extended Patrol jurisdiction.

B. ON-DUTY AUTHORITY AND RESPONSIBILITY

1. While on duty, **within the UCPD Patrol jurisdiction (including the Gleacher Center, Arts Incubator, off-campus UCM locations and clinics, etc.)**, sworn officers of the University of Chicago Police Department have the full authority granted peace officers by Illinois statute, which includes:
 - a. The authority to make warrantless arrests, serve arrest warrants, and serve search warrants as granted by 65 ILCS 5/3.1-15-25 and 725 ILCS 5/107-2.
 - b. The authority to make an arrest of an individual without a warrant based upon probable cause that the individual to be arrested has been charged with a felony in the courts of another state (725 ILCS 225/14).
2. While on duty, **outside the UCPD Patrol jurisdiction**, sworn officers of the University of Chicago Police Department have the full authority granted peace officers by Illinois statute, but must be aware of certain statutory provisions and Departmental guidelines affecting the authority to make arrests outside of the UCPD Patrol jurisdiction.
 - a. Arrest with warrant.
Sworn officers who possess a search warrant or arrest warrant have the authority to execute the warrant anywhere within the State of Illinois (725 ILCS 5/107-2).
 - 1) Prior to executing the warrant, the local law enforcement agency shall be notified of the officer's presence within the jurisdiction.
 - b. "Hot or fresh pursuit."
Sworn officers have the authority to make an arrest based upon probable cause and without a warrant anywhere in Illinois when the officer is engaged in "hot or fresh pursuit" (People v. Clark, 360 N.E. 2d 1160 {1977}).

- 1) The local law enforcement agency should, whenever feasible, be notified of the officer's presence within the jurisdiction.
- c. Protection of students, employees, visitors and their property (and property branches and interests of the University).
Sworn officers have full police powers anywhere in Cook, DuPage, Kankakee, Sangamon and Will Counties (UChicago Argonne and UCM Clinics are in DuPage County, UCM Clinics are in Kankakee, Sangamon and Will Counties), **if related to protecting, or investigating crime victimizing, students, employees, visitors and their property** (and the property branches and interests of the University). 110 ILCS 1020/1.
 - d. Arrest by private person.
Officers have the authority to make a warrantless arrest outside of Cook and DuPage Counties if the arrest would be valid if made by a private citizen (725 ILCS 5/107-3).
 - 1) When the matter is not of direct concern to the University of Chicago, officers should make a reasonable effort to bring about the appropriate action by the responsible law enforcement agency.
 - e. Assisting another law enforcement officer.
Sworn officers from the University of Chicago Police Department may be summoned outside the UCPD Patrol jurisdiction to aid another law enforcement officer. Any person assisting a peace officer, under the authority of 725 ILCS 5/107-8, has the same powers of arrest as the peace officer being assisted.
- C. Off-duty authority and responsibility.
Officers, by virtue of their employment, are vested by law with a duty to maintain public order and to make lawful arrests. Off-duty officers, however, faced with a situation involving criminal conduct are usually neither equipped nor prepared to handle the situation in the same manner as if they were on duty. Therefore, an off-duty officer confronted with a situation involving criminal conduct should give consideration to causing the responsible law enforcement agency to take appropriate action. In some cases, the exigency of a given situation may call for immediate action by the officer. The off-duty officer, however, should take action only after considering the tactical situation with regard to personal safety and the interests of the Department.
- D. Out-of-state authority and responsibility.
1. Peace officer powers of sworn officers of the University of Chicago Police Department do not extend beyond this state. When a police matter of the University of Chicago requires police action but is outside the State of Illinois, the appropriate law enforcement agency must, when feasible, be utilized before any enforcement action is taken.

2. Off-duty police officers are authorized under 18 USC §926(B), the Law Enforcement Officers Safety Act of 2004 (“the Act”), to carry concealed firearms outside of the State of Illinois.
 - a. Officers of the University of Chicago Police Department are acting in the role of a private citizen when outside the State of Illinois.
 - b. It is the responsibility of the individual officer to determine the laws of the jurisdiction within which they choose to carry a concealed firearm.

101.4 DIFFERENTIAL RESPONSE

Within the UCPD extended Patrol jurisdiction, UCPD has different responsibilities and response based on a number of criteria.

- A. Calls or crimes reported on or contiguous to University owned property.
UCPD will have primary responsibility. The Chicago Police Department will have primary responsibility for extremely serious crimes such as homicide and major sex offenses. Victims or complainants will not be compelled to utilize UCPD if they prefer to report the incident to CPD. Due to their location, calls at the Gleacher Center and UCM off-campus locations will generally be handled by CPD (or other agency).
- B. UCPD traffic stops or traffic enforcement within UCPD Patrol jurisdiction.
UCPD will take the appropriate enforcement action and/or process arrests and charges associated with traffic stops initiated by them.
- C. Traffic Crashes within UCPD Patrol jurisdiction, when UCPD is the first responding agency.
UCPD will have primary responsibility, unless the crash involves a fatality or life-threatening injury. See General Order 504.
- D. Officer initiated on-view violent felonies outside of University property (or contiguous), but within UCPD Patrol jurisdiction.
CPD will immediately be notified and asked to respond and assume responsibility. However at the request of CPD, UCPD may assume responsibility for arrest, processing and filing of charges.
 1. UCPD has statutory authority to protect students, employees, visitors and their property beyond University property (or contiguous), however these cases shall be turned over to CPD.
- E. Officer initiated non-traffic activity/on-view misdemeanors and non-violent felonies outside of University property (or contiguous), but within UCPD Patrol jurisdiction.
UCPD will handle the incident, unless CPD requests to assume responsibility for the incident.
- F. Calls not on University property or contiguous to it, but within UCPD Patrol jurisdiction.

UCPD officers may respond and assist CPD. However, CPD maintains primary responsibility for the investigation and prosecution of crimes occurring on property not owned by the University and shall be notified immediately in order to assume control of any arrestees, investigations or crime scenes. UCPD officers will not actively investigate, perform show-ups or other activities, beyond securing and maintaining the scene and providing emergency assistance, until the arrival of CPD and at their direction. If CPD declines to assume control, UCPD may serve as the investigating agency.

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G. Calls or incidents outside of the UCPD Patrol jurisdiction.

Reports **generally** will not be filed for incidents outside the UCPD Patrol jurisdiction (including informational reports). The appropriate primary agency will be notified. When these incidents involve students, UCPD will offer victim assistance services as appropriate and will make notification to the Dean on Call. The following statutory exceptions **must** be observed.

1. See General Order 507.6 for reports required by statute for major sex offenses occurring outside of the UCPD Patrol jurisdiction.
2. See General Order 522.3.C for reports required by statute for missing persons occurring outside of the UCPD Patrol jurisdiction.

101.5 ALTERNATIVES TO ARREST AND CONFINEMENT

A. Officers must exercise discretion in the selection of an appropriate alternative to an arrest. Therefore, it is important to be aware of the alternatives to arrest and confinement. Alternatives of this nature include:

1. Traffic citations.
Traffic citations are used for non-felony violations of the Illinois Vehicle Code (Illinois Compiled Statutes 625 ILCS).
2. Warnings.
Verbal warnings are used for minor violations. Warnings should not be used for major violations or those violations specifically addressed in a written directive.
3. Confiscation of Contraband and Documentation of Incident.
Certain violations of the Cannabis Control Act 720 ILCS 550/4, and the Drug Paraphernalia Act 720 ILCS 600/3.5, are only civil violations under Illinois statute. The Illinois Private College Campus Police Act 110 ILCS 1020/1 specifically prohibits private college campus police from serving civil process. As there is no lawful mechanism for the Department to charge such civil

violations, confiscation of contraband items, entry of them into Evidence, and documentation of the incident and suspect(s) in a Department report, shall be the response.

4. Referral.

Referral is the practice of directing a matter to another University component, City department, governmental agency or social service organization.

5. Informal resolution.

Informal resolution is the practice of resolving problems without arrest, citation or referral. Informal resolution is an excellent method to deal with minor violations, simple disputes or disagreements, or where the investigating officer determines that inadequate probable cause exists. Officers will seek direction from their sworn supervisor when the appropriate course of action is in doubt.

B. Officers must consider the following factors when exercising alternatives to arrest:

1. The presence or absence of probable cause.
2. The level of cooperation by victims and witnesses.
3. Existing law and the elements of the offense.
4. The severity of the offense.
5. Available resources.
6. Department directives and orders.

101.6 RELEASE ON BOND PROCEDURES

A. Individual Bond.

Under Illinois Supreme Court rules, an I-Bond (individual bond) is allowed for those offenses which are bondable under Rules 526, 527, and 528 of Article 5 of the Supreme Court Rules. All police officers are empowered to permit I-Bonds under these rules if necessary. Eligibility for I-Bond is covered by Supreme Court Rule 553(d). See General Order 521.

B. Person arrested in another county.

The bonding procedures for a person arrested in a county other than the county in which the warrant for his arrest was issued shall be governed by the provisions of Illinois Compiled Statutes 725 ILCS 5/109-2. Such a detainee will be transported to the appropriate CPD District Headquarters, and turned over to CPD personnel for holding and bonding.

C. After-hour, holiday, and weekend bond setting procedures.

1. After normal business hours, on holidays, and on weekends, the arrested person may be brought before a judge in the county of the arrest or where the warrant for which he is arrested was issued under the following circumstances:
 - a. Arrestee is in custody and is unable to post a "Rule of Court" bond on misdemeanor charges.
 - b. Arrestee is in custody for a felony charge requiring the setting of an initial bond.
 - c. Arrestee is in custody for domestic battery or violation of order of protection and, according to Illinois Supreme Court Rule 528, a judge must set bond.
2. Such a detainee will be transported to the appropriate CPD District Headquarters, and turned over to CPD personnel for holding and bonding.

D. Criminal offenses.

All persons charged with criminal offenses under Illinois law shall be bailable before conviction, except for capital offenses or offenses for which a life imprisonment sentence may be imposed. Bail is governed by Illinois Compiled Statutes 725 ILCS 5/110-1, et seq., Bail. Persons charged with mandated reporting offenses (felonies or Class A or B misdemeanors) will be transported to the appropriate CPD District Headquarters, and turned over to CPD personnel for holding and bonding.

E. Traffic offenses.

All persons charged with traffic offenses within the state of Illinois shall have bail governed by 625 ILCS 5/6-308 and Illinois Supreme Court Rule 526. Persons charged with mandated reporting offenses (DUI or Aggravated Fleeing and Eluding) will be transported to the appropriate CPD District Headquarters, and turned over to CPD personnel for holding and bonding.

F. Ordinance, petty, and business offenses.

All persons charged under state or municipal laws for ordinance, petty, or business offenses shall have bail governed by Illinois Supreme Court Rules 528 and 553(d).

101.7 DISCRETION BY SWORN OFFICERS

The proper use of discretion is an important aspect of law enforcement and is predicated on good judgment. The use of discretion requires that an officer make responsible decisions which can withstand scrutiny by the Department, other jurisdictional components of the criminal justice system, and the community itself.

- A. Sworn officers are encouraged to exercise discretion when dealing with their many duties. The use of discretion must be soundly based upon law, Departmental directives, experience, and training. Therefore, officers must correctly interpret laws and Department directives. Officers shall realize that the use of discretion is not permitted

when certain activities are mandated by statutes, Department directives or supervisory direction. Officers shall seek direction from their supervisor when the appropriate course of action is in doubt.

- B. An officer's discretionary decision regarding severity of enforcement action or inaction must not be influenced by malice, vengeance, or prejudice based upon status, age, race, ethnic background, religious belief, gender, sexual preference, socioeconomic status, disability, or any other protected group status.