

	ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120	
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Chief of Police: 	Juvenile Operations, 44.2	
Cross Reference: SOP 82.1 Records Administration 105 ILCS 5/26-12 325 ILCS 5/4 705 ILCS 405/1-3 705 ILCS 405/2-3 705 ILCS 405/3-3 705 ILCS 405/4-3 705 ILCS 405/5-105 705 ILCS 405/5-401.6 705 ILCS 405/5-915 725 ILCS 5/103-3.5		Policy Sections: 44.2.1 The Juvenile Investigations Unit 44.2.2 Notifications 44.2.3 Procedures for Limited Custody 44.2.4 Procedures for Temporary Protective Custody 44.2.5 Interrogation of Delinquent Minors 44.2.6 Prohibition of Deceptive Tactics 44.2.7 Processing of Delinquent Minors 44.2.8 Secure Detention of a Delinquent Minor 44.2.9 Confidentiality of Law Enforcement Records & Municipal Ordinance Violations 44.2.10 Confidentiality of Juvenile Court Records 44.2.11 Expungement of Juvenile Law Enforcement and Court Records Appendix A: Statement of Constitutional Rights for Minors

PURPOSE

The purpose of this policy is to establish guidelines for juvenile operations and juveniles who have contact with the department.

POLICY STATEMENT

It is the policy of the department to provide specialized training to assigned officers who provide services to juveniles who have contact with the department. While responding to incidents involving juveniles, members of the department shall use the least coercive of available alternatives, consistent with preserving public safety, order, and individual liberty. Furthermore, juvenile investigations shall be conducted in recognition of the constitutional rights of juveniles and the applicable statutes. The department also strives to cultivate professional work relationships with community partners such as those representing the juvenile justice system and social service organizations and when appropriate, seeks their input when formulating new or revising existing programs involving juvenile matters.

All juvenile law enforcement arrest records and identification records shall be maintained in a secure location, separate from adult records. The expungement requirements provided in the Juvenile Court Act shall be adhered to. All juvenile law enforcement records that are not expunged are considered to be confidential and may only be disseminated pursuant to the guidelines within the Juvenile Court Act.

DEFINITIONS

Addict: Any person who habitually uses any drug, chemical, substance, or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self-control with reference to his or her addiction, 720 ILCS 570/102.

Addicted Minor: Any minor who is under 18 years of age and is an addict or alcoholic as described in 705 ILCS 405/4-3.

Child Advocacy Center: Children's Advocacy Centers coordinate the investigation, treatment, and prosecution of child abuse cases by utilizing multidisciplinary teams of professionals involved in child protective and victim advocacy services, law enforcement and prosecution, and physical and mental health.

Custodial Interrogation: Any interrogation during which a reasonable person would consider himself or

herself to be in custody and during which a question is asked that is reasonably likely to elicit an incriminating response as defined in 705 ILCS 405/5-401.6.

Deception: The knowing communication of false facts about evidence or unauthorized statements regarding leniency by a law enforcement officer or Juvenile Officer to the subject of custodial interrogation as defined in 705 ILCS 405/5-401.6.

Dependent Minor: Any minor who is under 18 years of age who is without a parent, guardian, legal custodian, or who is without proper care as described in 705 ILCS 405/2-4.

Delinquent Minor: Any minor who prior to turning 18 has violated or attempted to violate, regardless of where the act occurred, any federal, state, county or municipal law or ordinance.

Dissemination: To publish, produce, print, manufacture, distribute, sell, lease, exhibit, broadcast, display, transmit, or otherwise share information in any format so as to make the information accessible to others.

Evidence of Interaction with Law Enforcement: For purposes of this policy, limited to those records which relate to a juvenile being suspected of criminal activity or those who have been arrested; this does not include records where the juvenile was a victim or witness to criminal activity.

Expunge: For purpose of this policy, to physically destroy the records and to obliterate the minor's name and juvenile court records from any official index, public record, or electronic database.

Juvenile Court Record: Court records maintained by the juvenile court, probation officers, and by any municipal, county, or state agency or department, where there is involvement with the juvenile court relating to a specific incident, proceeding or individual. Refer to 705 ILCS 405/5-915 to view the complete definition.

Juvenile Detective: Sworn personnel, assigned to the Major Investigations Division to also include School Resource Officers, who have completed the State of Illinois Basic Juvenile Training Course.

Juvenile Officer: Sworn personnel with completion of the State of Illinois Basic Juvenile Training Course.

Juvenile Law Enforcement Records: Includes records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear or any other record or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense and records maintained by a law enforcement agency that identify a juvenile as a suspect in committing an offense, but does not include records identifying a juvenile as a victim, witness, or missing juvenile and any record created, maintained, or used for purposes of referral to programs relating to diversion, 705 ILCS 405/1-3.

Limited Custody: Situations where a law enforcement officer reasonably believes a minor is (1) absent from home without consent of the minor's parent, guardian, or custodian (2) beyond the control of the minor's parent, guardian, or custodian, in circumstances which constitute a substantial or immediate danger to the minor's physical safety, 705 ILCS 405/3-4.

Mandatory Reporter: Individual/profession required by law to report suspected or known instances of abuse. Refer to 325 ILCS 5/4 to view a list of professions designated as a mandatory reporter.

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

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

Neglected or Abused Minor: Any minor who is under 18 years of age as described in 705 ILCS 405/2-3.

Parental Permission: Permission given to a student to be absent from school or any part of the school day, Chapter 10.43 of the Elgin Municipal Code.

Peer Jury Program: An informal program to process juvenile offenders under the age of 18 without

entering into the formal juvenile court system where the juvenile offender, parent or guardian attend a hearing before the department's peer jury panel to resolve the matter.

Place of Detention: A building that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency at which persons are or may be held in detention in connection with criminal charges or allegations that those persons are delinquent minors as defined in 705 ILCS 405/5-401.6.

Protected Persons: A minor who, at the time of the commission of the offense, was under 18 years of age; or a person with a severe or profound intellectual disability as defined in 705 ILCS 405/5-401.6.

Runaway: Any minor between the ages of 11-17 who has left home without consent from the parent or guardian. This also pertains to minors who leave school without permission.

Sealed: Directive to physically and electronically maintain records, unless the records would otherwise be destroyed due to age, but to make the records unavailable without a court order, subject to the exceptions in Sections 12 and 13 of the Criminal Identification Act, 20 ILCS 2630/5.2.

Secure Detention: The act of placing a juvenile aged 10 or older in a locked temporary detention holding cell or handcuffed to a fixed object.

Status Offense: Violations of state statutes and city ordinances controlled by any age restriction which would not otherwise be an offense (curfew, truancy, possession of alcohol, etc.).

Temporary Protective Custody: Custody within a hospital or other medical facility or a place previously designated for such custody by the Department of Children and Family Services, subject to review by the court, including a licensed foster home, group home, or other institution. However, such place shall not be a jail or other place for the detention of criminal or juvenile offenders, 705 ILCS 405/2-7.

Truant: A student who absents themselves from attendance during all, or part, of a school day during a time when school is in session without parental permission or valid cause, Chapter 10.43 of the Elgin Municipal Code.

Valid Cause: For absence of attendance at school during enrollment hours includes illness, observance of religious holiday, death in the immediate family, family emergency, and shall include other such situations beyond the control of the student as determined by the principal or the principal's designee of the school that the student attends, the Board of Education in each school district, or such other circumstances which cause reasonable concern to the parent(s), guardian(s) or legal custodian(s) for the safety and health of the student, Chapter 10.43 of the Elgin Municipal Code.

Written Confirmation of Suspected Child Abuse/Neglect Report: Form required by the State of Illinois Department of Children and Family Services for mandated reporters to notify the agency of incidents of suspected child abuse or neglect pursuant to the Abused and Neglected Child Reporting Act, 325 ILCS 5/.

Youth Empowerment Program (YEP): A departmental program which centers on a multidisciplinary partnership between the school district, community-based organizations, faith-based agencies, and the police department with goals of decreasing juvenile violence, arrests, and gang involvement, Chapter 10.43 of the Elgin Municipal Code.

PROCEDURES

44.2.1 JUVENILE INVESTIGATIONS UNIT

A. The responsibility for implementing programs to prevent delinquency and criminal behavior in juveniles is shared by the department with the partnership of community members. The department's Juvenile Investigations Unit is responsible for, but not limited to the following:

1. Compliance with the Illinois Juvenile Court Act.

2. Ensuring that the constitutional rights of minors are afforded and protected.
 3. Locating and returning juveniles who are considered runaways.
 4. Diverting juvenile offenders away from the juvenile justice system and adjusting cases at the department level, when appropriate. This may include the referral of juveniles to other criminal justice agencies, public social service agencies, or private social service agencies when appropriate.
 5. Maintaining liaisons with schools, social service agencies, and other organizations which provide services for juveniles will help facilitate their input.
 6. Coordinating and preparing court cases in which a juvenile offender is involved.
 7. Designing and implementing programs intended to prevent delinquent behavior by juveniles.
 8. Conduct follow-up investigations on crimes committed or alleged to have been committed by juvenile offenders and cases involving juvenile victims, when needed.
- B. Sergeants assigned to the Major Investigations Division are responsible for the Juvenile Investigations Unit and provide oversight of the Juvenile Detectives, procedures, and programs.
 - C. Juvenile Detectives assigned to the Juvenile Investigations Unit perform their specific job functions pertaining to juveniles on a full-time basis.
 - D. Juvenile Officers are assigned to other operational components of the department and are available for assistance, when requested or as needed. The functional supervision for Juvenile Officers, when acting in their specialized capacity, is vested with the supervisors assigned to the Major Investigations Division.
 - E. All sworn police officers shall have a working knowledge of the Illinois Juvenile Court Act and the department's directives and policies.
 - F. The department shall conduct an annual year-end review of prevention and enforcement programs relating to juveniles. The review shall be conducted by a Major Investigations Sergeant or designee and forwarded through the chain of command to the Investigations Commander. At a minimum, the review shall encompass the value of each program, how often the program is utilized, and whether the program should function as it is, be modified or be discontinued.

44.2.2 NOTIFICATIONS

- A. Juvenile Detectives shall be notified in the following instances:
 1. Any felony involving a delinquent minor currently in custody as an offender where the possibility of detention at a county youth home or further investigation exists.
 2. When a minor is placed into temporary protective custody.
 3. Any incident where allegations have been made concerning:
 - a. Physical abuse of a minor, with a referral to the Child Advocacy Center.
 - b. Sexual abuse of a minor, with a referral to the Child Advocacy Center.
 - c. Neglected minors.
- B. Misdemeanor and other felony reports shall be forwarded to the Juvenile Investigations Unit for potential follow-up.

- C. In situations of limited custody and temporary protective custody for delinquent and status offenses, officers shall immediately make a reasonable attempt to notify the parent(s), guardian(s), or custodian(s) of the circumstances and to determine who will take custody of the minor.
 - 1. All attempts and notifications shall be documented in the incident report. This shall include the times and names of the individuals the officer attempted to contact.
 - 2. When all attempts to make contact with the parent(s), guardian(s), or custodian(s) have been exhausted, officers shall seek assistance from social service agencies.
- D. Officers shall make a reasonable attempt to notify a minor's parent(s), guardian(s) or custodian(s) when a minor was a potential witness to a crime or a victim of a crime. This may apply anytime an officer believes the minor's parent(s), guardian(s) or custodian(s) should be aware of the circumstances surrounding an officer's contact with the minor. These attempts and notifications shall be documented in an incident report.

44.2.3 PROCEDURES FOR LIMITED CUSTODY

- A. Pursuant to 705 ILCS 405/3-4, officers may, without a warrant, take into limited custody a minor who the law enforcement officer reasonably determines is (1) absent from home without the consent of the minor's parent(s), guardian(s) or custodian(s) or (2) beyond the control of the minor's parent(s), guardian(s) or custodian(s) which constitutes a substantial or immediate danger to the minor's physical safety.
- B. An officer who takes a minor into limited custody shall (1) immediately inform the minor of the reasons for such limited custody, and (2) make a prompt, reasonable effort to inform the minor's parent(s), guardian(s) or custodian(s) that the minor has been taken into limited custody and where the minor is being kept.
 - 1. No minor taken into custody shall be placed in the Holding Facility which is designated for adult detainees.
 - 2. No minor shall be involuntarily subject to limited custody for more than six (6) hours from the time of the minor's initial contact with the law enforcement officer.
- C. If the minor consents, or if there are no concerns noted by the officer, the officer shall make a reasonable effort to transport, arrange for the transportation of or otherwise release the minor to the parent(s), guardian(s) or custodian(s).
 - 1. Upon the release of a minor who is believed to need or would benefit from medical, psychological, psychiatric, or social services, the officer may inform the minor and the person to whom the minor is released of the nature and location of appropriate services and shall, if requested, assist in establishing contact between the family and an agency or association providing such services.
- D. In the event any medical treatment is requested or required for the minor, officers shall assist in making arrangements for medical attention. Officers shall not give consent in their official capacity as a police officer to provide medical treatment to a minor. Medical providers shall be instructed to follow their procedures for handling matters of this nature, which may include contacting:
 - 1. The minor's parent(s), guardian(s), or custodian(s).
 - 2. The Department of Children and Family Services (DCFS).
- E. If the officer is unable by all reasonable efforts to contact a parent, custodian, relative or other responsible person or if the person contacted lives an unreasonable distance away or if the minor refuses to be taken to the minor's home or other appropriate residence, or if the officer is otherwise unable despite all reasonable efforts to make arrangements for the safe release of the minor, the

law enforcement officer shall take or make reasonable arrangements for transporting the minor to an agency or association providing crisis intervention services, or where appropriate to a mental health or developmental disabilities facility for screening for voluntary or involuntary admission.

1. A Juvenile Officer or Detective may also be notified if resolution is beyond the capability of the investigating officer and shall then take the necessary steps to resolve the issue or find appropriate placement for the minor.
- F. The taking of a minor into limited custody under this section is not an arrest, nor does it constitute a police record and the records of all law enforcement officers concerning all minors taken into limited custody shall be maintained separate from the records of arrest and may not be inspected by or disclosed to the public except by order of the court. However, such records may be disclosed to the agency or association providing interim crisis intervention for the minor.
- G. Officers who take a minor into limited custody shall document the incident in a police report.

44.2.4 PROCEDURES FOR TEMPORARY PROTECTIVE CUSTODY

- A. Any minor who the officer reasonably believes to be abused, dependent or neglected shall be taken into temporary protective custody.
1. The officer shall inform the minor of the reason for temporary custody and follow the notification protocol established in Section 44.2.2.
 2. A Juvenile Officer or Detective shall be contacted without unnecessary delay. The Juvenile Officer or Detective will determine the appropriate plan of action and serve as a liaison to any outside agencies involved.
 3. If the case involves:
 - a. Physical abuse, sexual abuse, or neglect, the Department of Children and Family Services (DCFS) Child Abuse Hotline shall be immediately contacted at 1-800-25ABUSE. The Child Advocacy Center of the respective county shall also be contacted in cases of physical and sexual abuse. There are no exceptions to this requirement.
 - b. If there is reasonable cause to suspect that the death of a minor is a result of abuse or neglect, the officer shall immediately report such suspected abuse or neglect to the appropriate medical examiner or coroner.
 4. In the event any medical attention is requested or required for the minor, the procedures outlined in section 44.2.3.C shall be followed.
 5. The officer shall prepare a case report and make notification to the Department of Children and Family Services through the agency's online Child Abuse Neglect Reporting System at <https://childabuse.illinois.gov/>. However, if the minor is in the protective custody of the department, the report shall be made via the agency's Child Abuse Hotline at 1-800-252-2873.
- B. Upon probable cause, minors under the age of 18 may be taken into temporary protective custody for delinquent offenses encompassing a misdemeanor, felony violation or attempted violation of a federal, state, country or municipal law or ordinance.
1. Officers shall inform the minor of the reason for temporary protective custody and follow the notification protocols established in Section 44.2.2.
 2. Officers who have not been certified as Juvenile Officers may handle misdemeanor delinquent investigations involving minors who will not be detained in a county youth facility.

3. A Juvenile Officer or Detective shall be involved on all felony delinquent investigations or when a minor will be detained in a county youth facility.
 4. Officers who take a minor into custody for delinquent offenses shall transport the minor to the department and will complete an incident report, appropriate items within the electronic booking system and shall ensure photographs and fingerprints are taken, when applicable.
 5. Officers shall utilize discretion in managing minors who commit delinquent acts and shall consider the following factors when determining how to proceed: the age of the minor, the seriousness of the alleged offense, whether the offense was committed in an aggressive or premeditated manner and the minor's prior delinquency history.
 6. Dispositions utilized by officers include, but are not limited to:
 - a. Release the minor without further action.
 - b. For city ordinance violations, the arresting officer may issue a notice to appear for a juvenile adjudication date.
 - c. Referral to a voluntary station adjustment program such as the department's Peer Jury Program.
 - d. Release to the minor's parent(s), guardian(s), or custodian(s).
 - e. A voluntary, prolonged program of treatment which necessitates the services of a youth social service agency.
 - f. Referral to the juvenile court system and release to a parent(s), guardian(s), or custodian(s).
 - g. Referral to the juvenile court system and detention in the appropriate youth home or other court authorized juvenile detention facility.
 7. If a minor is to be considered for detention at a county youth home or other court approved detention facility, the most current county directives governing the specific intake facility shall be followed. The Major Investigations Lieutenant shall be responsible for ensuring that the most current directives are available to officers.
 8. The delinquent minor, along with their parent(s), guardian(s) or custodian(s), if present, shall be advised on the juvenile justice system, the department's policies and procedures on referring matters to the juvenile court system, and the expungement process.
- C. Upon probable cause, minors under the age of 18 may be taken into temporary protective custody for status offenses. Status offenses pertaining to curfew and truancy are addressed in the city's municipal code and are described below. The remedies and penalties described in the ordinance are managed by the department's Adjudication Office. Refer to Chapter 10.41 and 10.43 of the Elgin Municipal Code to view the associated penalties.
1. Procedures for violation of Chapter 10.41 of the Elgin Municipal Code, entitled Curfew
 - a. If an officer reasonably believes that a juvenile is in a public place in violation of the curfew ordinance, the officer shall notify the juvenile that he/she is in violation of the code and shall require the juvenile to provide his/her name, address and telephone number and any information reasonably necessary to contact the minor's parent(s), guardian(s), or custodian(s) who are responsible for picking up the juvenile at the police department or location indicated by the officer within three hours of the minor being placed into custody.

- b. When all attempts to make contact with the parent(s), guardian(s), or custodian(s) have been exhausted, officers shall seek assistance from social service agencies.
 - c. In the absence of written evidence to determine the age of the juvenile, the officer shall, in the first instance of this violation, use reasonable judgement in determining age.
 - d. The officer shall transport the juvenile to the police department and follow notification protocols outlined in Section 44.2.2 of this policy and complete an incident report.
 - e. When a parent, guardian or custodian arrives to take custody of the juvenile, the juvenile shall be released. Refer to Section 44.2.3 for information on when notifications attempts are unsuccessful or if the juvenile refuses to return to the parent, guardian, or custodian.
 - f. In the case of a first violation of the curfew ordinance, the parent(s), guardian(s), or custodian(s) shall be provided with written notice, DACRA citation and with a warning that any subsequent violation will result in full enforcement of the ordinance, including the enforcement of parental responsibility and of any applicable penalties.
 - g. The penalties described in Section 10.41.070 of the Elgin Municipal Code shall take effect in the event of subsequent violations.
2. Procedures for violation of Chapter 10.43 of the Elgin Municipal Code, entitled Truancy
- a. For purposes of this policy, it is the school district's responsibility to determine whether a student is truant. The city's truancy ordinance specifies that it is unlawful for any person who is required by law to attend school and who is subject to the compulsory attendance requirements of the Illinois School Code and in grades one through twelve in a public, private (including a home school), or parochial school to absent themselves from attendance at school during the hours in which he or she is enrolled, including summer school without parental permission, the permission of such student's authorities, or valid cause.
 - b. Exemptions to the above:
 - 1. The juvenile is accompanied by his/her parent, guardian, or custodian, or other adult person having the legal care or custody of the minor.
 - 2. The juvenile is going to or returning directly from a medical appointment.
 - 3. The juvenile has permission to leave campus and said minor has in his or her possession a valid, school-issued (including home school), off-campus permit.
 - 4. The juvenile is going to or returning directly from a public meeting, or place of public entertainment, such as a movie, play, sporting event, dance, or school activity, provided such meeting, event, or activity is a school approved activity for the minor or is otherwise supervised by school personnel of said juvenile's school.
 - 5. The presence of the juvenile in said place or places is connected with or required by a school approved or school related business, trade, profession, or occupation in which said juvenile is lawfully engaged.
 - 6. When the juvenile is exempt by law from compulsory education or

compulsory continuation education.

7. The juvenile is emancipated pursuant to law.
 8. The juvenile is engaged in an activity protected by the United States or Illinois Constitutions.
- c. It is unlawful for a parent to knowingly or negligently permit or cause a student who is under the age of eighteen (18) years old to be truant. Refer to the city's ordinance for more information.
 - d. Truants will be initially identified and processed according to the student's school and/or school district policy, which typically include a graduated intervention process including telephone and written notices to the parent(s), guardian(s), or custodian(s), followed by school conferences consisting of school officials, the student and their parent, guardian, or custodian.
 1. Following the exhaustion of a school district's graduated intervention process, truants and their parent, guardian, or custodian will be referred to the department's Youth Empowerment Program.
 2. Continued student truancy and/or failure to participate in the Youth Empowerment Program efforts may result in further enforcement actions, including but not limited to the issuance of a violation or violations of Chapter 10.43 of the Elgin Municipal Code.
 3. Failure to participate means (a) missing more than one scheduled Youth Empowerment Program meeting by the truant student and his/her parent, guardian, or custodian or (b) failing to comply with the agreed upon Youth Empowerment Program recommendations within the specified timeframe.
3. Pursuant to 705 ILCS 404/5-401(3), juveniles in custody for a status offense shall not be placed in a holding cell, locked room, or handcuffed to a stationary object.
 4. For minor status offenses, officers have discretion to issue an adjudication citation as in lieu of placing the juvenile into temporary protective custody; the notification protocols established in Section 44.2.2 shall be followed.
- D. Traffic Offenses.
1. Officers may issue minors traffic citations at the scene of a traffic stop and release said minor for simple traffic offenses at the scene.
 2. If the minor is under 18 years of age and is taken into custody for a traffic offense, the officer shall follow the same guidelines as for delinquent offenses as described in Section 44.2.4.

44.2.5 INTERROGATION OF DELINQUENT MINORS

- A. During interrogations, the constitutional rights of juveniles shall be adhered to and are as follows:
1. Prior to the interrogation:
 - a. The delinquent minor shall be afforded the opportunity to confer privately with their parent(s), guardian(s) or custodian(s). If not available, a Juvenile Officer shall be utilized.

- b. The Statement of Constitutional Rights for Minors shall be continuously (ie., without interruption) read in its entirety to the delinquent minor. Refer to Appendix A to view the statement form.
 2. During the interrogation, a Juvenile Officer, Detective or the delinquent minor's parent(s), guardian(s), or custodian(s) shall be present to ensure the rights of the minor are protected.
 3. Officers shall ensure that the custodial interrogation of a juvenile is electronically recorded using the officer's body worn camera or other recording device for a minor who is in custody for any felony or misdemeanor sex offense.
 4. Officers shall, under normal circumstances, limit the duration of the interview/interrogation involving a minor to a reasonable amount of time. When possible, a minimum of two officers or Detectives and a maximum of three officers or Detectives should be present during the interviews and interrogations.
- B. Pursuant to 705 ILCS 405/5-170, minors who were under the age of 15 during the commission of the below offenses, as provided in Illinois Criminal Code of 1961 or the Criminal Code of 2012, must be represented by counsel through the entire custodial interrogation of the minor; they cannot waive their right to counsel. If the minor does not have access to a private counsel, the officer must contact the public defender's office of the applicable county.
 1. First degree murder, 720 ILCS 5/9-1
 2. Intentional homicide of an unborn child, 720 ILCS 5/9-1.2
 3. Second degree murder, 720 ILCS 5/9-2
 4. Voluntary Manslaughter of an Unborn Child, 720 ILCS 5/9-2.1
 5. Voluntary manslaughter and reckless homicide, 720 ILCS 5/9-3
 6. Involuntary manslaughter and reckless homicide of an unborn child, 720 ILCS 5/9-3.2
 7. Drug-induced homicide, 720 ILCS 5/9-3.3
 8. Criminal sexual assault, 720 ILCS 5/11-1.20
 9. Aggravated criminal sexual assault, 720 ILCS 5/11-1.30
 10. Predatory criminal sexual assault of a child, 720 ILCS 5/11-1.40
 11. Criminal sexual abuse, 720 ILCS 5/11-1.50
 12. Aggravated criminal sexual abuse, 720 ILCS 5/11-1.60

44.2.6 PROHIBITION OF DECEPTIVE TACTICS

- A. As indicated in 705 ILCS 405/5-401.6, an oral, written, or sign language confession of a protected person, as defined in this policy and made as a result of a custodial interrogation shall be presumed inadmissible as evidence against the protected person making the confession for an act that if committed by an adult would be a misdemeanor offense under Article 11 of the Criminal Code of 2012 or felony offense under the Criminal Code of 2012 if during the custodial interrogation.
- B. A police officer or Juvenile Officer knowingly engages in deception when the presumption of inadmissibility of a confession of a protected person at a custodian interrogation is procured through the knowing use of deception, may be overcome by a preponderance of the evidence that the confession was voluntarily given, based on the totality of the circumstances.

44.2.7 PROCESSING OF DELINQUENT MINORS

- A. Delinquent minors shall have their photographs and fingerprints, when charged with the offenses listed below, Fingerprints and photographs taken from a minor before his/her 18th birthday shall not be transmitted to the Illinois Department of Corrections (IDOC), Illinois State Police (ISP) or the FBI unless:
 - 1. Ordered by a court.
 - 2. The delinquent minor is arrested or taken into custody for:
 - a. Unlawful Use of a Weapon.
 - b. Class X or Class 1 Felony.
 - c. A forcible felony.
 - d. Class Two or greater felony under the Controlled Substances Act.
 - e. Chapter Four of the Illinois Vehicle Code.
 - f. Section Five of the Criminal Identification Act.
- B. All processing of delinquent minor shall be conducted separately from adult offenders, when practical. If necessary, sight or sound contact between adult offenders and juvenile offenders shall be permissible during the completion of the processing.
- C. The delinquent minor must be under the direct and constant supervision of a police officer or Community Service Officer. Immediately upon the completion of processing, the delinquent minor shall be removed from the sight and sound presence of adult offenders.

44.2.8 SECURE DETENTION OF A DELINQUENT MINOR

- A. Delinquent minors in custody for status offenses (runaway and curfew violations and limited custody contacts) shall not be placed in secure detention area such as a locked room, temporary detention cell or handcuffed to a stationary object.
- B. Delinquent minors in custody for non-status offenses may be placed in secure detention such as a temporary detention holding cell, handcuffed to a stationary object, or other form of secure detention if they are a flight risk, suspected of committing a felony or when necessary for the safety of the juvenile, officers or others.
- C. A secure temporary detention holding cell is located within the Major Investigations area. The following guidelines apply when the delinquent minor:
 - 1. Under 10 – no secure detention allowed.
 - 2. 10 to 11 year olds – maximum of six hour detention.
 - 3. 12 to 17 year olds/non violent crime – maximum of 12 hour detention.
 - 4. 12 to 17 year olds/violent crime – maximum of 24 hour detention.
- D. Delinquent minors held in secure detention shall have documented 15-minute wellness checks when not in direct supervision of a department member.
- E. Pursuant to 725 ILCS 5/103-3.5, delinquent minors in police custody have the right to communicate with their attorney, free of charge, and family members as soon as possible upon being taken into custody, but no later than three hours.
 - 1. For purposes of this section, place of detention means a building or police station that is a

place of operation for a municipal police department or county sheriff department or other law enforcement agency, other than a courthouse, that is owned or operated by a law enforcement agency, or other building, such as a school or hospital, where persons are held in detention in connection with criminal charges against those persons.

2. When a school resource officer takes a minor into custody at the minor's school and secures the minor in his/her school office, the office shall be considered the minor's first place of detention.
3. In the event a person who is in custody is transferred to a new place of custody, his or her right to make three telephone calls within three hours of arrival is renewed. This also applies when a minor's first place of detention was at his or her school and the minor has been transferred to the police department.
4. The three-hour requirement shall not apply while the person in police custody is asleep, unconscious, or otherwise incapacitated or an exigent circumstance prevents the officers from timely complying with this section. If this occurs, it must be documented in the police report detailing the exigent circumstances. Once the exigent circumstances ends, the right to make three phone calls within three hours resumes.
5. In accordance with this section, the following records shall be maintained: (1) the number of phone calls the person made while in custody; (2) the time or times the person made phone calls; and, (3) if the person did not make any phone calls, a statement of the reason or reasons why no calls were made.

F. Persons in police custody must be given:

1. Access to use a telephone via a land line or cellular phone to make three phone calls.
2. The ability to retrieve phone numbers contained in his or her contact list on his or her cellular phone prior to the phone being placed into inventory. The Detective or officer shall facilitate this process to ensure potential evidence that is stored on the cellular phone is not destroyed.
3. Those charged with a domestic battery or have an active order of protection may not call the victims.

G. School Resource Officers utilize an assigned office at their respective schools. These offices shall contain a sign containing, at minimum, the following information in bold block type and must be posted in a conspicuous place:

1. A short statement notifying persons who are in police custody of their right to have access to a phone within three hours of being taken into police custody.
2. Persons who are in police custody have the right to make three phone calls within three hours of being taken into custody, at no charge.
3. If the place of custody is located in a jurisdiction where the court has appointed the public defender or other attorney to represent persons who are in police custody, the telephone number to the public defender or appointed attorney's office must also be displayed. The telephone call to the public defender or other attorney must not be monitored, eavesdropped upon, or recorded.

H. Statements made by a delinquent minor who is detained in custody in violation of this section are presumed inadmissible in court as evidence. The presumption of inadmissibility may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based upon totality of the circumstances. As used in this section, totality of the circumstances includes, but is not limited to, evidence that law enforcement knowingly prevented or delayed a person's right

to communicate or failed to comply with the requirements of this section.

- I. Nothing in covered in this section, shall interfere with the delinquent minor's rights or override procedures required in the Bill of Rights of the Illinois and US Constitutions, including but not limited to Fourth Amendment search and seizure rights, Fifth Amendment due process rights and rights to be free from self-incrimination and Sixth Amendment right to counsel.
- J. All appropriate forms pertaining to the use of secured detention must be completed.

44.2.9 CONFIDENTIALITY OF JUVENILE LAW ENFORCEMENT RECORDS AND MUNICIPAL ORDINANCE VIOLATIONS

- A. All juvenile law enforcement records, as defined in this policy, to include city ordinance violations, that have not been expunged are considered to be sealed and may never be disclosed to the public or otherwise made widely available.
- B. Inspection, copying and disclosure of juvenile law enforcement records or records of municipal ordinance violations that reference a minor who has been investigated, arrested, or taken into custody before turning 18 years of age are restricted to the below or with a court order issued for good cause shown and in compliance to the provisions set forth in 705 ILCS 405/1-1. Refer to the statute for the complete verbiage.
 - 1. The minor who is the subject of the juvenile law enforcement record, his/her parents, guardian, and counsel.
 - 2. Judges of the circuit court and members of staff designated by the judge.
 - 3. An administrative adjudication hearing officer or members of staff designated to assist in the adjudication process.
 - 4. Any local, state, or federal law enforcement officers or designated law enforcement staff of any jurisdiction or agency when necessary for the discharge of their official duties during the investigation, prosecution of a crime, or in connection with investigation of the conduct of a law enforcement officer.
 - 5. Prosecutors, public defenders, probation officers, social workers or other individuals assigned by the court.
 - 6. Federal, state, or local prosecutors, public defenders, probation officers and designated staff.
 - 7. Adult and Juvenile Prisoner Review Board.
 - 8. Authorized military personnel.
 - 9. Employees of the federal government authorized by law.
 - 10. Persons engaged in bona fide research with the permission of the presiding judge and chief executive of the respective law enforcement agency provided that publication of such research results in no disclosure of the minor's identity and protects the confidentiality of the minor's record.
 - 11. Department of Children and Family Services child protection investigators acting in their official capacity.
 - 12. The appropriate school official only if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel or others who are present in the school or on school grounds.

13. Mental health professionals on behalf of the Illinois Department of Corrections or the Illinois Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act.
14. The president of a park district.
15. Persons managing and designated to participate in a court diversion program.
16. The Public Access Counselor of the Office of the Attorney General when under its powers and duties under the Freedom of Information Act.
17. Collection agencies contracted or otherwise engaged by a governmental entity to collect any debts due and owing to the governmental entity.

44.2.10 CONFIDENTIALITY OF JUVENILE COURT RECORDS

- A. Pursuant to 705 ILCS 405/1-3, as it pertains to the police department, juvenile court records include all documents, transcripts, records, reports, or other evidence prepared by, maintained by, or released by any municipal, county, or state agency or department in any format, if indicating involvement with the juvenile court relating to a specific incident, proceeding, or individual.
- B. Inspection, copying and disclosure of juvenile court records relating to a minor who is the subject of a proceeding under the Juvenile Court Act shall be restricted to the below people and organizations in compliance to the provisions set forth in 705 ILCS 405/1-8 or with a court order issued for good cause shown. Refer to the statute for the complete verbiage.
 1. The minor who is the subject of the record, his/her parents, guardian, and counsel.
 2. Law enforcement officers and law enforcement agencies when such information is essential to executing an arrest or search warrant or other compulsory process, or to conduct an ongoing investigation or relating to a minor who has been adjudicated delinquent and there was a previous finding that the act which constitutes the previous offense was committed in furtherance of criminal activities by a criminal street gang.
 3. Judges, hearing officers, prosecutors, public defenders, probation officers, social workers, or other individuals assigned by the court to conduct a pre-adjudication or pre-disposition investigation, and individuals responsible for supervising or providing temporary or permanent care and custody for minors under the order of the juvenile court when essential to performing their duties.
 4. Judges, federal, state, and local prosecutors, public defenders, probation officers and designated staff in connection with the applicable portions of criminal proceedings.
 5. Adult and Juvenile Prisoner Review Boards.
 6. Authorized military personnel.
 7. Victims, their subrogees and legal representatives; however, such persons shall have access to only the name and address of the minor and information pertaining to the disposition or alternative adjustment plan of the juvenile court.
 8. Persons engaged in bona fide research, with permission of the presiding judge and chief executive officer of the agency that prepared the records; provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record.
 9. The Secretary of State to whom the Clerk of the Court shall report the disposition of all cases.

10. The administrator of a bonafide substance abuse student assistance program with permission of the presiding judge.
 11. Mental health professionals on behalf of the Department of Corrections or the Department of Human Services or prosecutors who are evaluating, prosecuting, or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act.
 12. Collection agencies contracted or otherwise engaged by a governmental entity to collect any debts due and owing to the governmental entity.
- C. A minor who is the victim in a juvenile court proceeding shall be provided the same confidentiality regarding disclosure of identity as the minor who is the subject of record.
- D. For the purpose of inspecting documents under this section, a civil subpoena is not an order of the court. For more information on this, refer to 705 ILCS 405/1-8.

44.2.11 EXPUNGEMENT OF JUVENILE LAW ENFORCEMENT AND COURT RECORDS

- A. Juvenile law enforcement and court records are expunged by an order of the court or in accordance with the automatic expungement requirements as established in the Juvenile Court Act. Refer to Standard Operating Procedure 82.1 Records Administration for more information on expungements.
- B. The Juvenile Court Act does not prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged as long as the information is kept in a manner that does not enable identification of the individual. The information may only be used for anonymous statistical and research purposes.

APPENDIX A: STATEMENT OF CONSTITUTIONAL RIGHTS FOR MINORS



(Case Report Number)

Statement of Constitutional Rights for Minors Pursuant to 705 ILCS 405/5-401.5(a-5)

You have the right to remain silent. That means you do not have to say anything. Anything you do say can be used against you in court. You have the right to get help from a lawyer. If you cannot pay for a lawyer, the court will get you one for free. You can ask for a lawyer at any time. You have the right to stop this interview at any time.

The following questions are to be read to the person receiving these rights. Indicate the response provided after each question.

1. Do you want to have a lawyer? ☐ Yes ☐ No _____ (Minor's Initials)
2. Do you want to talk to me? ☐ Yes ☐ No _____ (Minor's Initials)

Statement of rights given by _____
(Name, Badge Number)

to _____, on _____
(Person Receiving Rights) (Date)

at approximately _____
(Time)

I understand my rights, and I am willing to answer questions.

(Signature of Person Receiving Rights)

(Witness)

(Witness)

(Witness)