

DEKALB POLICE DEPARTMENT

Subject: **Juvenile Procedures**

Policy #: **404.3**

Effective Since: 8-21-03

Originally Issued As: General Order # 12 of 6-10-91

Revision Effective: 1-1-19

FTO Training

Task: #32

Reference Material: Juvenile Court Act, ILCS

ILEAP Standards Covered: OPR.03.01-03.04

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PURPOSE: The purpose of this policy is to provide guidelines for officers when dealing with juveniles in enforcement and custody situations.

POLICY: It is the responsibility of all members of this department to familiarize themselves with procedures for handling both criminal and non-criminal juvenile incidents as defined in this policy. Officers should bear in mind that only a small percentage of juveniles commit most juvenile crimes. While this small percentage may require secure custody, most juvenile offenders are likely candidates for non-secure custody and positive diversion and intervention strategies. With this in mind, officers shall whenever reasonable and justified under this policy, take those measures necessary to effect positive change in juvenile offenders that are consistent with state law and the safety and security interests of the community.

DEFINITIONS:

Juvenile: Any minor who has not reached his eighteenth birthday.

Minor: As defined in the Illinois Compiled Statutes 705 ILCS 405/5-105, a person under the age of 21 years and subject to the juvenile court act.

Delinquent Juvenile: Any minor who, prior to his eighteenth birthday, has violated or attempted to violate, regardless of where the act occurred, any federal or state law or municipal ordinance.

Status Offense: The violation of any federal or state law, or a municipal ordinance that would not be illegal if committed by an adult (e.g. curfew, purchase, possession or consumption of tobacco or alcohol, etc.)

Station adjustment: As defined in the Illinois Compiled Statutes 705 ILCS 405/5-105, the informal handling of an alleged offender by a juvenile officer.

Minor Requiring Authoritative Intervention (MRAI): As defined in the Illinois Compiled statutes 705 ILCS 405/3-3, a MRAI is a minor under the age of 18 who is:

1. Absent from home without consent of the parent, guardian or custodian; or
2. Beyond the control of his parent, guardian or custodian, in circumstances which constitute a substantial or immediate danger to the minor's physical safety; and
3. After being taken into limited custody and offered interim crisis intervention services, where available, refuses to return home or the minor and his parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement.

Limited custody: As defined in the Illinois Compiled Statutes 705 ILCS 405/3-4, a law enforcement officer may, without a warrant, take into limited custody a minor under the age of eighteen who the law enforcement officer reasonably determines is:

1. Absent from home without consent of the parent, guardian or custodian (a missing child); or
2. Beyond the control of his/her parent, guardian, or custodian, in circumstances which constitute a substantial or immediate danger to the minor's physical safety (a neglected or abused minor).

Temporary Custody: As defined in the Illinois Compiled Statutes 705 ILCS 405/3-7, a law enforcement officer may, without a warrant, take into temporary custody a minor under the age of eighteen:

1. Whom the officer, with reasonable cause, believes to be a minor requiring authoritative intervention; and
2. Who has been adjudged a ward of the court and has escaped from any commitment ordered by the court; or

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3. Who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment or hospitalization; or
4. Who is an addicted, neglected or abused or dependent minor as defined in the Juvenile Court Act, Illinois Compiled Statutes 705 ILCS 405/2-3, 405/4-3.

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PROCEDURES:

I. **Taking a Juvenile into Custody.** The DeKalb Police Department has established procedures for taking juveniles into custody non-criminal behavior in a minor requiring authoritative intervention (MRAI) situation and arrest procedures for delinquent conduct, as well as procedures for alternatives to arrest. All agency personnel are to be committed to the development and perpetuation of programs to prevent and control juvenile delinquency. [ILEAP OPR.03.01]

- A. **MRAI and Status Offenses** : Law enforcement officers may take youths into limited custody (see definition in the beginning of this Policy), which is not the equivalent of an arrest, for MRAI or status offense circumstances such as curfew, runaway, truancy, alcohol or tobacco violations.
1. Determine the nature of any delinquent offense committed, whether it be criminal conduct or a status offense. [ILEAP OPR.03.03(a)]
 2. Any youth who has committed a status offense may be taken into limited custody and brought to the DeKalb Police Department and placed in a non-secure area. When custody occurs, transportation to the station or other juvenile facility should occur without delay unless emergency medical treatment is necessary. [ILEAP OPR.03.03(d)]
 3. Immediately notify or make an attempt to notify parent or legal guardian. Keep trying at regular intervals if contact is not made. Document attempts. [ILEAP OPR.03.03(e)]
 4. The juvenile must be kept under supervision while in police custody.
 5. Have a juvenile officer inquire as to the juvenile's welfare, including whether the juvenile has been harmed or is in any danger of harm. [ILEAP OPR.03.03(b)]
 6. Ensure that the constitutional rights of the juvenile are protected. See Policy 404.1 for Rights of Arrestees. [ILEAP OPR.03.03(c)]
 7. Limited custody shall not exceed 6 hours. After six hours, request minor to sign a statement which states that minor is staying in custody voluntarily or contact DCFS to take the minor as a dependent.
 8. Only release minors to a parent or guardian, or to another adult with a parent or guardian's consent.
 9. Some parents want their minors kept at the police department to "teach their child a lesson." Such requests should be denied.
 10. Youths in limited custody must be kept under continuous visual supervision in an unlocked multipurpose area, preferably the designated juvenile area.
 11. Youths in limited custody may be handcuffed for the purpose of transportation, but they may not be securely detained, including being placed in a locked room or being handcuffed to a stationary object.
 7. Youths who meet the statutory requirements as neglected, abused, dependent or addicted minors may be taken into temporary protective custody with the approval of a supervisor. The officer shall notify a juvenile officer and the Illinois Department of Children and Family Services (DCFS) as soon as possible. See Illinois Compiled Statutes 705 ILCS 405/2-3, 405/2-4, 405/2-5, 405/2-6, 405/4-3 for laws pertaining to temporary custody procedures. Temporary custody is not the equivalent of an arrest.
 8. Juveniles violating traffic laws only are addressed in Policy 403.2, Traffic Enforcement.

- B. **Delinquent Criminal Conduct**: Officers are to adhere to the following guidelines when arresting a juvenile for committing a criminal delinquent act; a minor who has previously been adjudicated and escaped; or a minor wanted on a juvenile warrant:

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1. When custody occurs, transportation to the station or other juvenile facility should occur without delay unless emergency medical treatment is necessary. [ILEAP OPR.03.03(d)]
2. Immediately notify or make an attempt to notify parent or legal guardian. Keep trying at regular intervals if contact is not made. Document attempts. [ILEAP OPR.03.03(e)]
3. Have a juvenile officer inquire as to the juvenile's welfare, including whether the juvenile has been harmed or is in any danger of harm. [ILEAP OPR.03.03(b)]
4. All misdemeanor criminal offenses for persons aged 17 and under will be handled following the juvenile arrest procedures. Felony criminal offenses, if approved by a State's Attorney, and any accompanying misdemeanor charges, are charged following the adult arrest procedures for persons aged 17 and up, and offenders can be housed in the county jail.
5. Arrange for a juvenile officer to check on the juvenile and the situation involving the juvenile as soon as possible, or make the necessary referral if none is available.
6. The juvenile officer should evaluate the situation and suggest the course of action that is in the best interest of aiding the juvenile.
7. Ensure constitutional rights of juveniles are protected. See Policy 404.1 for Rights of Arrestees. [ILEAP OPR.03.03(c)]
8. Explain the department's juvenile procedure and the role of the juvenile justice system as necessary to the juvenile and parents.
9. If interviewing juvenile is appropriate, orally advise the juvenile of his Miranda rights and have the minor sign the Miranda waiver. If the juvenile is under 13 years of age and has violated certain offenses an attorney (public defender will assist on an as needed basis) must be present for the entire custodial interview. These offenses include First Degree Murder, Intentional Homicide of an Unborn Child, Second Degree Murder, Involuntary Manslaughter and Reckless Homicide, Involuntary Manslaughter and Reckless Homicide of an Unborn Child, Drug Induced Homicide, Criminal Sexual Assault, Aggravated Criminal Sexual Assault, Predatory Criminal Sexual Assault, Predatory Criminal Sexual Assault of a Child, Criminal Sexual Abuse and Aggravated Criminal Sexual Abuse.
10. Parents should be advised if a juvenile is being questioned and may be present during the interview if requested by either the juvenile or parent. Juvenile interviews should be conducted by no more than two officers, and any period of questioning should not last longer than is reasonably necessary. [ILEAP OPR.03.03(f)]
11. Offer juvenile food and drink, as well as washroom and medical attention if needed.
12. Check on the juvenile's previous police contacts, status with courts and probation.
13. Check juvenile probation list or call juvenile probation during office hours.
14. Juveniles ten years of age or older that are arrested for any felony, or Class A or B misdemeanors, shall be photographed and fingerprinted. If a juvenile is charged under city ordinance for any offense that is classified as an A or B misdemeanor under state statute, fingerprints must be taken. (i.e., possession of alcohol, criminal damage, battery, etc.) For status offenses (curfew, runaway, truancy, tobacco, etc.), fingerprints are not required by the state, but should be obtained whenever possible. A digital photo should be always taken.
15. One copy of the completed fingerprint/booking form should be put in the marked tray in the Records area. The other copy gets turned in with the report. A juvenile card does not need to be filled out if a booking form is completed.
16. A complete copy of the case report should be put into the juvenile officer's intake tray.
17. Detention of juveniles begins when a juvenile enters the detention center (booking area) or is handcuffed to a chair, bench, is isolated in a closed room, or is locked in an interview room.
18. Prior to the expiration of the time limits set forth below, the juvenile must be transferred to a county youth detention facility or released.

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19. The time limit runs continuously once secure detention begins, regardless of interruptions for interviews and processing.
20. Transportation does not count as detention, nor does visual security. Visual security consists of placing the juvenile under the constant visual observation of an officer without use of intervening barriers or restraints.
21. **When a juvenile is detained in a secure room, periodic supervision, visual observation, and checks every 15 minutes shall be maintained .** Male and female juveniles should not be confined in the same room.
22. Juveniles under 10 years of age cannot be detained in the juvenile detention center (booking area).
23. Juveniles at least 10 years of age and under 12 years of age may be detained in the juvenile detention center for up to six hours.
24. Juveniles at least 12 years of age and under 18 years of age can be detained in a juvenile detention center for up to 12 hours. Detention can be for up to 24 hours for a crime of violence. A "crime of violence" includes Murder, Involuntary Manslaughter, Criminal Sexual Assault, Aggravated Criminal Sexual Assault, Predatory Criminal Sexual Assault, Predatory Criminal Sexual Assault of a Child, Armed Robbery, Arson, Aggravated Arson, Kidnapping, Aggravated Robbery, or any other felony which involves the use or threat of physical force or violence against another individual.
25. No minor taken into custody shall be placed in a jail or cell which includes the incarceration of adult prisoners.

II. Juvenile Offenders - Alternatives to Arrest

- A. Juvenile officers may deal with offenders who are under 18 years of age in one of the following alternatives to arrest:
 1. Outright release
 2. Informal resolution
 3. Informal station adjustment
 4. Station adjustment
 5. City ordinance complaint or summons
 6. Referral to juvenile court[ILEAP OPR.03.02]
- B. **Outright release or informal resolutions** , such as verbal warnings or notification to parents only can occur for a pedestrian, traffic, or petty offense that involves no direct victim and requires no further action for remediation other than a warning and release with no further action. These can be handled by any police officer. [ILEAP OPR.03.02(a)]
- C. **Decision for an informal or formal station adjustment** : These must be prepared by a certified juvenile officer. In most cases, a referral will be made by the arresting officer to a Juvenile Detective. A minor arrested for any offense, or a violation of a condition of previous station adjustment, may receive a station adjustment. In deciding whether to impose a station adjustment, either formal or informal, the juvenile officer shall consider the following factors:
 1. The seriousness of the alleged offense.
 2. The prior history of delinquency of the minor.
 3. The age of the minor.
 4. The culpability of the minor in committing the alleged offense.
 5. Whether the offense was committed in an aggressive or premeditated manner.
 6. Whether the minor used or possessed a deadly weapon when committing the alleged offense.

D. Informal Station Adjustment

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1. A juvenile police officer may make reasonable conditions of an informal station adjustment, which may include but are not limited to:
 - a. Enhanced curfew limitations
 - b. Conditions restricting entry into designated locations or geographical areas.
 - c. No contact with specific persons.
 - d. School attendance.
2. If the minor refuses or fails to abide by the conditions of an informal station adjustment, the juvenile officer may impose a formal station adjustment or refer the matter to the State's Attorney's office.
3. In order to be documented on a state record, booking procedures must be performed for informal station adjustments, formal station adjustments and when a juvenile is issued a city ordinance complaint for non-status offenses.

E. Formal Station Adjustment

1. If a juvenile officer decides that a formal station adjustment is appropriate, a juvenile appointment shall be made for the offender to see the juvenile detective. The juvenile detective will meet with the juvenile and guardian or parents to discuss the conditions and complete the agreement.
2. A formal station adjustment can only be used if the minor makes an admission of involvement in the offense.
3. 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.

F. Issuing City Ordinance Complaints

1. If a juvenile is 14 years of age or older, they can be officially charged under city ordinance for offenses described in the municipal code. Juveniles under 18 are not eligible for mail-in complaints but can be issued city ordinance citations with a summons to attend the prescribed court date.
2. If the offender is issued a city ordinance complaint, there is no need to set a juvenile appointment unless the parent's request an appointment be made or the officer feels it necessary.
3. Offenders that have already received previous city ordinance complaints may not be eligible for this procedure.

[ILEAP OPR.03.02(b)]

G. Referrals to Juvenile Detective

1. Most arrests or non-arrest contacts with juveniles will not require an additional appointment with a Juvenile Detective; however, in some cases the parents of juveniles may request an appointment be made.
2. An officer may refer a juvenile to a juvenile detective for a formal station adjustment in arrest situations.
3. The officer may also make referrals in non-arrest situations where it appears it would be beneficial for a juvenile and their parents to meet with a juvenile detective, even if a station adjustment is not planned.
4. The juvenile detective may also be able to help the family seek crisis intervention or other professional counseling services. The following procedure shall be followed when setting juvenile appointments:
 - a. Complete as much of the initial investigation as possible.
 - b. Arrange a meeting time for the juvenile and guardian or parent to meet with a juvenile officer.

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- c. The referring officer should send information to the juvenile detective along with the case report indicating why the appointment is being made.

H. Referral to Juvenile Court

1. One or more of the following criteria should be used when referring a case to juvenile court.
 - a. Delinquent acts that if committed by an adult would be a felonies.
 - b. Delinquent acts involving the use of weapons.
 - c. Gang related delinquent acts.
 - d. Delinquent acts involving physical violence.
 - e. Delinquent acts committed when the juvenile is on probation or supervision by the juvenile court.
 - f. Delinquent acts requiring restitution.
 - g. Repeated delinquent acts.
 - h. Cases where it is apparent that parental supervision is lacking and such a lack of supervision is a contributing factor to the delinquent behavior.
2. Any officer who deals with a juvenile and feels they should be referred to juvenile court shall forward a copy of the report to the juvenile detective with any additional information indicating the reasons to have the juvenile referred to juvenile court.
3. The juvenile officer will review the report and complete the proper referral forms.
4. It will be the responsibility of the juvenile officer / detective to make sure that all of the juvenile cases forwarded for referral will be dealt with in a timely fashion.
[ILEAP OPR.03.02(c)]

III. Juvenile Detention at Youth Home

- A. In some cases it may be necessary to have a juvenile detained at a juvenile detention facility. The detention facility normally used by our department is the Kane County Juvenile Justice Facility in St. Charles. The Youth Home may detain juveniles under 18 years of age. Persons aged 18 and up, even if arrested on a juvenile warrant, will be detained at the county jail if detention is necessary.
- B. If a juvenile is arrested for a serious charge or a warrant and detaining the juvenile may be necessary, the officer should review the detention screening instrument, which is a two-page form that outlines the criteria for detaining a juvenile. If the juvenile meets the criteria for detention, a juvenile officer or supervisor shall contact the youth home and make necessary arrangements. During normal court hours notify the States Attorney's Office and forward a copy of the report with referral form to the State's Attorney's Office prior to detention hearing.
- C. Once the juvenile is detained after normal court hours, the officer should leave a voice mail at the State's Attorney's Office advising them of the name of the minor, charges and fact that minor is in detention. The officer should forward a copy of his report with referral form to State's Attorney's Office prior to detention hearing. If the report has been received by the state's Attorney's Office, the arresting officer does not have to appear at the detention hearing.
- D. The arresting agency usually must transport the minor from the detention center to court. Leave a note with the Detective Sergeant and/or Juvenile Detective to be sure transportation is arranged. In addition, minor's parents should be advised to contact Juvenile Court Services at 9:00 a.m. the following morning to verify the time and place of the detention hearing.
- E. If transporting the minor from the Kane County Youth Home to juvenile court, please arrive at the Youth Home in enough time to arrive back in court on time.

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- F. Unusual Circumstances: During normal court hours when an officer wants a minor detained, but the minor does not meet detention screening instrument criteria, contact the State's Attorney's Office and request a petition be filed and warrant be requested. The officer will have to appear before the judge with the Assistant State's Attorney and testify for the warrant. The warrant must then be filed with the Clerk's office. Advise the clerk that the minor is currently in limited custody and that you intend to transport the minor to the youth home directly after the warrant is signed. Juvenile Court Services must have a copy of the warrant to forward to the Youth Home prior to your arrival with the minor. Request that the Assistant State's Attorney hand carry the warrant to Juvenile Court Services and request the clerk to allow you to hand carry their copy to them. Request that Juvenile Court Services fax the warrant to the Kane County Youth Home immediately. Kane County Youth Home will not accept a minor unless they receive a copy of the warrant form from Juvenile Court Services.

IV. School Resource Officers

- A. The department utilizes school resource officers within the DeKalb Public School District.
- B. Assignments to schools will be made upon decision of the Chief of Police or his designee, and in conformance with any written agreements with the School District.
- C. All School Resource Officers (SRO's) will act as a resource in the commission of delinquency protection. [ILEAP OPR.03.04(a)]
- D. SRO's will engage in youth education relating to law enforcement's role in society, as well as preferred courses of action to prevent juvenile delinquency. [ILEAP OPR.03.04(b)]

Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police .

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.