**Section 720.20 Legal Rights of Accused While in Custody**

a) *Treatment While in Custody*

1) *On being taken into custody every person shall have the right to remain silent.*

2) *No unlawful means of any kind shall be used to obtain a statement, admission,* *or confession from any person in custody.*

3) *Persons in custody shall be treated humanely and provided with proper food, shelter, and, if required, medical treatment.* [725 ILCS 5/103-2]

b) *Right to Communicate with Attorney and Family – Transfers*

1) *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* (generally within the first hour) *after arrival at the first place of custody.*

2) *In the event the accused is transferred to a new place of custody, his* *or her* *right to communicate with an attorney and a member of his* *or her* *family is renewed.* [725 ILCS 5/103-3]

c) *Right to Consult with* *an* *Attorney*

1) *Any person committed, imprisoned or restrained of his* *or her* *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.*

2) *When any such person is about to be moved beyond the limits of this State under any pretense whatever, the person to be moved shall be entitled to a reasonable delay for the purpose of obtaining counsel and of availing himself* *or herself* *of the laws of this State for the security of personal liberty.* [725 ILCS 5/103-4]

d) *Posting Notice of Rights*

*Every* *chief of police* *shall post in every room, other than cells, of such buildings where persons are held in custody, in conspicuous places where it may be seen and read by persons in custody and others, a poster, printed in large type, containing a verbatim copy in the English language of the provisions of Sections 103-2, 103-3, 103-4, 109-1, 110-2, 110-4, and subparts (a) and (b) of Section 110-7 and 113-3 of* *the* *Code* *of Criminal Procedure*. [725 ILCS 5/103-7] (Notice of Rights posters in English and Spanish are available from the Jail and Detention Standards Unit.)

e) Mandatory Duty of Officers

Any peace officer who intentionally prevents the exercise by an accused of any right conferred by this Article or who intentionally fails to perform any act required of him or her by this Article shall be guilty of official misconduct and may be punished in accordance with Section 33-3 of the Criminal Code of 1961. [725 ILCS 5/103-8]

(Source: Amended at 22 Ill. Reg. 19227, effective November 1, 1998)