

# University of Chicago Police Department

## GENERAL ORDER

<b>Effective Date:</b> October 3, 2023		<b>Number:</b> GO 520
<b>Subject:</b> Juveniles and Minors- Handling, Custody and Interrogation		
<b>References:</b> CALEA Standard: 44.1.1, 44.2.1, 44.2.2, 44.2.3		
<b>Reevaluation Date:</b> Annually		<b>No. Pages:</b> 6
<b>Amends:</b> 12 AUG 2021 version		<b>Rescinds:</b> 12 APR 2013 (O.D.P.)
<b>Approved By:</b> Kyle L. Bowman, Chief of Police	<b>Signature:</b> Original signed document on file in Accreditation Office	

### 520.1 PURPOSE

The purpose of this order is to describe the Department policy regarding juveniles and minors and procedures for handling, custody and interrogation of juveniles.

### 520.2 POLICY

Community engagement is a top priority for the University of Chicago Police Department. Engagement with the youth of the community is a tremendously important part of that. UCPD personnel need to engage community youth in active, positive interactions on a day-to-day basis. Positive engagement with youth has many benefits for the Department and our personnel, over and above the benefits to the community and directly to each child.

- Alter perceptions by the child, of police, now and potentially for years and decades.
- Alter perceptions by parents, guardians, caregivers, of police, vicariously.
- Increase trust in the Department and our personnel.
- Increase community cooperation with the Department.
- Have an influence on community violence.
- Have an opportunity to educate kids, to understand what we do and how we do it.
- Develop positive relationships.

UCPD will seek out and take advantage of opportunities for engagement with the Youth of the community. The Department encourages ideas for programs, events, or other ways to positively engage youth.

### 520.3 DEFINITIONS

Juvenile: Any minor under 18 years of age.

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

Minor Requiring Authoritative Intervention: As defined in 705 ILCS 405/3-3, a minor under the age of eighteen (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 after 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 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; 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.

Temporary Custody: As defined in 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;
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, abused or dependent minor, defined in 705 ILCS 405/2-3, 405/4-3.

#### **520.4 JUVENILE OFFENDERS - ALTERNATIVES**

A. To protect both public safety and individual liberty, sworn personnel are required to use the least coercive enforcement action, for juvenile offenders, of the reasonable legal alternatives available to properly execute their law enforcement responsibilities. These alternatives include:

1. Informal resolutions, such as release to a parent, legal guardian, or other responsible adult, with no further action.
2. Other non-custodial alternatives:

- a. Uniform traffic citations may be issued for violations of the Illinois Vehicle Code.
  - b. Case reports may be used to document offenses. The case may then be referred to CPD for a juvenile police officer to utilize an appropriate disposition.
3. Referral to another agency or service for potential diversion alternatives. This may include referral to the Dean On Call, for University discipline or follow-up. In other situations, the Chicago PD juvenile officer who is responsible for the case, may make a referral to another agency or diversion program.
4. Referral to Juvenile Court. One or more of the following criteria should be met in order to refer a case to juvenile court:
  - a. Delinquent acts that if committed by an adult would be felonies.
  - b. Delinquent acts involving the use of weapons.
  - c. Gang-related delinquent acts.
  - d. Delinquent acts involving physical violence.
  - e. Delinquent acts committed by a juvenile who is on probation or supervision by the juvenile court.
  - f. Repeated delinquent acts within a twelve-month period.
- B. In choosing an alternative, the following factors should be considered by the officer:
  1. The seriousness of the alleged offense.
  2. The prior history of delinquency of the juvenile.
  3. The age of the juvenile.
  4. The culpability of the juvenile in committing the alleged offense.
  5. Whether the offense was committed in an aggressive or premeditated manner.
  6. Whether the juvenile used or possessed a deadly weapon when committing the offense(s).
- C. For cases with juveniles which require charging or disposition beyond traffic charges, the disposition will be determined and handled by Chicago Police Department juvenile police officers at the Juvenile Intervention and Support Center (JISC).
  1. Pursuant to Illinois Statute 625 ILCS 5/11-212(b-5), officers detaining a pedestrian in a public place, **and subjecting them to frisk, search, summons or arrest**, shall complete a Uniform Pedestrian Stop Card. The Stop Card will be turned in with the officer's daily paperwork for routing to the Records Section, and entry into the IDOT database.
- D. Certain violations of the Cannabis Control Act 720 ILCS 550/4, and the Drug Paraphernalia Act 720 ILCS 600/3.5, are only civil violations under Illinois statute. The Illinois Private College

Campus Police Act 110 ILCS 1020/1 specifically prohibits private college campus police from serving civil process. As there is no lawful mechanism for the Department to charge such civil violations, confiscation of contraband items, entry of them into Evidence, and documentation of the incident and suspect(s) in a Department report, shall be the response.

- E. In non-custodial enforcement situations where a juvenile is suspected of being under the influence of alcohol or drugs, the officer shall ensure that the minor is released to a parent or other responsible person. Arrangements for release include:
1. Parent or guardian responds to scene.
  2. Parent or guardian authorizes release to other responsible individual.
  3. Juvenile is taken home where a parent or other responsible family member is present.
  4. If a parent or guardian cannot be reached, the juvenile may be released to a responsible adult with the approval of a supervisor.
  5. If the juvenile is intoxicated to the degree that they are a danger to themselves or others, immediate medical attention will be sought. Notification should be made to parents/guardians and arrangements made for subsequent release.

#### **520.5 PROCEDURES FOR JUVENILES AND MINORS - CUSTODY**

- A. UCPD has established procedures for taking juveniles and minors into custody for both non-criminal behavior and delinquent conduct. Officers will determine whether the juvenile or minor is alleged to have engaged in non-criminal behavior.
1. Officers may take minors into limited custody (see definition), which is not the equivalent of an arrest, under the following circumstances:
    - a. Any minor requiring authoritative intervention (MRAI) requiring crisis intervention shall be transported to the CPD Juvenile Intervention and Support Center (JISC). The Juvenile Intervention and Support Center (JISC) is located at 3900 S. California Avenue. Contact phone is (312) 747-3934. The officer will determine whether the juvenile is alleged to have been harmed or to be in danger of harm. Notification shall be made to the Illinois Department of Children and Family Services (DCFS), as appropriate.
    - b. Any juvenile who has committed a status offense may be taken into limited custody and brought to CPD Juvenile Intervention and Support Center (JISC). Juveniles taken into limited custody for violation of the Zero Tolerance Law will be taken to CPD 2<sup>nd</sup> or 3<sup>rd</sup> District. The JISC does not handle traffic detainees.
    - c. Limited custody should not exceed six hours.
    - d. Youths in limited custody must be kept under continuous visual supervision in an unlocked, multi-purpose room.
    - e. Youths in limited custody may be handcuffed for the purposes of transportation.

2. Youths who meet the statutory requirements as neglected, abused, dependent or addicted minors may be taken into temporary custody with the approval of a supervisor. The officer will determine whether the juvenile is alleged to have been harmed or to be in danger of harm. The officer shall transport the youth to JISC. The officer shall notify the Illinois Department of Children and Family Services (DCFS) as soon as possible. See 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.
  3. Officers are to adhere to the following procedures when taking a juvenile into custody:
    - a. Officers making an arrest, will immediately announce that the juvenile is under arrest, and the charge(s) for which the juvenile was arrested.
    - b. Arresting officers shall advise juvenile arrestees of their Miranda rights.
    - c. Juveniles under arrest shall be transported for detention without unnecessary delay (unless in need of emergency medical attention).
  4. The officer who arrests a juvenile shall immediately make a reasonable attempt to notify the parent or other person legally responsible for the minor's care or the person with whom the minor resides that the minor has been arrested and where he or she is being held. (See 705 ILCS 405/5-405.) Normally, this notification should take place within one hour of the juvenile being taken into custody.
- B. Pursuant to 705 ILCS 405/5-125, juveniles charged with **only traffic offenses** are not subject to the provisions of the Juvenile Court Act **with regard to charging and pre-trial release**. Such juveniles will be charged, via traffic citation(s). Pretrial release for traffic offenses will follow 625 ILCS 5/6-308 and 725 ILCS 5/109-1.
1. Juveniles charged with only traffic offenses, including DUI, shall be taken to CPD 2<sup>nd</sup> or 3<sup>rd</sup> District headquarters.

#### **520.6 CUSTODIAL INTERROGATION OF JUVENILES**

The following procedures are required when conducting a custodial interrogation of a juvenile. These procedures are implemented to protect the constitutional rights of juveniles and to protect the integrity of the interrogation.

- A. Advise the juvenile of their Constitutional rights under the Miranda Decision. An officer will continuously read to the minor, in its entirety and without stopping for purposes of a response from the minor or verifying comprehension, the following statement:

**"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."**

And after reading the statement, the officer shall ask the minor the following questions and wait for the minor's response to each question:

(A) **"Do you want to have a lawyer?"**

(B) **"Do you want to talk to me?"**

705 ILCS 405/5-401.5

- B. The duration of the questioning must be limited to a reasonable period to avoid causing undue stress for the juvenile, not to exceed four hours unless authorized by the State's Attorney's Office.
- C. No more than two officers will be involved in the interrogation, one of whom should be a juvenile police officer.
- D. Custodial interrogations of juveniles will be recorded in compliance with Illinois Statutes 705 ILCS 405/5-401.5 and 725 ILCS 5/103-2.1 (Misdemeanor major sex offenses and all felonies).
- E. Custodial interrogations of juveniles, conducted at a police station or other place of detention, will not include deception by a law enforcement officer or juvenile officer. 705 ILCS 405/5-401.6, 725 ILCS 5/103-2.2.