

ILLINOIS PROSECUTOR SERVICES, LLC

PO Box 722, Carlinville, IL 62626
Phone: (217) 854-8041 Fax: (217) 854-5343
Website: www.ipsllonline.com
E-mail: don@ipsllonline.com



LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of November – 2025 - ALTERNATIVE

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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

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People v. Steve Rainey, 2025 IL App (1st) 230639, August 27, 2025.

THE CASE: Officers were executing a search warrant. An Officer asked a suspect, ““What am I going to find that should not be here?” The suspect replied, “a gun.” Should Miranda warnings have been given before the Officer asked that question?

FACTS: As part of a narcotics investigation, an Officer applied for and obtained a search warrant supported by his own affidavit. The warrant authorized the police to search for “narcotics and any other illegal contraband” in the second-floor apartment of a local address. Rainey was the target of the search warrant. The Officer knew Rainey had prior convictions for drug and firearm offenses. The Officer and 8 to 10 other officers, each armed and wearing a bulletproof vest, executed the warrant. Upon entering the apartment, the officers located two adults, who were then handcuffed and placed in a living area. The officers also discovered a locked bedroom door. After demands to open the door received no response, the Officer kicked the door open, finding Rainey and his girlfriend inside the room. Rainey told the officers his name was Steve Welch. Both Rainey and his girlfriend were handcuffed and escorted to the living area to sit with the other two occupants, while officers stood guard. Rainey's person was searched. The Officer did not consider Rainey free to leave and he would have stopped Rainey had he attempted to leave. Armed officers were positioned at both the front and rear entrances to the building.

After going “in and out of the bedroom multiple times,” the Officer summoned Rainey to accompany him to the bedroom. The Officer informed Rainey he was the target of the search warrant and part of a narcotics investigation. Without first advising Rainey of his Miranda rights, the Officer then asked, “What am I going to find that should not be here?” Rainey responded, “a gun.” The Officer asked where it was located, and Rainey replied he did not know. The Officer then asked, “But it's in here?” Rainey nodded and said “yes” in a low voice. The Officer then asked Rainey further questions about selling “dope” and whether narcotics were present. After their conversation, Rainey was taken outside and placed in a police vehicle. Officers then searched the bedroom. After removing a mattress and box spring that were situated atop milk crates, an officer discovered a handgun inside a zipped black, fanny-pack type bag, which was on the floor amid the crates.

Rainey was subsequently charged with being an armed habitual criminal. Prior to his trial, Rainey moved to suppress any statements he made to the Officer during the execution of the search warrant. During the hearing on Rainey's motion to suppress, the Officer explained that, when executing a search warrant, he asks the subject of the warrant whether “anything” is present before conducting a search. He does so to give the subject a chance to avoid their belongings from being “turned upside-down.” During the hearing, the People argued, inter alia, that Rainey's statements were admissible based on the “public safety exception” to the Miranda rule. The circuit court rejected their argument, characterizing it as a “blanket” explanation that would cover every situation during a search. Nevertheless, the court denied the motion to suppress Rainey's statements, finding the situation a “close case *** bordering on a custodial interrogation.” From that ruling and from his subsequent conviction for being an armed habitual criminal, Rainey brought this appeal.

ISSUE: Did the circuit court properly deny this Rainey's motion to suppress.

THE LAW: In making its findings, the appellate court acknowledge the following rules: **(A).** “Custodial interrogation,” for purposes of Miranda, is questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. **(B).** To protect the Fifth Amendment right against self-incrimination, the prosecution may not use statements made by a defendant during a custodial interrogation unless those statements were accompanied by procedural safeguards, known familiarly as Miranda warnings. U.S. Const. Amend. 5. **(C).** Statements obtained in violation of Miranda may not be admitted as substantive evidence in prosecution's case-in-chief.

QUESTION #1: Was Rainey “in custody” when he was questioned by the Officer?

RULES: **(A).** To determine whether a person was in custody for purposes of Miranda, courts conduct two discrete inquiries: first, what were the circumstances surrounding the interrogation; and second, under those circumstances, would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave. **(B).** Courts consider the totality of the circumstances and weigh all relevant factors when determining whether a person was in custody for Miranda

purposes; no single factor is dispositive. **(C).** Relevant factors weighed in determining whether a person is in custody for purposes of Miranda include: (1) the location, time, length, mood, and mode of the questioning; (2) the number of police officers present during the interrogation; (3) the presence or absence of family and friends of the individual; (4) any indicia of a formal arrest procedure, such as the show of weapons or force, physical restraint, booking or fingerprinting; (5) the manner by which the individual arrived at the place of questioning; and (6) the age, intelligence, and mental makeup of the accused. **(D).** In determining whether an individual was in custody for purposes of Miranda, an officer's belief in the individual's guilt is relevant only to the extent that the officer's views or beliefs were somehow manifested to the individual under interrogation and would have affected how a reasonable person in that position would perceive his or her freedom to leave.

FINDINGS: The appellate court concluded that a reasonable person would not have felt at liberty to terminate questioning, which occurred during execution of search warrant at Rainey's home, and leave, and thus Rainey was in "custody" for purposes of Miranda. **WHY:** *The Court noted that numerous police officers were present at the interrogation; the entrances to the apartment were guarded; all occupants of the apartment were placed in handcuffs and held in the living area; Rainey's subsequent movement to and from the bedroom only occurred upon police direction and escort; the officer informed Rainey he was the target of a search warrant in a narcotics investigation; the officers asked the Rainey questions presupposing they would find something that should not be there; the officer confirmed Rainey was not free to leave; and Rainey was not informed he was free to refrain from answering questions.*

QUESTION #1: Was Rainey "interrogated" when he was questioned by the Officer?

RULES: **(A).** "Interrogation," for purposes of Miranda, refers both to express questioning and to any words or actions on part of police, other than those normally accompanying arrest and custody, that police should know are reasonably likely to elicit incriminating response from suspect. **(B).** Questioning a suspect apart from family members, friends, or other witnesses is indicative of the questioning being an interrogation for Miranda purposes, as it prevents others from assisting or influencing the suspect and enables police to confront the suspect with inconsistencies from others' statements.

FINDINGS: The appellate court determined that the questioning conducted during the execution of the search warrant of Rainey's home constituted an "interrogation" for Miranda purposes. **WHY:** *The officer informed Rainey he was the target of the search warrant and under investigation before asking a question presupposing the presence of contraband; the officer did not pose a single question but a line of questioning with the purpose of getting Rainey to reiterate his knowledge of the handgun's presence and reveal its precise location; the officer asked subsequent questions about "dope;" and the officer separated the defendant from the other apartment occupants before posing questions to him.*

QUESTION #3: Did the "public safety exception" to the Miranda requirements apply in this case?

RULES: **(A).** The public safety exception to the Miranda rule permits admission of custodial statements not preceded by Miranda warnings when police reasonably believed questioning was necessary to secure their own safety or the safety of the public. **(B).** Whether facts support an exception to the Miranda requirements is a question of law. **(C).** The public safety exception to Miranda should not be made to depend on post hoc findings at a suppression hearing concerning the subjective motivation of the arresting officer; it applies so long as the questioning relates to an objectively reasonable need to protect the police or the public from any immediate danger. **(D).** The public safety exception to Miranda does not apply when officers pose questions designed solely to elicit testimonial evidence from a suspect.

FINDINGS: The appellate court held that Rainey's statements made during a custodial interrogation without Miranda warnings were not admissible pursuant to the public safety exception in trial for violation of armed habitual criminal (AHC) statute, although the firearm found in the bedroom posed a potential threat to officers and others at scene. **WHY:** *The officers questioning the presupposing presence of contraband did not relate to an objectively reasonable need to protect anyone from danger; by the time the officer questioned Rainey, the officers had control of the premises; Rainey and the other apartment occupants were handcuffed and guarded; the Officer's questions were limited to the bedroom where the officers were about to search; the officer asked subsequent questions related to a drug investigation; and the officer's question did not relate to safety.*

QUESTION #4: Was the Circuit Court's denial of Rainey's motion to suppress harmless error?

RULES: **(A).** A violation of Miranda does not necessarily require reversal; the improper admission of a defendant's statements is subject to harmless error review. **(B).** Admission of an unlawfully obtained confession in violation of Miranda is rarely harmless error. **(C).** In harmless error review, courts may (1) focus on error to determine whether it might have

contributed to conviction, (2) examine other evidence in case to see if overwhelming evidence supports conviction, and (3) determine whether improperly admitted evidence is merely cumulative or duplicates properly admitted evidence.

FINDINGS: The appellate court concluded that the admission of Rainey's statements was not harmless error. **WHY:** *The statements were the most significant evidence presented to prove Rainey's constructive possession of the handgun; the People presented slim evidence apart from Rainey's statements to support constructive possession; Rainey was not the only occupant of the apartment or even the bedroom where the handgun was found; a single piece of mail addressed to the Rainey at the address and the handgun were found in separate bags; and the Prosecutor repeatedly pointed to these statements as proof of Rainey's possession of the firearm during closing argument.* 720 Ill. Comp. Stat. Ann. 5/24-1.7.

CONCLUSION: The appellate court vacated Rainey's conviction and remanded this case for retrial.

QUIZ QUESTIONS FOR THE MONTH OF NOVEMBER – 2025 - ALTERNATIVE

People v. Steve Rainey, 2025 IL App (1st) 230639, August 27, 2025.

1. Miranda rules protect a suspect's Fourth Amendment privilege against self-incrimination.
 - a. True.
 - b. False.
2. To protect a suspect's right against self-incrimination, the prosecution may not use statements made by a defendant during a "custodial interrogation" unless those statements were accompanied by procedural safeguards, known familiarly as Miranda warnings. Did this appellate court concluded that Rainey was "in custody" for purposes of Miranda when he was asked "What am I going to find that should not be here?"
 - a. Yes.
 - b. No.
3. The appellate court declared that under the circumstances of this particular case, Rainey was not interrogated when he was questioned by the Officer prior to the search of Rainey's bedroom.
 - a. True.
 - b. False.
4. The public safety exception to the Miranda requirements permits the admission of custodial statements not preceded by Miranda warnings when the police reasonably believed questioning was "necessary to secure their own safety or the safety of the public." Did this "Public Safety Exception" to the Miranda requirements apply in this case?
 - a. Yes.
 - b. No.

QUIZ QUESTION ANSWERS FOR THE MONTH OF NOVEMBER – 2025 - ALTERNATIVE

People v. Steve Rainey, 2025 IL App (1st) 230639, August 27, 2025.

1. Miranda rules protect a suspect's Fourth Amendment privilege against self-incrimination.

b. False. In Miranda, 384 U.S. 436, the United States Supreme Court established that the **fifth** amendment privilege against self-incrimination applied not only in court but in any place a person faces custodial interrogation. People v. Logan, 2024 IL 129054.
2. To protect a suspect's right against self-incrimination, the prosecution may not use statements made by a defendant during a "custodial interrogation" unless those statements were accompanied by procedural safeguards, known familiarly as Miranda warnings. Did this appellate court concluded that Rainey was "in custody" for purposes of Miranda when he was asked "What am I going to find that should not be here?"

a. Yes. The appellate court concluded that a reasonable person would not have felt at liberty to terminate questioning, which occurred during the execution of the search warrant at Rainey's home, and leave, and thus Rainey was in "custody" for purposes of Miranda.
3. The appellate court declared that under the circumstances of this particular case, Rainey was not interrogated when he was questioned by the Officer prior to the search of Rainey's bedroom.

b. False. The appellate court determined that the questioning conducted during the execution of the search warrant of Rainey's home constituted an "interrogation" for Miranda purposes.
4. The public safety exception to the Miranda requirements permits the admission of custodial statements not preceded by Miranda warnings when the police reasonably believed questioning was "necessary to secure their own safety or the safety of the public." Did this "Public Safety Exception" to the Miranda requirements apply in this case?

b. No. The appellate court held that Rainey's statements made during a custodial interrogation without Miranda warnings were not admissible pursuant to the public safety exception in trial for violation of armed habitual criminal (AHC) statute, although the firearm found in the bedroom posed a potential threat to officers and others at scene.