

# **Illinois Law Enforcement Training and Standards Board**

Rod Blagojevich, Governor  
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## **Illinois Police Agency Model Juvenile Handbook and Procedures Manual**



In Cooperation with

The Illinois Association of Chiefs of Police  
and  
The Illinois Juvenile Officers' Association

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# **Illinois Law Enforcement Training and Standards Board**

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## TABLE OF CONTENTS

I.	Balanced and Restorative Justice Philosophy .....	1
II.	Purpose and Policy - Child Abuse / Status Offenses.....	2
III.	Purpose and Policy - Delinquency.....	2
IV.	Definitions.....	4
V.	Confidentiality of Law Enforcement Records	
	A. Law Enforcement Records.....	18
	B. Records Control/ Accessibility.....	19
VI.	Expungement of Law Enforcement and Juvenile Court Records.....	20
VII.	Juvenile Police Officer’s Duties and Responsibilities.....	21
VIII.	Police Procedures - Neglected, Abused, or Dependent Minor.....	28
IX.	Police Procedures - Minors Requiring Authoritative Intervention.....	30
X.	Police Procedures - Addicted Minor.....	34
XI.	Police Procedures - Delinquent Minor.....	34
XII.	Arrest and Processing of Delinquents.....	37
XIII.	Appendix.....	44
	1. Community Mediation Program	
	2. Peer Jury - Police Programs	
	3. Sample Station Adjustments Forms	
	4. Juvenile Arrest Card - Illinois State Police (01/01/2000) Draft Copy - pending review by Illinois criminal justice agencies	
	5. Sample Detention Screening Form	

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## I. BALANCED AND RESTORATIVE JUSTICE

The Juvenile Justice Advisory Committee believes it is imperative for officers to have an understanding of Balanced and Restorative Justice. It is the philosophy which was the driving force in the development of the Juvenile Justice Reform Act of 1998, even though the words Balanced and Restorative Justice do not appear in the new law.

The Restorative Justice for Illinois Association in describing 'A Justice That Restores' defines it as follows:

Balanced and Restorative Justice is about relationships between individuals, society, and institutions. Its goal is to restore balance. It can be analyzed by dividing into three major factions including Accountability, Competency and Public Safety. Balance is achieved when all three of these areas are provided with equitable and adequate resources.

Restorative Justice is uniquely applicable to criminal behavior. It moves from a punitive and retributive approach to one of restoration, reconciliation and healing. Punishment is not eliminated but is not the primary or normative focus. Cases are evaluated individually. Restorative Justice moves from a "one side wins and one side loses" system to a system that meaningfully includes the victim, offender, and affected community. According to Restorative Justice: 1.) Crime violates people and relationships; 2.) Justice aims to identify needs and obligations, so that things can be made right; 3.) Justice encourages dialogue and mutual agreement; 4.) Justice gives the victim and offender a central role; and 5.) Justice is judged by the extent to which responsibilities are assumed, needs are met, and healing of individuals and relationships is encouraged. This same criteria is applied prior to a crime and continues after an incarcerated person is released.

Restorative Justice holds offending individuals accountable for their actions. Likewise, institutions and society are accountable. Accountability is more than the "guilty party" stating they committed a wrongful act. It is the offending individual accepting responsibility for the situation and/or event. Likewise, competency is not the mere absence of bad behavior. It is providing the resources for persons to make measurable gains in educational, vocational, social, civic and other competencies that enhance their capability to function as productive citizens. Public safety is a balanced strategy that cultivates new relationships with school, employers, community groups and social agencies.

Restorative Justice includes intervention and prevention for those individuals who are "at risk." There is an acknowledgment that, at times, institutions and systems have either failed or are inadequate. Blame and fault are not assessed, but rather, efforts are made to restore the individual, particularly **juveniles**, to a competent, law-abiding and productive person.

Juvenile police officers, if not currently involved, may be requested to work with county boards, peer court, and victim offender programs in implementing concepts designed to restore justice in their community and

to address needs of at-risk youth. By understanding the philosophy by which the 1998 Juvenile Justice Reform Provisions was written, a pro-active role by juvenile police officers will enhance their community.

**II. PURPOSE and POLICY – *Child Abuse/Status Offenses 705 ILCS 405/1-2***

"The purpose of the act is to secure for each minor subject hereto such care and guidance, preferably in his or her own home, as will serve the moral, emotional, mental, and physical welfare of the minor and the best interest of the community; to preserve and strengthen the minor's family ties whenever possible, removing him or her from the custody of his or her parents only when his or her welfare or safety or the protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his or her own family, to secure for him or her custody, care and discipline as nearly as possible equivalent to that which should be given by his or her parents, and in cases where it should and can properly be done to place the minor in a family home so that he or she may become a member of the family by legal adoption or otherwise."

**III. PURPOSE and POLICY – *Delinquency 705 ILCS 405/5-101***

(1) It is the intent of the General Assembly to promote a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system that will protect the community, impose accountability and equip juvenile offenders with abilities to live responsibly and productively. To effectuate this intent, the General Assembly declares the following to be important purposes of this Article:

- (a) To protect citizens from juvenile crime.
- (b) To hold each juvenile offender directly accountable for his or her acts.
- (c) To provide an individualized assessment of each alleged and adjudicated delinquent juvenile, in order to rehabilitate and to prevent further delinquent behavior through the development of competency in the juvenile offender. As used in this Section, "competency" means the development of educational, vocational, social, emotional and basic life skills which enable a minor to mature into a productive member of society.
- (d) To provide due process, as required by the Constitutions of the United States and the State of Illinois, through which each juvenile offender and all other interested parties are assured fair

hearings at which legal rights are recognized and enforced.

(2) To accomplish these goals, juvenile justice policies developed pursuant to this Article shall be designed to:

(a) Promote the development and implementation of community-based programs designed to prevent delinquent behavior and to effectively minimize the depth and duration of the minor's involvement in the juvenile justice system;

(b) Provide secure confinement for minors who present a danger to the community and make those minors understand that sanctions for felonies, particularly violent felonies, should be commensurate with the seriousness of the offense and merit strong punishment;

(c) Protect the community from crimes committed by minors;

(d) Provide community-based programs and services and that are in close proximity to the minor's home;

(e) Allow minors to reside within their homes whenever possible and appropriate and provide support necessary to make possible;

(f) Base probation upon individual case management plans;

(g) Include the minor's family in the case management plan;

(h) Provide supervision and service coordination where appropriate; implement and monitor the case management plan to discourage recidivism;

(I) Provide services to minors who are returned to their families and communities after detention;

(j) Hold minors accountable for unlawful behavior and not allow minors to think that their delinquent acts have no consequence for themselves or others.

(3) In all procedures under this Article, minors shall have all the procedural rights of adults in criminal proceedings, unless specifically precluded by law. Minors shall not have the right to a jury trial unless specifically provided by this Article.

#### IV. DEFINITIONS

**Abused Minor.** *705 ILCS 405/2-3(2)*

Any minor under 18 years of age whose parent or immediate family member, or any person responsible for the minor's welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent:

1. Inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;
2. Creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function;
3. Commits or allows to be committed any sex offense against such minor, and extending those definitions of sex offenses to include minors under 18 years of age;
4. Commits or allows to be committed an act of torture upon such minor; or
5. Inflicts excessive corporal punishment.

**Addicted Minor.** *705 ILCS 405/4-3*

Any minor who is an addict or an alcoholic as defined in the Illinois Alcoholism and Other Drug Dependency Act. *(20 ILCS 305/1-101 et seq.)*

**Adjudicatory hearing.** *705 ILCS 405/1-3 (1)*

A hearing to determine whether the allegations of a petition under Section 2-13, 3-15 or 4-12 that a minor under 18 years of age is abused, neglected or dependent, or requires authoritative intervention, or addicted, respectively, are supported by a preponderance of the evidence.

**Adult.** *705 ILCS 405/1-3 (2)*

A person 21 years of age or older.

**Agency.** *705 ILCS 405/1-3 (3)*

A public or private child care facility legally authorized or licensed by Illinois for placement or institutional care or for both placement and institutional care.

**Alternative voluntary residential placement.** *705 ILCS 405/3-6*

A long term placement of a youth which is agreeable to both the youth and the youth's parents or guardian when family preservation/reunification cannot be achieved within the first 48 hours to 21 days following limited custody.

**Arrest.** *705 ILCS 5/5-401*

The act of taking a minor into custody whom an officer with probable cause believes to be a delinquent minor; or taking into custody a minor who has been adjudged a ward of the court and has escaped from any commitment ordered by the court; or taking into custody a minor whom the officer reasonably believes has violated the conditions of probation or supervision ordered by the court.

**Association.** *705 ILCS 405/1-3 (114)*

Any organization, public or private, engaged in welfare functions which include services to or on behalf of children but does not include "agency" as herein defined.

**Chronic Truant or Habitual Truant.** *105 ILCS 5/26.2a*

Shall be defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for 10% or more of the previous 180 regular attendance days.

**Community Service.**

“Community Service” means Public Act 92-0820. When a defendant is ordered by the court to perform community service as a condition of his or her sentence, the court in its discretion may appoint a non-profit organization to administer a program of community service relating to cleaning up the community, repairing damage, and painting buildings or other structures defaced. The non-profit organization approved by the court may determine dates and locations of the defendant’s service, procure necessary cleaning or other utensils for defendant to use in performing community service, choose sites to be

repainting or cleaned, and provide supervision of the defendant's activities. A defendant participating in the program shall be given reasonable rest periods as determined by the non-profit organization with the approval of the court. The county sheriff or municipal law enforcement agency may provide one or more peace officers to supervise the program. A defendant who fails to successfully complete the community service program established in this Section shall be subject to re-sentencing as provided in this Chapter V.

**Community Service Agency.** *705 ILCS 405/5-105 (2.5)*

Is a not-for-profit organization, community organization, public office, or other public body whose purpose is to enhance the physical or mental health of a delinquent minor or to rehabilitate the minor, or to improve the environmental quality or social welfare of the community which agrees to accept community service from delinquents and to report on the progress of the community service to the State's Attorney pursuant to an agreement or to the court or to any agency designated by the court if so ordered.

**Concurrent Jurisdiction.** *705 ILCS 405/5-105 (2.5)*

Allows for any minor alleged to have violated a traffic, boating, or fish and game law, or a municipal or county ordinance, may be prosecuted for the violation and if found guilty punished under any statute or ordinance relating to the violation, without reference to the procedures set out in this Article, except that any detention, must be in compliance with 405 / Section 5-501.

For the purpose of this Section, "traffic violation" shall include a violation of Section 9-3 or the Criminal Code relating to the offense of reckless homicide, Section 11-501 of the Illinois Vehicle Code, or any similar county or municipal ordinance.

**Court.** *705 ILCS 405/5-105 (1)*

The circuit court in a session or division assigned to hear proceedings under this Act, and includes the term Juvenile Court.

**Crisis Intervention.** *705 ILCS 405/3-5*

Services provided to runaways and other status offenders in an effort to preserve or reunite the family.

**Delinquent Act.**

Violation of any law by a juvenile (16 years of age or younger) except for those minors who fall under Excluded jurisdiction section of *705 ILCS 405/5-130*.

**Delinquent Minor.** *705 ILCS 405/5-105 (3)*

Any minor who prior to his or her 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or State law, county or municipal ordinance.

**Department.** *705 ILCS 405/5-105 (4)*

The Department of Human Services unless specifically referenced as another department.

**Dependent Minor.** *705 ILCS 405/2-4*

Any minor who is under the age of 18 years and:

- (a) is without parent, guardian or legal custodian;
- (b) is without proper care because of the physical or mental disability of his/her parent, guardian, or custodian; or
- (c) is without proper medical or other remedial care recognized under State law or other care necessary for his/her well being through no fault, neglect or lack of concern by his/her parents, guardian or custodian, provided that no order may be made terminating parental rights, nor may a minor be removed from the custody of his or her parents for longer than 6 months, pursuant to an adjudication as a dependent minor under this subsection ©). unless it is found to be in his or her best interest by the court or the case automatically closes as provided under Section 2-31 of this Act (*705 ILCS 5/2-31*); or
- (d) has a parent, guardian, or legal custodian who with good cause, wishes to be relieved of all residual parental rights and responsibilities, guardianship or custody, and who desires the appointment of a guardian of the person with power to consent to the adoption of the minor under Illinois law.

**Detention.** *705 ILCS 405/5-105 (5)*

Is the temporary care of a minor who is alleged to be or has been adjudicated delinquent and who requires secure custody for the minor's own protection or the community's protection in a facility designed to physically restrict the minor's movements, pending disposition by the court or execution of an order of the court for placement or commitment. Design features that physically restrict movement include, but are not limited to, locked rooms and the secure handcuffing of a minor to a rail or other stationary object. In addition, "**detention**" includes the court ordered care of an alleged or adjudicated delinquent minor who requires secure custody pursuant to Section 5-125 of this Act which describes Concurrent Jurisdiction.

**Detention Hearing.** *705 ILCS 405/5-415*

A hearing to determine whether:

1. there is probable cause to belief that the minor is a delinquent minor (10 years of age or older):
2. there is an immediate and urgent necessity for protection of the minor or of the person or property of another;
3. the minor is likely to flee;

A detention hearing must be held within **40** hours exclusive of Saturdays, Sundays and court-designated holidays. The minor must be released from custody at the expiration of the 40 hour period if not brought before a judicial officer within that period; unless:

1. The minor is hospitalized or is receiving treatment for a physical or mental condition; and is unable to be brought before a judge for a detention hearing, the 40 hours begins when the minor is released from the hospital or place of treatment; or
2. The minor has provided false identity or age to the law enforcement officials. The 40 hour period will not commence until the court rules that the minor is subject to the Juvenile Court Act and not subject to prosecution under the Criminal Code.

**Dispositional hearing.** 705 ILCS 405/1-3 (6)

A hearing to determine whether a minor should be adjudged to be a ward of the court, and to determine what order of disposition should be made in respect to a minor adjudged to be a ward of the court.

**Diversion.** 705 ILCS 405/5-105 (6)

The referral of a juvenile, without court intervention, into a program that provides services designed to educate the juvenile and develop a productive and responsible approach to living in the community.

**Emancipated Minor.** 705 ILCS 405/1-3 (7)

Emancipated minor means any minor 16 years of age or over who has been completely or partially emancipated under the "Emancipation of Mature Minors Act".

**Excluded Jurisdiction.** 705 ILCS 405/5-130

The definition of delinquent minor under Section 5-120 (See Exclusive Jurisdiction) of this article shall not apply to any minor who at the time of an offense was at least 15 years of age and who is charged with first degree murder, aggravated criminal sexual assault, armed robbery when the armed robbery was committed with a firearm, or aggravated vehicular hijacking when the hijacking was committed with a firearm. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this state.

**Exclusive Jurisdiction.** 705 ILCS 405/5-120

Proceedings may be instituted under the provisions concerning any minor who prior to the minor's 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or State law or municipal or county ordinance. Except as provided in Sections 5-125 (Concurrent Jurisdiction), 5-130 (Excluded Jurisdiction), 5-805 (Transfer of Jurisdiction-Mandatory Transfer), and 5-810 (See Extended Jurisdiction Juvenile), no minor who was under 13 years of age at the time of the alleged offense may be prosecuted under the criminal laws of Illinois.

**Extended Jurisdiction Juvenile.** (EJJ) *705 ILCS 405/5-810*

A new provision which allows for a minor to be certified for Extended Juvenile Justice Prosecutions in a hearing similar to a presumptive transfer. Offenders must be at least 13 years of age or older, have committed a felony and have a prior history of delinquency. Once certified, the juvenile is entitled to a jury trial and when sentenced, receives both a juvenile sentence and an adult sentence. The adult sentence is stayed pending the successful completion of the juvenile sentence, at which point the judge shall vacate the adult sentence. If the offender violates a juvenile sentence by committing a new offense, the adult sentence may be imposed.

**Guardianship of the Person.** *705 ILCS 405/1-3 (8)*

The duty and authority to act in the best interests of the minor, subject to residual parental rights and responsibilities, to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned with his or her general welfare.

**Habitual Juvenile Offender.** *705 ILCS 405/5-815*

Any minor having been twice adjudicated a delinquent for offenses which, had he been prosecuted as an adult, would have been felonies, and who is adjudicated a delinquent minor for a third time shall be adjudged an habitual juvenile offender.

**Juvenile Detention Home.** *705 ILCS 405/5-105 (7)*

A public facility with specially trained staff that conforms to the county juvenile detention standards promulgated by the Department of Corrections.

**Juvenile Police Officer.** *705 ILCS 405/1-3 (17) and 705 ILCS 405/5-105 (9)*

A sworn police officer who has completed a Basic Recruit Training Course, has been assigned to the position of juvenile police officer by a chief law enforcement officer and has completed the necessary juvenile officers training as prescribed by the Illinois Law Enforcement Training Standards Board, or in the case of a State police officer, juvenile officer training approved by the Director of State Police.

**Juvenile Justice Continuum.** 705 ILCS 405/5-105 (8)

A set of delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs, as well as intervention, rehabilitation, and prevention services targeted at minors who have committed delinquent acts, and minors who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; aftercare and reentry services; substance abuse and mental health programs; community service programs; community service work programs; and alternative-dispute resolution programs serving youth-at-risk of delinquency and their families, whether offered or delivered by State or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

**Legal Custody.** 705 ILCS 405/1-3 (9)

The relationship created by an order of the court in the best interests of the minor which imposes on the custodian the responsibility of physical possession of a minor and the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, except as these are limited by residual parental rights and responsibilities and the rights and responsibilities of the guardian of the person, if any.

**Limited Custody.** 705 ILCS 405/3-4

A type of temporary custody wherein a law enforcement officer takes a minor into custody for not more than six hours if the minor is believed to be absent from home without parental consent or beyond control of his/her parents and in danger. A juvenile in limited custody may not be held in secure custody.

**Lock-out.**

A minor aged 11-17 who is not allowed access to his/her home by parent or legal guardian.

**Minor.** 705 ILCS 405/1-3 (10) and 705 ILCS 405/5-105 (10)

A person under the age of 21 years subject to this Act.

**Minor Requiring Authoritative Intervention.** *705 ILCS 405/3-3*

Any minor under 18 years of age taken into limited custody, who:

- (1) is absent from home without the consent of the minor's parent, guardian or custodian; or
- (2) is beyond the control of his or her parent, guardian or custodian and in circumstances which constitute a substantial or immediate danger to the minor's physical safety; and
- (3) refuses to return home and whose parents cannot agree to an alternative placement AFTER crisis intervention services have been tried.

**Neglected Minor.** *705 ILCS 405/2-3(1)*

Those who are neglected include any minor under 18 years of age whose parent or other person responsible for the minor's welfare does not provide the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor's well being or other care necessary for his/her well being, including adequate food, clothing and shelter, or who is abandoned by his/her parents or other person responsible for the minor's welfare; or whose environment is injurious to his or her welfare; any newborn infant whose blood or urine contains any amount of a controlled substance; or any minor under the age of 14 years whose parents or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of the minor.

**Non-Secure Custody.** *705 ILCS 05/5-105 (11)*

Confinement where the minor is not physically restricted by being placed in a locked cell or room, by being handcuffed to a rail or other stationary object, or by other means. Non-secure custody may include, but is not limited to, electronic monitoring, foster home placement, home confinement, group home placement, or physical restriction of movement or activity solely through facility staff. Non-secure custody of juveniles in police custody requires five standards to be met under the Federal Juvenile Justice and Delinquency Prevention Act.

- (1) Any area where the juvenile is held must be an unlocked multipurpose area, such as a lobby, office, interrogation or report writing room.
- (2) In no event can the area be designed or intended to be used for residential purposes.
- (3) The juvenile cannot be physically secured to a cuffing rail or other stationary object. (Juveniles may be cuffed to themselves or to a non-stationary object.)
- (4) The use of the area(s) is limited to providing non-secure custody only long enough for the purposes of identification, investigation, processing, release to parents or arranging transfer to an appropriate juvenile facility or court.
- (5) The juvenile must be under continuous supervision until release.

**Parents.** *705 ILCS 405/1-3 (11)*

The father or mother of a child and includes any adoptive parent. It also includes the father whose paternity is presumed or has been established under the law of this or another jurisdiction. It does not include a parent whose rights in respect to the minor have been terminated by any manner provided by law.

**Parental Responsibility.** *705 ILCS 405/5-110*

Parents, guardians and legal custodians shall participate in the assessment and treatment of juveniles by assisting the juvenile to recognize and accept responsibility for his or her delinquent behavior. The Court may order the parents, guardian or legal custodian to take certain actions or to refrain from certain actions to serve public safety, to develop competency of the minor, and to promote accountability by the minor for his or her actions.

**Peer Jury.**

A program operating under the auspices of a local police department which is designed to provide a meaningful and remedial method of dealing with selected juvenile offenders without reference to the Juvenile Court. The Peer Jury does not determine guilt or innocence. The Jury consists of juvenile volunteers selected by the law enforcement agency and an adult moderator. A case will be heard by a

Peer Jury only after the following conditions have been met: a) the juvenile offender has admitted his or her guilt; b) the juvenile police officer has determined that such a disposition is appropriate; and c) the offender AND his or her parent or guardian have consented to participate in writing.

**Permanency Goal.** *705 ILCS 405/1-3 (11.1)*

A goal set by a service plan or an administrative case review, including, but not limited to, (I) remaining home, (ii) returning home to a specified parent or guardian, (iii) adoption, (iv) successor guardianship, (v) long-term relative foster care, (vi) other long-term substitute care, when no other goal is appropriate, or (vii) emancipation.

**Permanency Review Hearing.** *705 ILCS 405/1-3 (11.2)*

A hearing to review and determine (I) the appropriateness of the permanency goal in light of the permanency alternatives, (ii) the appropriateness of the plan to achieve the goal, (iii) the appropriateness of the services delivered and to be delivered to effectuate the plan and goal, and (iv) the efforts being made by all the parties to achieve the plan and goal.

**Petition.** *705 ILCS 405/1-3 (12)*

The document that brings a juvenile to court provided for in Section 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions thereunder.

**Probation.** *730 ILCS 110/9D*

A conditional release under supervision of a probation officer.

**Probation Officers.** *730 ILCS 110/9b*

Persons employed full time in a probation or court services department providing services to a court under the Criminal Code or the Juvenile Court Act of 1987. These probation officers are judicial employees designated on a circuit wide or county basis and compensated by the appropriate county board or boards. Probation officers may make the initial detention decision to detain except for Cook County.

**Public Service.** *705 ILCS 405/5-105 (2) (12)*

The uncompensated labor for a non-profit organization or public body whose purpose is to enhance

physical or mental stability of the offender, environmental quality or the social welfare and which agrees to accept public service from offenders and to report on the progress of the offender and the public service to the court.

**Restitution.**

Repayment to someone for loss or damage. Frequently ordered as part of probation or supervision.

**Residual Parental Rights and Responsibilities.** *705 ILCS 405/1-3 (13)*

Those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right to reasonable visitation (which may be limited by the court in the best interests of the minor as provided in subsection (8)(b) of this Section), the right to consent to adoption, the right to determine the minor's religious affiliation, and the responsibility for his support.

**Sentencing Hearing.** *705 ILCS 405/5-105 (13)*

A hearing to determine whether a minor should be adjudged a ward of the court, and to determine what sentence should be imposed on the minor. It is the intent of the General Assembly that the term "**sentencing hearing**" *replaces* the term "**dispositional hearing**" and be synonymous with that definition as it was used in the Juvenile Court Act of 1987.

**Shelter.** *705 ILCS 405/1-3 (14) and 705 ILCS 405/5-105 (14)*

Is the temporary care of a minor in physically unrestricting facilities pending court disposition or execution of court order for placement.

**Shelter Care Hearing.** *705 ILCS 405/3-12 and 705 ILCS 405/4-9*

A court hearing held within 48 hours exclusive of Saturdays, Sundays, and holidays of a youth's placement outside the home in physically unrestricted care to determine whether the youth can be released until the adjudicatory hearing.

**SHOCAP.** *705 ILCS 405/5-145*

The Serious Habitual Offender Comprehensive Action Program, a multi-disciplinary interagency case management and information sharing system that enables the juvenile justice system, schools, and social service agencies to make more informed decisions regarding a small number of juveniles who repeatedly commit serious delinquent acts.

**Site.** *705 ILCS 405/5-105 (15)*

A non-profit organization or public body agreeing to accept community service from offenders and to report on the progress of ordered public or community service to the court or its delegate.

**Station Adjustment.** *705 ILCS 405/1-3 (15) and 705 ILCS 405/5-105 (16)*

The informal or formal handling of a minor by a juvenile police officer as a diversionary intervention procedure. Station adjustments can include peer jury programs.

**Status Offense.**

Any violation of any federal or state law or local ordinance by a minor that would not be an offense if the juvenile was an adult. Examples include violation of curfew, truancy, runaways, or underage drinking. Status offenders cannot be held in a detention home or county jail or a municipal lock-up.

**Teen Court.** *705 ILCS 405/5-315*

The county board or corporate authorities of a municipality, or both, may create or contract with a community based organization for teen court programs. Could include any number of models of teen court.

**Temporary Custody.** *705 ILCS 405/2-7; 3-9; 4-6*

Temporary placement of the minor out of the custody of his or her guardian or parent, such as Temporary Protective Custody or Shelter Care. It shall not be a jail or other place for the detention of the criminal or juvenile offenders. Taking of a minor into temporary custody is not an arrest nor does it constitute a police record.

**Transfer of Jurisdiction.** *705 ILCS 405/5-805*

Mandatory/Presumptive/Discretionary transfer of a juvenile 15 years of age or older to adult court.

**Trial.** *705 ILCS 405/5-105 (17)*

A hearing to determine whether the allegations of a petition under Section 5-520 that a minor is delinquent are proved beyond a reasonable doubt. It is the intent of the General Assembly that the term "trial" replace the term "adjudicatory hearing".

**Truant.** *105 ILCS 5/26-2a*

Any minor absent from school without permission.

**Truant Minor in Need of Supervision.** *705 ILCS 405/3-33& Section 26-2a : School Code*

A minor who is adjudicated as a chronic truant. (Excluded in Chicago)

**Venue.** *705 ILCS 405/5-135*

Under this Article venue lies in the county where the minor resides, where the alleged violation or attempted violation of federal, State, county or municipal ordinance occurred or in the county where the order of the court, alleged to have been violated by the minor, was made unless subsequent to the order the proceedings have been transferred to another county.

**Violent Juvenile Offender.** *705 ILCS 405/5-820*

A minor having been previously adjudicated a delinquent minor for an offense which, had he or she been prosecuted as an adult, would have been a Class 2 or greater felony involving the use of threat of physical force or violence against an individual or a Class 2 or greater felony for which an element of the offense is possession or use of a firearm, and who is thereafter adjudicated a delinquent minor for a second time for any of these offenses shall be adjudicated a violent juvenile offender.

**Ward of the Court.** *705 ILCS 405/1-3 (16)*

A minor who is so adjudged under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the requisite jurisdictional facts, and thus is subject to the dispositional powers of the court under this Act.

## V. CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS

### A. Law Enforcement Records *705 ILCS 405/5-905*

1. The records of law enforcement officers concerning all minors under 17 years of age must be maintained separate from the records of adults and may not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceeding has been permitted under Section 5-130 or 5-805 or required under Section 5-130 or 5-805 or such as person has been convicted of a crime and is the subject of pre-sentence investigations or when provided by law.

2. Inspection and copying of law enforcement records maintained by agencies which relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following and when necessary for the discharge of their official duties.

(a) A judge of the circuit court and members of the staff of the court designated by the judge;

(b) Law enforcement officers, probation officers or prosecutors or their staff;

(c) The minor, the minor's parents or legal guardian and their attorneys, but only when the juvenile has been charged with an offense;

(d) Adult and Juvenile Prisoner Review Boards;

(e) Authorized military personnel;

(f) Persons engaged in bona fide research, with the permission of the judge of juvenile court and the chief executive of the agency that prepared the particular recording; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record;

(g) Individuals responsible for supervision or providing temporary or permanent care and custody of minors pursuant to orders of the juvenile court or directives from officials

of the Department of Children and Family Services or the Department of Human Services who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court;

(h) The appropriate school official. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested for any offense classified as a felony or a Class A or B misdemeanor.

3. Law enforcement officers may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor.

4. Nothing contained in this Section shall prohibit law enforcement agencies when acting in their official capacity from communicating with each other by letter, memorandum, teletype or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 17 years of age. The information provided under this subsection shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

5. No person shall disclose information under this Section except when acting in his or her official capacity and as provided by law or order of the court.

## **B. Records Control/Accessibility**

1. Juvenile records are required by law to be maintained separately from adult records and may not be open to public inspection or the contents open to the public except by ORDER OF THE COURT, WHEN REQUIRED BY STATUTE, or when the institution of CRIMINAL PROCEEDINGS has been initiated.

(a) In all juvenile cases, a report shall be completed by the responding officer.

(b) Juvenile officers will complete all necessary juvenile report forms to supplement

the initial report.

©) All policing bodies of the State shall furnish the Department (ISP), daily, in the form and detail the Department requires, fingerprints and descriptions of all persons who are arrested on charges of violating any penal statute of this State for offenses that are classified as felonies and Class A or B misdemeanors and of all minors of the age of 10 and over who have been arrested for an offense which would be a felony if committed by an adult, and may forward such fingerprints and descriptions for minors arrested for Class A or B misdemeanors. *20 ILCS 2630/5*

2. Information identifying victims and alleged victims of sex offenses shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her identity.

3. Relevant information, reports and records shall be made available to the Department of Corrections when a juvenile offender has been placed in the custody of the Department of Corrections, Juvenile Division.

4. Nothing in this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection or disclosure is conducted in the presence of a law enforcement officer for purposes of identification or apprehension of any person in the course of any criminal investigation or prosecution.

## **VI. EXPUNGEMENT OF LAW ENFORCEMENT AND JUVENILE COURT RECORDS**

### **A. Pursuant to *405 ILCS 5-915* - Delinquency Section**

1. When juveniles have attained the age of 17 or whenever all juvenile court proceedings relating to that person have been terminated, the person may petition the court to expunge law enforcement records relating to incidents occurring before his or her 17th birthday or his or her juvenile court records, or both, but only in the following circumstances:

- (a) The minor was arrested but no petition for delinquency was filed.
- (b) The minor was charged but found not delinquent.
- ©) The minor was placed under supervision (Continuance under supervision) and the order has been successfully terminated.
- (d) The minor was adjudicated for an offense which would be a Class B Misdemeanor if committed by an adult.

2. Any person may petition the court to expunge all law enforcement records relating to any incidents occurring before his or her 17th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder and sex offenses which would be felonies if committed by an adult, if the person for whom expungement is sought has had no convictions for any crime since his or her 17th birthday and:

- (a) Has attained the age of 21 years; or
- (b) 5 years have elapsed since all juvenile court proceedings relating to him or her have been terminated or his or her commitment to Department of Corrections, Juvenile Division pursuant to the Juvenile Court Act has been terminated; whichever is later of (a) or (b).

**NOTE. Expunging juvenile records begins with a decision of the judge and further instructions as described under 705 ILCS 405/5-915 (3)(4)(5) and (6).**

## **VII. JUVENILE POLICE OFFICER'S DUTIES/RESPONSIBILITIES**

**A.** The juvenile police officer is responsible for ensuring the rights and welfare of minors while preserving law and order.

1. The juvenile police officer will ensure the Juvenile Court Act is being adhered to when dealing with the following:

- (a) Delinquent Acts (criminal offenses);

- (b) Neglect/Abuse/Dependency cases;
- © Addicted Minors;
- (d) Minors Requiring Authoritative Intervention;
- (e) Missing/recovered juveniles;
- (f) Orders of protection; restraining orders against a juvenile;
- (g) Truancy;
- (h) Child exploitation/pornography/prostitution; and
- (l) Child abduction.

## **B. Assignment**

A juvenile police officer may be assigned to the case of a juvenile offender or victim by:

1. Arrest of the juvenile;
2. Accepting custody of the juvenile from a desk sergeant or arresting officer, investigator, parent, or court; or the referral of a patrol officer;
3. Assignment to a case;
4. A direct order of a supervisor; or
5. Through investigative follow-up of an alleged violation of the law.

## **C. Duties**

1. When contacted by the custodial officer, the juvenile police officer will ensure the following actions have been taken:
  - (a) The juvenile's parent/guardian has been contacted;
  - (b) The parent/guardian has been advised of the custody status of the juvenile and where he/she is being held;
  - © Notification is given to the DCFS hotline **1-800-252-2873** when required under the Abused and Neglected Children Reporting Act.

2. Assist the arresting/custodial officer with proper juvenile handling procedures and ensure that the rights of the juvenile are not violated.
3. Thoroughly investigate cases assigned and ensure all cases are completed prior to court presentation or referral to a youth service provider agency (other than interim crisis intervention services).
4. The juvenile police officer may take one or more of the following actions of informal or formal station adjustments described below, after considering certain factors:
  - (a) The seriousness of the alleged offense;
  - (b) The prior history of delinquency of the minor;
  - (c) The age of the minor;
  - (d) The culpability of the minor in committing the alleged offense;
  - (e) Whether the offense was committed in an aggressive or premeditated manner; or
  - (f) Whether the minor used or possessed a deadly weapon when committing the alleged offenses.

**D. Informal station adjustment**

1. Probable cause to believe that the minor has committed an offense has been established.
2. A minor shall receive no more than 3 informal station adjustments statewide for a misdemeanor offense within 3 years without prior approval from the State's Attorney's office.
3. A minor shall receive no more than 3 informal station adjustments statewide for a felony offense within 3 years without prior approval from the State's Attorney's office.
4. A minor shall receive a combined total of no more than 5 informal station adjustments statewide during his or her minority.
5. The juvenile police officer may make reasonable conditions of an informal station adjustment which may include but are not limited to:
  - (a) Curfew.

- (b) Conditions restricting entry into designated geographical areas.
- ©) No contact with specified persons.
- (d) School attendance.
- (e) Performing up to 25 hours of community service hours.
- (f) Community mediation.
- (g) Teen court or a peer jury.
- (h) Restitution limited to 90 days.

6. If the minor refuses or fails to abide by the conditions of an informal station adjustment, the juvenile police officer may impose a formal station adjustment or refer the matter to the State's Attorney's Office.

7. An informal station adjustment does not constitute an adjudication of delinquency or a criminal conviction. A record shall be maintained with the Department of State Police for informal station adjustments for offenses that would be a felony if committed by an adult, and may be maintained if the offense would be a misdemeanor.

#### **E. Formal station adjustment**

**Warning:** Admission of guilt must be obtained before any discussion with minor, parents, guardians, or legal custodian of the formal station adjustment.

1. A formal station adjustment is a procedure where a juvenile police officer determines that there is probable cause to believe the minor has committed an offense and an admission by the minor of involvement in the offense.

2. The minor and parent, guardian, or legal custodian must agree **in writing** to the formal station adjustment and must be advised of the consequences of violation of any term of the agreement. (See Appendix for sample forms.)

3. The minor and parent, guardian or legal custodian shall be provided a copy of the signed agreement of the formal station adjustment. The agreement shall include:
  - (a) The offense which formed the basis of the formal station adjustment.
  - (b) An acknowledgment that the terms of the formal station adjustment and the consequences for violation have been explained.
  - © An acknowledgment that the formal station adjustments record may be expunged under Section 5-915 of the Juvenile Court Act.
  - (d) An acknowledgment that the minor understands that his or her admission of involvement in the offense may be admitted into evidence in future court hearings.
  - (e) A statement that all parties understand the terms and conditions of formal station adjustment and agree to the formal station adjustment process.
4. Conditions of the formal station adjustment may include, but are not to be limited to:
  - (a) The time shall not exceed 120 days.
  - (b) The minor shall not violate any laws.
  - © The juvenile police officer may require the minor to comply with additional conditions for the formal station adjustment which may include but are not limited to:
    - (I) Attending school.
    - (ii) Abiding by a set curfew.
    - (iii) Payment of restitution.
    - (iv) Refraining from possessing a firearm or other weapon.
    - (v) Reporting to a police officer at designated times and places, including reporting and verification that the minor is at home at designated hours.
    - (vi) Performing up to 25 hours of community service work.
    - (vii) Refraining from entering designated geographical areas.
    - (viii) Participating in community mediation.

- (ix) Participating in teen court or peer jury.
- (x) Refraining from contact with specified persons.

5. A formal station adjustment does not constitute an adjudication of delinquency or a criminal conviction. A record shall be maintained with the Department of State Police for formal station adjustments.

6. A minor or the minor's parent, guardian, or legal custodian, or both the minor and the minor's parent, guardian, or legal custodian, may refuse a formal station adjustment and have the matter referred for court action or other appropriate action.

7. A minor or the minor's parent, guardian, or legal custodian, or both the minor and the minor's parent, guardian, or legal custodian, may within 30 days of the commencement of the formal station adjustment revoke their consent and have the matter referred for court action or other appropriate action. This revocation must be in writing and personally served upon the juvenile police officer or his or her supervisor.

8. The admission of the minor as to involvement in the offense shall be admissible at further court hearings as long as the statement would be admissible under the rules of evidence.

9. If the minor violates any term or condition of the formal station adjustment the juvenile police officer shall provide written notice of violation to the minor and the minor's parent, guardian, or legal custodian. After consultation with the minor and the minor's parent, guardian, or legal custodian, the juvenile police officer may take any of the following steps upon violation:

- (a) Warn the minor of consequences of continued violations and continue the formal station adjustment.
- (b) Extend the period of the formal station adjustment up to a total of 180 days.
- © Extend the hours of community service work up to a total of 40 hours.
- (d) Terminate the formal station adjustment unsatisfactorily and take no other action.

(e) Terminate the formal station adjustment unsatisfactorily and refer the matter to the juvenile court.

10. A minor shall receive no more than 2 formal station adjustments statewide for a felony offense without the State's Attorney's approval within a 3 year period.

11. A minor shall receive no more than 3 formal station adjustments statewide for a misdemeanor offense without the State's Attorney's approval within a 3 year period.

12. The total for formal station adjustments statewide within the period of minority may not exceed 4 without the State's Attorney's approval.

13. If the minor is arrested in a jurisdiction where the minor does not reside, the formal station adjustment may be transferred to the jurisdiction where the minor does reside upon written agreement of the jurisdiction to monitor the formal station adjustment.

14. The juvenile police officer making a station adjustment shall assure that information about any offense which would constitute a felony if committed by an adult and may assure that information about a misdemeanor is transmitted to the Department of State Police.

15. The total number of station adjustments, both formal and informal, shall not exceed 9 without the State's Attorney's approval for any minor arrested anywhere in the State.

**F. Intelligence Information**

The juvenile police officer will assist in the collection of intelligence information regarding violent/habitual juvenile offenders, criminal street gangs, drug trafficking and other juvenile groups engaged in criminal activities.

**G. The Juvenile Police Officer will maintain an on-going liaison with law enforcement and other service agencies including, but not limited to:**

- (1) Illinois Department of Children and Family Services - Child Protection Division;
- (2) State's Attorney's Office;

- (3) Public Defender's Office;
- (4) Court appointed special advocate/guardian ad litem;
- (5) Juvenile Court;
- (6) Juvenile detention facilities;
- (7) Social service agencies;
- (8) Parole and probation officers;
- (9) Youth Service provider agencies (i.e. crisis intervention agencies);
- (10) Area law enforcement juvenile officers; and
- (11) Local school administrators. (Reciprocal Agreements)

#### **VIII. POLICE PROCEDURES - Neglected, Abused, or Dependent Minor 705 ILCS**

##### ***405/2-4***

**A.** See definition section for clarification.

1. Any law enforcement officer may, without a warrant, take into temporary custody a minor whom the officer with reasonable cause believes the minor to be a Neglected or Abused minor or a Dependent minor, who has been adjudged a ward of the court and has escaped from any commitment ordered by the court under this Act; or who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment or hospitalization or when a warrant has been issued to take the minor into custody. *705 ILCS 405/2-5*

- (a) Remove a child from parents or harmful situations only when the officer reasonably believes the child's life, health, or safety would be endangered; and
- (b) There is not sufficient time to obtain a court order.
- ©) If the officer reasonably believes a child is abused or neglected, but DOES NOT take custody of the minor because there is no immediate and present danger to the minor, the officer shall:

- (I) Immediately notify DCFS Hotline **(1-800-252-2873)**
  - (ii) Complete a report
  - (iii) Contact the Child Advocacy Center if available to your county.
  - (iv) Notify the supervisor and juvenile police officer.
2. Neglected and abused or dependent children must be held in non-secure custody.
3. An officer who takes a minor into custody shall:
  - (a) Immediately make a reasonable attempt to notify the parent or guardian of the minor who is in custody and where he or she is being held.
  - (b) Immediately notify the Department of Children and Family Services Hotline at **1-800-252-2873**, so that a proper placement decision can be made.
  - ©) If the child is in need of medical attention or there are visible signs of abuse, arrange transportation to the nearest hospital.
    - I. Have injuries (color) photographed, and
    - ii. Obtain copies of all medical reports available.
  - (d) Without delay, take the minor to the nearest juvenile police officer.
  - (e) Notify the Child Advocacy Center if available in your jurisdiction, and follow the appropriate protocol, and
  - (f) Complete a report.
4. The juvenile police officer shall:
  - (a) Assist the reporting officer with completion of necessary reports.

i. Ensure sufficient information is collected by the reporting officer for filing a petition.

ii. Check to ensure all pertinent documents including any medical reports and photos have been collected.

(b) Complete a juvenile contact card.

**B. Lock-Outs**

1. Although lock-outs can be classified as neglect, a different approach is recommended because they are most often a result of short-term crisis, and the crisis intervention services for lock-outs are available.

2. For minors **under age 11, notify DCFS Hotline immediately.**

**(1-800/252-2873)**

**IX. POLICE PROCEDURES - Minors Requiring Authoritative Intervention**

***705 ILCS 405/3-3***

**A.** A law enforcement officer may, without a warrant, take a MRAI (under 18 years of age) into limited custody for up to 6 hours if the youth is:

1. Absent from home without consent of the parent or guardian, or;

2. Beyond the control of the parent or guardian and in circumstances which constitute a substantial or immediate danger to the physical safety of a minor; and

3. The 6 hours begin at the time a juvenile is taken into limited custody.

**B.** No minor taken into limited custody shall be securely detained, placed in a jail, municipal lock-up or handcuffed to a stationary object. The minor must be kept sight and sound separate from adult offenders.

**C.** Taking a minor into limited custody does not constitute an arrest or a juvenile record.

1. All records of law enforcement officers concerning all minors taken into limited custody shall be maintained separate from records of arrest; and
2. MRAI records may not be disclosed to the public except by order of the court;
3. However, MRAI records may be disclosed to the agency or association providing interim crisis intervention services for the minor.

**D.** When a MRAI juvenile is placed in limited custody the officer shall:

1. Immediately inform the minor of the reason for limited custody; and
2. Make a reasonable effort to contact the parent or guardian and make a “good faith” effort to return the minor to them before contacting the crisis intervention agency.
3. If the minor consents, the reporting officer shall make a reasonable effort to transport, arrange for the transportation of, or release the minor to a parent or guardian or custodian.
4. Prepare a report.
5. Contact a juvenile police officer; and
6. If the minor is believed to be neglected, abuse or dependent or in need of medical attention, contact DCFS hotline at **1-800-252-2873**.

**E.** Lockouts

1. In response to a situation in which the parent, caretaker, or guardian of a minor under age 18 has denied the minor access to the home and has refused or failed to make other appropriate living arrangements, awareness should be made of the following:
  - a. For minors **under age 11, notify DCFS Hotline immediately. (1-800/252-2873)**
  - b. For minors ages 11-17:
    - I. Make reasonable attempts to locate parents/guardian and attempt to reunify.
    - ii. If parents accept the minor back home, release the minor to the parent/guardian.

iii. Notify the crisis intervention agency if:

- The parents cannot be located.
- The parents refuse to accept the minor back home.
- If the minor refuses to go home.

**F.** Reporting officers may call for the assistance of a juvenile police officer.

**G.** **If crisis intervention services fail, the juvenile police officer will follow procedures listed under the neglected, abused, or dependent minors section.**

**H.** The juvenile police officer shall:

1. Assure the report contains information to support filing a petition.
2. Complete a Juvenile Contact Card.
3. If the minor lives an unreasonable distance, or refuses to be taken home and alternative placement cannot be agreed to by the minor and parent/guardian:
  - a. Make arrangements with the nearest crisis intervention agency or, where appropriate, mental health facility.
  - b. If crisis intervention services are not available, the minor may be referred to a juvenile probation department.

**I.** Other Status Offenders.

1. A status offense is any offense that would not be a crime if committed by an adult. Examples of status offenses are underage drinking, possession of alcohol by a minor, curfew and truancy.
2. Juveniles taken into temporary custody must be held **non-securely** until release or transfer to a parent, guardian or appropriate agency.

**J.** Missing Children *325 ILCS 40 Intergovernmental Missing Child Recovery Act*

1. Department personnel assigned to investigate missing or runaway juveniles shall complete

an Incident report. The officer shall make a preliminary search before notifying a juvenile police officer. However, in all cases in which missing juveniles are under 12 years of age, a juvenile police officer shall take charge of the investigation immediately. The following procedures must also be followed under the supervision of the shift commander:

a. In addition to entering the report of a missing child into LEADS all law enforcement agencies shall, upon receipt of a report of a missing child:

(I) Immediately make a radio dispatch to officers on duty at the time of the receipt of the report. The dispatch shall contain the name and approximate age of the missing child;

(ii) In the event that the missing child is not recovered during the work shift in which the radio dispatch was made, the law enforcement agency receiving the report of the missing child shall disseminate information relating to the missing child to all sworn personnel employed by the agency who work or are assigned to other time periods;

(iii) Immediately, contact I-SEARCH program personnel designated by the Illinois State Police, by means and in a manner and form prescribed by the Illinois State Police, informing the personnel of the report of the missing child.

2. In addition to the information necessary to complete the initial report of missing juveniles, the officer shall attempt to obtain, if available, the following:

a. One (1) recent photograph of the missing child;

b. When appropriate, obtain from the parent(s) or person(s) legally responsible for the minor, a signed release permitting the publication and use of information by this department to conduct the necessary investigation;

c. Ascertain if dental records and medical x-rays are available

and where they can be obtained.

**X. POLICE PROCEDURES - Addicted Minor 705 ILCS 405/4**

**A.** A law enforcement officer may, without a warrant, take into temporary custody a minor (21 years and under)

1. whom the officer with reasonable cause believes to be an addicted minor;
2. who has been adjudged a ward of the court and has escaped from any commitment ordered by the court under this Act; or
3. who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment or hospitalization.

**B.** The officer shall:

1. With a warrant, shall immediately make a reasonable attempt to notify the parent, or person legally responsible for the minor's care or the person with whom the minor resides that the minor has been taken into custody and where he or she is being held;
2. Without unnecessary delay, take the minor to the nearest juvenile police officer.
3. The minor shall be delivered with unnecessary delay to the court or to the place designated by rule or order of court for the reception of minors.

**XI. POLICE PROCEDURES - Delinquent Minor**

**A. Exclusive Jurisdiction 705 ILCS 405/5-120**

Any minor who prior to the minor's 17<sup>th</sup> birthday has violated or attempted to violate, regardless of where the act occurred, any federal or State law or municipal or county ordinance. Except for the Sections 5-125; 5-130; 5-805; or 5-810 of this Article, no minor who was under 17 years of age at the time of the alleged offense may be prosecuted under the criminal laws of this State.

**B. Concurrent Jurisdiction** *705 ILCS 405/5-125*

Any minor alleged to have violated a traffic, boating, or fish and game law, or a municipal or county ordinance, may be prosecuted for the violation, and, if found guilty punished under any statute or ordinance relating to the violation, without reference to procedures under the Juvenile Court Act, except any detention, must be in compliance with the Act.

**C. Excluded Jurisdiction** *705 ILCS 405/5-130*

**The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of an offense was at least 15 years of age and who is charged with the following:**

- (1) First Degree murder
- (2) Aggravated criminal sexual assault
- (3) Armed robbery when the armed robbery was committed with a firearm
- (4) Aggravated vehicular hijacking when the hijacking was committed with a firearm
- (5) In violation of *720 ILCS 570/401* of the Illinois Controlled Substances Act, while in a school, regardless of the time of day or the time of year, or any conveyance owned, leased or contacted by a school to transport students to or from school or a school related activity, or residential property owned, operated and managed by a public housing agency, on the real property comprising any school, regardless of the time of day or the time of year, or residential property owned, operate and managed by a public housing agency, or on a public way within 1,000 feet of the real property comprising any school, regardless of the time of day or the time of year, or residential property owned, operated and managed by a public housing agency. School is defined, for the purposes of this Section, as any public or private elementary or secondary school, community college, college, or university. *705 ILCS 405/5-130 (2)(a)*
- (6) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who at the time of the offense was at least 15 years of age and who is charged with a

violation of the provisions of paragraph (1), (3), (4), or (10) of subsection (a) of Section 24-1 of the Criminal Code while in school, regardless of the time of day or the time of year, or on the real property comprising any school, regardless of the time of day or the time of year. School is defined, for purposes of this Section as any public or private elementary or secondary school, community college, college, or university.

(7) These charges and all other charges arising out of the same incident shall be prosecuted pursuant to the Criminal Code. In these cases the State's Attorney shall be contacted.

(8) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who, pursuant to subsection (1), (2), or (3) or Section 5-805, or 5-810, has previously been placed under the jurisdiction of the criminal court and has been convicted of a crime under an adult criminal or penal statute. Such a minor shall be subject to prosecution under the criminal laws of this State. *705 ILCS 405/5-130(6)*.

(9) A minor, at least 13 years old, who is charged with first degree murder committed during aggravated criminal sexual assault or aggravated kidnaping will be tried in adult court. If additional charges are added, all charges will be tried in adult court. If the first degree murder charges are dismissed, the lesser charges will be tried in juvenile court unless the minor waives that right. If the charges are based solely on accountability, the minor will be tried as a juvenile.

(10) The definition of delinquent minor under Section 5-120 of this Article shall not apply to any minor who is charged with a violation of subsection (a) of Section 31-6 or Section 32-10 of the Criminal Code when the minor is subject to prosecution under the criminal laws of this State as a result of the application of the provisions of Section 5-125, or subsection 1 or 2 of this Section. These charges and all other charges arising out of the same incident shall be prosecuted under the criminal laws of this State.

## XII. ARREST AND PROCESSING OF DELINQUENTS 705 ILCS 405/5-401

A. An officer may arrest any minor he/she has probable cause to believe is:

1. A delinquent minor;
2. A minor who has previously been adjudicated and escaped;
3. A minor wanted on a juvenile warrant.

**(Warning: If the warrant is for a runaway, then process according to the MRAI section.)**

B. An officer who takes a minor into custody **with a warrant** shall:

1. Immediately make a reasonable attempt to notify the parent or other person legally responsible for the minor's care, or person with whom the minor resides that:
  - (a) The minor has been taken into custody; and
  - (b) Where the minor is being held.
2. Without unnecessary delay notify a juvenile police officer.
3. When appropriate, contact the juvenile probation/intake officer to determine whether secure detention is necessary. The minor shall be delivered without unnecessary delay to the court or place designated by the court for reception of minor.
4. Persons 17 years of age and older who have a petition of delinquency filed against them shall be confined in an adult detention facility.
5. Complete a written report.

C. An officer who takes a delinquent minor, or a ward of the court who has escaped, into custody **without a warrant** shall, if not released:

1. Immediately make a reasonable attempt to notify the parent, other person legally responsible for the minor's care, or person with whom the minor resides that:
  - (a) The minor has been taken into custody; and
  - (b) Where the minor is being held.

2. Without unnecessary delay notify a juvenile police officer.
  3. When appropriate, contact the juvenile probation/intake officer to determine whether secure detention is necessary. The minor shall be delivered without unnecessary delay to the court or place designated by the court for reception of minor.
  4. Except for minors accused of violation of an order of the court, any minor accused of any act under federal or State law, or a municipal or county ordinance that would not be illegal if committed by an adult, cannot be placed in a jail, municipal lockup, detention center, or secure correctional facility. Juveniles accused with underage consumption and underage possession of alcohol cannot be placed in a jail, municipal lockup, detention center, or correctional facility. *705 ILCS 405/5-401(3)*.
  5. Complete a written report.
  6. The juvenile police officer shall:
    - (a) Assist the reporting officer in completing the necessary reports;
    - (b) Determine if the juvenile should be detained based on:
      - I. immediate and urgent necessity for protection of the minor or of a person or property of another; or
      - ii. The minor is likely to flee the jurisdiction of the court.
- D.** If the minor is to be detained, ensure the minor is taken to the place designated by the court for the reception of minors.
- E.** Ensure that a juvenile contact record card or form has been completed. (Sample form is located in the Appendix).
- F.** **A juvenile police officer may take one of the following action: Informal or Formal Station Adjustment. (705 ILCS 405/5-301) For instructions, please refer to the Juvenile Police Officer's Duties and Responsibilities: Section beginning on page 29.**

**G. Traffic, Boating, Conservation, or Fine Only Offenses**

1. Any minor arrested for traffic, boating, or fish or game law violation whether or not the violation is punishable by imprisonment or an offense punishable by fine only, may be prosecuted the same as an adult.

a. All citations will be processed in the usual manner.

b. Exceptions:

(I) Juveniles will not be detained in a Detention Center for traffic violations alone. These cases are to be resolved by:

- Securing bond from the juvenile's parent or guardian;

- Issuance of a notice to appear:

- An "I" Bond or "Personal Recognizance

Bond" may be issued as provided under Supreme Court Rule 556. Paragraph D. (Does not apply in all counties); or

- If the officer determines the juvenile need supervision upon release, the juvenile should be held until released to a responsible adult.

(ii) Juveniles cannot be locked up in an adult facility unless ordered by the court under provisions 405/5-125.

c. In cases where a delinquency petition is filed in addition to the traffic violation, the juvenile police officer handling the case will be guided by the procedures of referral or detention as outlined in this manual.

d. In cases where the juvenile is to be detained in a detention center as a result of a delinquent act committed or alleged, the traffic citations or complaints will be handled as

individual jurisdiction allows.

- e. The officer who takes the minor into custody will
  - i. Determine the identity of a juvenile.
  - ii. Run a LEADS/records check for outstanding warrants.
  - iii. Make a reasonable attempt to contact the juvenile's parents or legal guardian.
  - iv. Attempt to secure bond for the violation from the juvenile, parent, or responsible adult.

## H. Processing Juvenile Offenders

### 1. Search of Juveniles

- a. When it becomes necessary to arrest a minor he/she will be thoroughly searched for:
  - (i.) Protection of the officer;
  - (ii.) Preventing his/her escape;
  - (iii.) Discovering the fruits of the crime;
  - (iv.) Discovering any instruments, articles or things which may have been used in the commission of, or which may constitute evidence of any offense;
  - (v.) Female minors should be searched according to department policy.

### 2. Transportation

- a. Whenever possible, minors should be separated from adult offenders when transported. **Transportation time is not included in the detention limitations for juveniles:** 6 hours for youths under 12 years of age; 12 hours for youths 12 - 16 years of age; and 24 hours for juveniles for crimes of violence, (705 ILCS 405/5-410 (2a) ©), *unless the minor is an MRAI (705 ILCS 405/3-4(e)).*

- b. When transporting minors, the officer shall transmit start and finish mileage to the dispatcher.
  - c. Unless in need of medical treatment, minors will immediately be brought to the place of processing.
3. Duties of Officers
- a. The arresting officer must immediately make a reasonable attempt to contact parents or other person legally responsible for the minor's care and advise:
    - (I) The minor is under arrest and;
    - (ii) Where the minor is being held;
    - (iii) Parents will be notified in all cases when a minor is take into custody, regardless of the final police disposition.

**(Warning: A log shall be maintained of parental notification attempts and responses.)**

- (iv) Notify a juvenile police officer for follow-up dispositional purposes per department policy.
  - (v) If a minor is taken into custody for an offense which would be a misdemeanor if committed by an adult, the law enforcement officer, upon determining the true identity of the minor, may release the minor to the parent or other person legally responsible for the minor's care or the person with whom the minor resides. *705 ILCS 405/5-405 (2)* If so released, the arresting officer shall promptly notify a juvenile police officer of the circumstances of the custody and release.
4. Juvenile Photos
- a. Whenever a minor is arrested for a crime, or is a runaway, photos may be taken.
  - b. Photos in juvenile records may be inspected and disclosed for the purpose of

identification or apprehension in the investigation or prosecution of any crime. *705ILCS 405/5-905 (4)(7)*.

c. Juvenile records shall be kept separate from adult records.

5. Fingerprints of Juveniles

a. Whenever a juvenile is arrested for a crime, fingerprints may be taken.

b. Juvenile fingerprint cards will be maintained separate from adult prints.

**(Fingerprints of minors alleged to have committed the offense of Unlawful Use of a Weapon; a Class X or Class 1 Felony; a Forcible Felony (*720 ILCS 5/2-8*, or a Class 2 or greater felony of Cannabis Control Act (*720 ILCS 550/1*) or the Illinois Controlled Substances Act (*720 ILCS 570/100*) shall be submitted to the Illinois State Police.)**

c. Fingerprints of individuals, 10 years of age or older, who commit a felony are required to be sent to the Illinois State Police. *20 ILCS 2630/5* Fingerprints of juveniles who have committed Class A & B Misdemeanors may be sent also.

d. Fingerprints of juveniles arrested for a serious offense may be submitted to the Federal Bureau of Investigation.

6. Custodial Interviewing of Juveniles

a. Officers assigned to investigate a crime involving a juvenile offender or victim has the right to question the minor.

b. BEFORE questioning of a minor who is in custody or who is in any way deprived of his/her freedom of movement and action, the minor must be expressly warned of his/her Constitutional Rights.

(I) Miranda Warnings must be given orally by the officer and NOT merely read by the minor to be questioned.

(ii) Ensure the minor understands his/her rights as explained and request him/her to sign the waiver.

(iii) If the minor refuses to sign the statement, so indicate on the report.

c. If the minor indicates he/she does not wish to answer questions, the interview will be terminated.

d. A parent or guardian may be present during the questioning of a minor, if requested.

(I) It is a factor in a motion to suppress a statement, whether the minor was afforded an opportunity to confer with an “interested adult” prior to or during questioning. In Re G.O. 191 Ill.2d 37 (2000)

e. Interview Procedure

(I) A juvenile police officer shall be present during the questioning of juvenile offenders as well as when written statements are taken.

(ii) Reasonable breaks should be given to the minor during questioning.

## 7. Line-Ups

a. For purposes of appearing in a physical line-up, the minor may be taken to a county jail or municipal lockup under the direct and constant supervision of a juvenile police officer. *705 ILCS 405/5-410 2a(f)*

b. During such time as is necessary to conduct a line-up and while supervised by a juvenile police officer, the sight and sound separation provisions shall not apply.