

CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 44.2

SUBJECT: JUVENILE OPERATIONS

EFFECTIVE DATE: 10/01/09

REVISED DATE: 08/12/14

REFERENCE ILEAP: OPR.03.02
OPR.03.03
OPR.03.04

INDEX AS:

- 44.2.1 JUVENILE OFFENDERS - ALTERNATIVES
- 44.2.2 PROCEDURES FOR TAKING JUVENILES AND DELINQUENT MINORS INTO CUSTODY
- 44.2.3 CUSTODIAL INTERROGATION OF JUVENILES AND DELINQUENT MINORS
- 44.2.4 SCHOOL LIAISON PROGRAM
- 44.2.5 COMMUNITY BASED YOUTH PROGRAMS

PURPOSE:

The purpose of this policy is to establish guidelines for the handling of incidents involving juveniles and/or delinquent minors.

DEFINITIONS:

Delinquent Minor: Any minor who, prior to his eighteenth (18th) birthday, has violated or attempted to violate, regardless of where the act occurred, any Federal law, State law, or municipal ordinance.

Juvenile: Any minor who has not yet reached his (18th) birthday.

Minor: As defined in the 705 ILCS 405/5-105, a person who is under 21 years of age and subject to the Juvenile Court Act.

Minor Requiring Authoritative Intervention: Any minor who is under 18 years of age and absent from home or out of the control of his parents and/or guardian as described in 705 ILCS 405/3-3.

Status Offense: An act that is a violation of Federal law, State law, or municipal ordinance only because of the age of the offender (i.e. a curfew violation or the purchase, possession, or consumption of alcohol, etc.).

POLICY:

44.2.1 JUVENILE OFFENDERS - ALTERNATIVES

A. In furtherance of the Department's objective of protecting both public safety and individual liberty, police officers are encouraged to use the least coercive enforcement action of the reasonable alternatives available in properly executing their law enforcement responsibilities. These alternatives include:

1. An informal resolution, such as a verbal warning, notification of parent(s), and release with no further action.

2. Traffic offenses are exempted from the jurisdiction of juvenile courts and a Uniform traffic citation may be issued for a violation of the Illinois Vehicle Code or similar municipal ordinance.

- a. When the traffic citation is issued bond must be posted as it would with an adult offender.
- b. "Juvenile" shall be written on the back of the court copy of the citation, and if the juvenile does not have a valid license then "Juvenile – No License" shall be written on the back of the court copy of the citation.
- c. A juvenile contact card must be completed only when the juvenile is taken into custody.
- d. An impaired or invalid driver shall not be allowed to drive.

3. Notices to Appear for tobacco violations may be routinely issued to delinquent minors who are fourteen (14) years of age or older, provided that they are not on probation.

- a. A juvenile contact card will be completed for any delinquent minor taken into custody.

4. Transport delinquent minor to the Youth Assessment Center.

- a. The Youth Assessment Center exists to provide screening and assessment services to troubled youth at the time of crisis.
- b. Any juvenile that does not meet the threshold for detention at the Youth Detention Center shall be taken to the Youth Assessment Center to start the station adjustment process.
- c. An officer may exercise discretion with regard to the manner in which a juvenile is transported to the Youth Assessment Center (by squad or cooperating parent).
- d. A referral will be made when the Youth Assessment Center is not open for business.

5. When the Youth Assessment Center is not open it may be appropriate to release a delinquent minor to a parent, guardian, adult relative, or other responsible adult. When it is determined that a delinquent minor is going to be released, the following procedure is to be followed:

- a. Make immediate reasonable attempts to reach the delinquent minor's parent(s) or guardian.

- b. Release the delinquent minor to a parent or guardian or, in the event that they cannot be reached, an adult relative or associated adult.
- c. Release to an adult relative or associated adult is appropriate only when it has been determined that the adult's criminal history does not show a history of family or violent offenses. Also, DCFS shall be contacted (1-800-252-2873) to ensure that the adult does not have a negative history with DCFS.
- d. If a parent, guardian, adult relative, or responsible adult cannot be located, the following options are available:
 - 1) Roundhouse.
 - 2) Catholic Charities.
 - 3) A similar facility.

In each case the juvenile shall be issued a referral to the Youth Assessment Center and a copy of the police report shall be faxed to the Youth Assessment Center.

- 6. A juvenile who has committed a delinquent act may be transported to the Youth Detention Center or referred to Juvenile Court when at least one of the following criteria have been met:
 - a. The act would be a felony if committed by an adult.
 - b. The delinquent act involved the use of a weapon.
 - c. The delinquent act was gang-related.
 - d. The delinquent act involved physical violence.
 - e. The juvenile who committed the delinquent act is on probation or under the supervision of a juvenile court.
 - f. The juvenile has repeatedly committed delinquent acts within a twelve-month period.
 - g. The juvenile refuses to participate in a selected diversion program.
 - h. It is apparent that parental supervision is lacking, and the lack of supervision is contributing to delinquent behavior.

Before a juvenile is transported to the Youth Detention Center, a supervisor or juvenile officer shall be consulted and the Center's staff should be advised that the juvenile is being transported there.

When a juvenile is transported to the Youth Detention Center, a supervisor shall also make a copy of the report and forward it to the State's Attorney's office.

- B. Before an alternative is chosen by the officer or juvenile officer, the following factors should be considered:
 - 1. The nature and seriousness of the alleged offense and whether screening at the Youth Assessment Center may be more appropriate.
 - 2. The history and current situation of the juvenile, including previous police contacts, pending court cases, and probation status.
 - 3. The likelihood of the minor fleeing the jurisdiction of the court.
 - 4. The safety and/or welfare of the minor and/or the general public.
- C. Juvenile officers follow disposition guidelines established within the Investigations Division that provide for the fair and consistent disposition of juvenile delinquency cases and status offenses. These dispositions include:
 - 1. Verbal warning/parent to handle.
 - 2. Referral to the Youth Assessment Center.
 - 3. Issuance of a Notice to Appear for a violation of municipal ordinance. (Whenever a Notice to Appear is issued, a copy should be sent to the juvenile's parent or guardian).
 - 4. Referral to traffic court with citation.
 - 5. Referral to the Juvenile Probation Department.
 - 6. Referral to Juvenile Court.

44.2.2 PROCEDURES FOR TAKING JUVENILES AND DELINQUENT MINORS INTO CUSTODY

- A. The Department has established procedures to be used when taking a juvenile or delinquent minor into custody for either non-criminal behavior or delinquent conduct.
 - 1. There is statutory authority for peace officers to take custody of certain minors under specific circumstances. Such custody is not an arrest. Only reasonable and necessary force may be used to protect the officer and/or take custody of the minor. If the person to be taken into custody or another physically resists or obstructs the officer's attempts to take authorized custody, that person may be arrested for resisting or obstructing a peace officer.
 - 2. 705 ILCS 405/3-7; 405/4-4; 405/5-401, authorizes a peace officer to take warrantless temporary custody of a minor if the minor is found in a public place and in need of medical attention or the officer has established probable cause to believe that the minor is:
 - a. Delinquent;
 - b. Addicted;
 - c. Requiring authoritative intervention;

- d. Neglected;
- e. Dependent; or
- f. An escaped ward of the court.

Temporary custody is not the equivalent of an arrest.

3. An officer who either takes a minor into temporary custody or takes custody of a minor for a delinquent act shall:

- a. Make immediate reasonable attempts to notify the minor's parents or legal guardian of the minor's custody and location.
- b. Check the probation status of the minor by calling the Youth Detention Center.
- c. Whenever possible, release the minor to the Youth Assessment Center.
- d. When appropriate, release the minor to a parent or guardian.

When a minor is released, it shall be in accordance with the procedures outlined under 44.2.1 of this policy.

If the decision has been made not to release the minor, the minor must be taken without un-necessary delay to the Youth Detention Center. The decision to transport a juvenile to the Youth Detention Center shall be made only by an on-duty supervisor or juvenile officer.

4. 705 ILCS 405/3-4 provides peace officers with the authority to take a minor into limited custody (not to exceed 6 hours) without a warrant for being:

- a. Absent from home without consent of the parent or guardian; or
- b. Beyond the control of the minor's parent or guardian in circumstances which constitute a substantial or immediate danger to the minor's physical safety.

5. An officer taking a minor into limited custody must immediately inform the minor of the reason for custody and make prompt, reasonable attempts to notify the parent(s) or guardian(s) of the custody and location of the minor.

- a. If the minor consents, the minor should be referred to the Youth Assessment Center and released to a parent or guardian.
- b. If the minor refuses to return home or logistical arrangements cannot be made, the minor should be taken to Roundhouse. If Roundhouse is unable to accept the minor, a person from their crisis intervention will respond and take custody of the minor.
- c. The officer shall inform the minor and the person to whom the minor is released of the

location of appropriate psychological, psychiatric, or social services if it is believed that the minor would benefit from them.

- d. A juvenile or delinquent minor in limited custody will be kept under constant supervision. A juvenile or delinquent minor in limited custody may not be held in secure custody (placed in a locked room or handcuffed to a stationary object).

6. Juveniles and delinquent minors are more likely to be involved in criminal offenses or victimized when committing status offenses. Therefore, it is the policy of this department to take custody of any minor found to be violating curfew laws, violating liquor laws, and/or truant.

- a. **CURFEW LAWS** - A minor found to be in violation of curfew laws shall be released to the Youth Assessment Center, a parent, guardian, Roundhouse, or Catholic Charities. First time offenders may be warned and released, though a juvenile contact card shall be completed. In the case of a second or third subsequent offense, a juvenile contact card will be completed and the juvenile shall be taken to the Youth Assessment Center. If the Youth Assessment Center is closed, the juvenile will be given a referral to the Youth Assessment Center and released to a parent, guardian, Roundhouse, or Catholic Charities.

- 2) **LIQUOR LAWS** - A minor found to be in violation of liquor laws shall be released to the Youth Assessment Center, a parent, guardian, Roundhouse, or Catholic Charities. An offense report and juvenile contact card will be completed and a juvenile appointment shall be set.

- 3) **TRUANCY** - A minor found to be truant shall be transported to the Youth Assessment Center. A juvenile contact card shall be completed on any juvenile or delinquent minor found to be truant, but an offense report is not required.

B. Arrest, Report, and Booking Procedures.

1. All rules of evidence, laws of arrest, and laws of search and seizure that apply to adults shall be followed when an officer investigates a criminal offense involving a delinquent minor or takes custody of a delinquent minor for commission of a delinquent act.
2. Whenever a delinquent minor is taken into custody, a juvenile contact card shall be completed and attached to the corresponding police report.
3. Every juvenile taken into custody for an act that would be a felony offense if committed by an adult will be photographed and fingerprinted.

- a. A juvenile who is transported to the Youth Detention Center will be photographed and fingerprinted at the facility.
 4. If a juvenile is detained at the Youth Detention Center, a shift supervisor shall provide copies of all relevant reports and the juvenile contact card to the State's Attorney's office prior to the juvenile's appearance in court.
 5. When a juvenile commits or attempts to commit one of the following offenses, either the officer or a supervisor shall contact an Investigations Division Supervisor prior to any interview or interrogation:
 - a. Homicide.
 - b. Sexual Assault.
 - c. Robbery.
 - d. Kidnapping.
 - e. Arson.
 - f. Delivery of cannabis or a controlled substance.
 6. A juvenile or delinquent minor charged only with a status offense shall not be booked or taken to the Youth Detention Center.
 7. Detention of a delinquent minor begins when the delinquent minor enters a holding facility, is isolated in a closed room, or is placed in an interview room. Prior to the expiration of the time limits set forth below, the delinquent minor must be transferred to the Youth Detention Center or be released. The time limit runs continuously once secure detention begins, regardless of any interruption, interview, or processing. Transportation does not count as detention, nor does visual security in the field. Visual security consists of placing the delinquent minor under the constant visual observation of an officer without use of intervening barriers or restraints.
 - a. A juvenile under 10 years of age cannot be detained at a holding facility.
 - b. A juvenile who is at least 10 years of age but less than 12 years of age may be detained in a holding facility for up to six hours.
 - c. A juvenile who is at least 12 years of age but less than 18 years of age can be detained in a holding facility for up to 12 hours, and for up to 24 hours when the detention is the result of the commission of a crime of violence. For these purposes, a "crime of violence" is defined as murder, voluntary manslaughter, criminal sexual assault, aggravated criminal 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.
 - d. Only juveniles charged with the alleged commission of a delinquent offense or for whom a delinquency petition or warrant has been issued or filed may be detained in a holding area. This subsection does not refer to limited custody provisions of the MRAI article of the Juvenile Court Act.
 - e. Juveniles under arrest shall be transported to the holding facility without unnecessary delay (unless in need of emergency medical attention).
 - C. The definition of delinquent minor shall not apply to any juvenile who has committed those offenses identified in 705 ILCS 405/5-130, which authorize prosecution under the criminal code. These charges, and all other charges arising out of the same incident, shall be prosecuted under the criminal code of 1961 {720 ILCS 5/1-1 et seq.} as an adult.
 - D. If the decision has been made not to release a minor, then the minor is to be transported to the Champaign County Youth Detention Center without unnecessary delay. The arresting officer shall ensure that an intake worker at the Youth Detention Center is notified that the juvenile is being transported.
 - E. Upon arrival at the Youth Detention Center, the arresting officer shall complete all paperwork related to the juvenile's intake at the facility.
 - F. The arresting officer shall also ensure that the juvenile's parent(s) or guardian(s) have been properly notified.
- 44.2.3 CUSTODIAL INTERROGATION OF DELINQUENT MINORS**
- A. The following guidelines are designed to assist officers in conducting custodial interviews/interrogations with delinquent minors. These guidelines are intended to protect the constitutional rights of the delinquent minors and the integrity of the interview/interrogation.
 1. Any officer assigned to investigate a crime involving a delinquent minor or juvenile victim has the right to question the delinquent minor or juvenile.
 2. The officer shall immediately make a reasonable attempt to notify a parent, the person legally responsible for the minor's care, or the person with whom the minor resides to inform them of the minor's custody, the reason for custody, and the location where the minor is being held. If notification cannot be made, the officer shall document any and all attempts to make such notification.
 3. Before any custodial questioning, the delinquent minor must be advised of his constitutional rights. The officer conducting the questioning must orally advise the delinquent minor of his rights and provide him with a written copy of his rights. A juvenile officer shall be present to ensure that the delinquent minor understands his rights. If willing, the delinquent minor shall sign the rights waiver. If the delinquent minor refuses

- to sign the rights waiver, that refusal shall be indicated on the rights waiver and witnessed.
4. If the delinquent minor indicates that he does not wish to answer any questions the interview shall be terminated.
 5. A parent or guardian may be present during the questioning of the delinquent minor by request of either party.
 6. The delinquent minor must be afforded the opportunity to confer with an adult both prior to and during any custodial interview/interrogation. A parent or guardian shall not be prevented from visitation with a delinquent minor in custody.
 7. A juvenile under the age of 13 who commits a homicide or sex crime must be represented by counsel during the entire custodial interview/interrogation. Any in-custody interview/interrogation of a minor suspected of committing a homicide will be audio/video recorded.
 8. A juvenile officer shall be present during the questioning of juveniles in custody as well as when written statements are made.
 9. No more than two officers shall be present in the room during the interview/interrogation of a delinquent minor.
 10. Delinquent minors will not be questioned for more than 4 hours without the authorization of the State's Attorney's Office.
- B. A minor may be taken to a county jail or municipal lock-up for the purposes of appearing in a physical (in-person) line-up only under the direct and constant supervision of a juvenile officer (705 ILCS 405/5-410 2a(f)). During the time that the line-up is being conducted sight and sound provisions shall not apply.
 - C. A minor may submit to a polygraph examination, however both the minor and his parent or guardian must grant written consent prior to the test being administered. Only the Chief of Police or a Deputy Chief of Police may authorize such tests.

44.2.4 SCHOOL LIAISON PROGRAM

- A. A written directive regarding the School Resource Officer program is found in Policy 44.4.

44.2.5 COMMUNITY BASED YOUTH PROGRAMS

- A. The Department supports the philosophy of positive interaction between area youth and Department members.
- B. Members of the department, both sworn and no-sworn, volunteer to participate in various programs including, but not limited to the following:
 - 1) The "Shop with a Cop" program, which is held annually and designed to provide gifts and clothing to children in need.

- 2) The "Youth Police Academy," which is a summer outreach program designed to provide area middle school and high school students with a clearer understanding of law enforcement through participation in a mock police academy.
- 3) "CODE 4," which is a comprehensive drug prevention and education program designed to help children recognize and resist social pressures relating to tobacco, alcohol, cannabis, and controlled substances.
- 4) The Champaign Police Department School Resource Officer (SRO) Program consists of five uniformed police officers who provide a constant presence in the two local high schools and the three junior high schools. The SROs are actively involved in dealing with law-related issues, delivering instruction in areas of law related to education, safety, bullying, and alcohol and drug prevention. The SRO is a visible, active law enforcement figure on campus that provides positive assistance when students are in need of individual intervention or assistance.

ISSUING AUTHORITY



Anthony D. Cobb
Chief of Police
Champaign Police Department