

## Chapter 7: The Policing Juveniles in Illinois

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(Information in this section is condensed from 705 ILCS 405 unless otherwise noted)

In Illinois, the term “Juvenile police officer means a sworn police officer who has completed a Basic Recruit Training Course, has been assigned to the position of juvenile police officer by his or her chief law enforcement officer and has completed the necessary juvenile officers training as prescribed by the Illinois Law Enforcement Training Standards Board, or in the case of a State police officer, juvenile officer training approved by the Director of the Department of State Police.” (705 ILCS405, 1-3, 17). This training provides law enforcement officers with a basic knowledge of the Juvenile Court Act and other child-related laws, such as child abuse and neglect. In addition, the role of the State's Attorney, courts, and social agencies are discussed. Students are required to achieve a minimum score of 70 percent on a written examination and must be Illinois state, county, or municipal law enforcement officers. The Illinois Juvenile Officers' Association (ILJOA) is an organization consisting of police officers that have specialized training in handling juvenile crime. The organization is also comprised of juvenile justice workers, Department of Children Family Services employees, social service workers, and educators who have a continuing goal of updating members on all the new trends and techniques for handling troubled youth in Illinois. (ILJOA. (2007, March 5) at <http://www.iljoa.com>).

Police officers other than juvenile officers also deal with juveniles and often represent the first contact the juvenile has with the juvenile justice system. Therefore it is crucial that they be aware of the special requirements of the juvenile court act (see Chapter 7). In Illinois, these officers are required to turn juveniles over to certified juvenile officers for processing without unnecessary delay.

Juvenile police officers in Illinois are responsible for ensuring the rights and welfare of minors while ensuring that the Juvenile Court Act is being adhered to when dealing with:

- Delinquent Acts
- Neglect/Abuse/Dependency cases
- Addicted Minors;
- Minors Requiring Authoritative Intervention;
- Missing/recovered juveniles;
- Orders of protection; restraining orders against a juvenile;
- Truancy;
- Child exploitation/pornography/prostitution
- Child abduction.

Juvenile police officers may be assigned to the case of a juvenile offender or victim by:

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

When contacted by a police officer who takes a juvenile into custody or arrests a juvenile, the juvenile police officer will ensure the following actions have been taken:

- The juvenile's parent/guardian has been contacted;

- The parent/guardian has been advised of the custody status of the juvenile and where he/she is being held;
- Notification is given to the DCFS hotline 1-800-252-2873 when required under the Abused and Neglected Children Reporting Act.

The juvenile police officer will also:

- assist the arresting/custodial officer with proper juvenile handling procedures and ensure that the rights of the juvenile are not violated.
- Thoroughly investigate cases assigned and ensure all cases are completed prior to court presentation or referral to a youth service provider agency.

The juvenile police officer may take one or more of the following actions of informal or formal station adjustments after considering certain factors:

- The seriousness of the alleged offense
- The prior history of delinquency of the minor
- The age of the minor
- The culpability of the minor in committing the alleged offense
- Whether the offense was committed in an aggressive or premeditated manner
- Whether the minor used or possessed a deadly weapon when committing the alleged offenses.

The juvenile officer may consider an informal station adjustment when he/she has probable cause to believe that the minor has committed an offense has been established.

In addition, the juvenile police officer may require reasonable conditions in an informal station adjustment which may include but are not limited to:

- Curfew
- Conditions restricting entry into designated geographical areas.
- No contact with specified persons.
- School attendance.
- Performing up to 25 hours of community service hours.
- Community mediation.
- Teen court or a peer jury.
- Restitution limited to 90 days.

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

With an admission of guilt, a formal station adjustment based on discussions with the minor, parents, guardians, or legal custodian may be established. In a formal station adjustment, the minor and parent, guardian, or legal custodian must agree in writing and must be advised of the consequences of violation of any term of the agreement. The agreement must include:

- The offense which formed the basis of the formal station adjustment
- An acknowledgment that the terms of the formal station adjustment and the consequences for violation have been explained
- An acknowledgment that the formal station adjustments record may be expunged under Section 5-915 of the Juvenile Court Act

- An acknowledgment that the minor understands that his or her admission of involvement in the offense may be admitted into evidence in future court hearings
- A statement that all parties understand the terms and conditions of formal station adjustment and agree to the formal station adjustment process.

Conditions of formal station adjustments may not exceed 120 in length during which time the juvenile police officer may require the minor to comply with additional conditions which may include:

- Attending school
- Abiding by a set curfew
- Payment of restitution
- Refraining from possessing a firearm or other weapon
- Reporting to a police officer at designated times and places, including reporting and verification that the minor is at home at designated hours
- Performing up to 25 hours of community service work
- Refraining from entering designated geographical areas
- Participating in community mediation
- Participating in teen court or peer jury
- Refraining from contact with specified persons.

While a formal station adjustment does not constitute an adjudication of delinquency or a criminal conviction, a record of the adjustment is maintained with the Department of State Police.

Juvenile police officers also assist in the collection of intelligence information regarding violent/habitual juvenile offenders, criminal street gangs, drug trafficking and other juvenile groups engaged in criminal activities and maintain on-going liaisons with law enforcement and other service agencies.

With respect to the arrest and processing of delinquents, a police officer may arrest any minor he/she has probable cause to believe is:

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

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

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

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

Immediately make a reasonable attempt to notify the parent, other person legally responsible for the minor's care, or person with whom the minor resides that:

- The minor has been taken into custody
- Where the minor is being held.
- Without unnecessary delay notify a juvenile police officer.
- When appropriate, contact the juvenile probation/intake officer to determine whether secure detention is necessary.
- The minor shall be delivered without unnecessary delay to the court or place designated by the court for reception of minor.
- Except for minors accused of violation of an order of the court, any minor accused of any act under federal or State law, or a municipal or county ordinance that would not be illegal if committed by an adult, cannot be placed in a jail, municipal lockup, detention center, or secure correctional facility. Juveniles accused with underage consumption and underage possession of alcohol cannot be placed in a jail, municipal lockup, detention center, or correctional facility.

Complete a written report.

The juvenile police officer shall:

- Assist the reporting officer in completing the necessary reports;
- Determine if the juvenile should be detained based on:
  - immediate and urgent necessity for protection of the minor or of a person or property of another; or
  - The minor is likely to flee the jurisdiction of the court.
  - If the minor is to be detained, ensure the minor is taken to the place designated by the court for the reception of minors
- Ensure that a juvenile contact record card or form has been complete

When it becomes necessary to arrest a minor he/she will be thoroughly searched for:

- Protection of the officer
- Preventing his/her escape
- Discovering the fruits of the crime
- Discovering any instruments, articles or things which may have been used in the commission of, or which may constitute evidence of any offense
- Female minors should be searched according to department policy.

In the case of delinquents, the arresting officer must immediately make a reasonable attempt to contact parents or other person legally responsible for the minor's care and advise:

- The minor is under arrest and;
  - Where the minor is being held
  - Parents will be notified in all cases when a minor is taken into custody, regardless of the final police disposition.
  - Notify a juvenile police officer for follow-up dispositional purposes per department policy.

If a minor is taken into custody for an offense which would be a misdemeanor if committed by an adult, the law enforcement officer, upon determining the true identity of the minor, may release the minor to the parent or other person legally responsible for the minor's care or the person with whom the minor resides. If so released, the arresting officer shall promptly notify a juvenile police officer of the circumstances of the custody and release.

Whenever a minor is arrested for a crime, or is a runaway, photos may be taken. Such photos in juvenile records may be inspected and disclosed for the purpose of identification or apprehension in the investigation or prosecution of any crime.

In Illinois, a juvenile police officer must be present during the questioning of juvenile offenders as well as when written statements are taken. Further, for purposes of appearing in a physical line-up, the minor may be taken to a county jail or municipal lockup under the direct and constant supervision of a juvenile police officer.

Any law enforcement officer in the state of Illinois may, without a warrant, take into temporary custody a minor whom the officer with reasonable cause believes the minor to be a neglected or abused minor or a dependent minor, who has been adjudged a ward of the court and has escaped from any commitment ordered by the court under the Juvenile Court Act; or who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment or hospitalization or when a warrant has been issued to take the minor into custody. The officer may also remove a child from parents or harmful situations when he/she reasonably believes the child's life, health, or safety would be endangered; and there is not sufficient time to obtain a court order. Further, if the officer reasonably believes a child is abused or neglected, but DOES NOT take custody of the minor because there is no immediate and present danger to the minor, the officer shall:

- Immediately notify DCFS Hotline (1-800-252-2873)
- Complete a report
- Contact the Child Advocacy Center (if available)
- Notify a supervisor and juvenile police officer.

An officer who takes such a minor into custody is required to:

- Immediately make a reasonable attempt to notify the parent or guardian of the minor who is in custody and where he or she is being held.
- Immediately notify the Department of Children and Family Services Hotline at 1-800-252-2873, so that a proper placement decision can be made.
- If the child is in need of medical attention or there are visible signs of abuse, arrange transportation to the nearest hospital
- Have injuries (color) photographed
- Obtain copies of all medical reports available
- Without delay, take the minor to the nearest juvenile police officer
- Notify the Child Advocacy Center if available in your jurisdiction, and follow the appropriate protocol
- Complete a report.

Police procedures for Minors Requiring Authoritative Intervention (MRAI) are somewhat different. For example, a law enforcement officer may, without a warrant, take a MRAI (under 18 years of age) into limited custody for up to 6 hours if the youth is:

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

Taking such a minor into limited custody does not constitute an arrest or a juvenile record. Upon placing a MRAI into limited custody the officer shall:

- Immediately inform the minor of the reason for limited custody
- Make a reasonable effort to contact the parent or guardian and make a "good faith" effort to return the minor to them before contacting the crisis intervention agency.

- If the minor consents, the reporting officer shall make a reasonable effort to transport, arrange for the transportation of, or release the minor to a parent or guardian or custodian.
- Prepare a report.
- Contact a juvenile police officer; and
- If the minor is believed to be neglected, abuse or dependent or in need of medical attention, contact DCFS hotline at 1-800-252-2873
- Notify a crisis intervention agency if:
  - The parents cannot be located
  - The parents refuse to accept the minor back home
  - If the minor refuses to go home.

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

- Assure that the report prepared contains information to support filing a petition
- Complete a Juvenile Contact Card.

If the minor lives an unreasonable distance, or refuses to be taken home and alternative placement cannot be agreed to by the minor and parent/guardian:

- Make arrangements with the nearest crisis intervention agency or, where appropriate, mental health facility
- If crisis intervention services are not available, the minor may be referred to a juvenile probation department.

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

When investigating missing children (325 ILCS 40 Intergovernmental Missing Child Recovery Act), police officers are required to complete Incident reports and make preliminary searches before notifying a juvenile police officer. However, in all cases in which missing juveniles are under 12 years of age, a juvenile police officer shall take charge of the investigation immediately. The following procedures must also be followed under the supervision of the shift commander: In addition to entering the report of a missing child into LEADS all law enforcement agencies shall, upon receipt of a report of a missing child:

- Immediately make a radio dispatch to officers on duty at the time of the receipt of the report. The dispatch shall contain the name and approximate age of the missing child
- In the event that the missing child is not recovered during the work shift in which the radio dispatch was made, the law enforcement agency receiving the report of the missing child shall disseminate information relating to the missing child to all sworn personnel employed by the agency who work or are assigned to other time periods
- Immediately, contact I-SEARCH program personnel designated by the Illinois State Police, by means and in a manner and form prescribed by the Illinois State Police, informing the personnel of the report of the missing child.

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

- One recent photograph of the missing child
- When appropriate, obtain from the parent(s) or person(s) legally responsible for the minor, a signed release permitting the publication and use of information by this department to conduct the necessary investigation

- Ascertain if dental records and medical x-rays are available and where they can be obtained.

Finally, when dealing with addicted minors, a law enforcement officer may, without a warrant, take into temporary custody a minor (21 years and under):

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

Under these circumstances, the officer shall:

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

In keeping with the notion of confidentiality of juvenile court proceedings, the records of law enforcement officers concerning all minors under 17 years of age must be maintained separate from the records of arrests and may not be open to public inspection or their contents disclosed to the public except by order of the court presiding over matters pursuant to the Juvenile Court Act or when the institution of criminal proceedings has been permitted or required, or such a person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for probation or when provided by law.

With certain exceptions, law enforcement officers are also prohibited from transmitting fingerprints or photographs of juveniles arrested or taken into custody prior to their 17<sup>th</sup> birthday to the Department of Corrections and the Department of State Police or to the Federal Bureau of Investigation without a court order. They are allowed to transmit to the Department of State Police copies of fingerprints and descriptions of all minors who have been arrested or taken into custody before their 17<sup>th</sup> birthday for the offense of unlawful use of weapons, a Class X or Class 1 felony, certain forcible felonies and some felonies under the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or Chapter 4 of the Illinois Vehicle Code, pursuant to Section 5 of the Criminal Identification Act.

In order to implement proper juvenile procedures and benefit from theoretical notions concerning prevention, causes, and correction of delinquent behavior and child abuse/neglect, the juvenile police officer must first know proper procedures and understand theories of causation. Since both types of knowledge are specialized, it is important that juvenile police officers receive special training. Specialized training is advantageous for the police, the juvenile, the justice network, the social service network, and the community. The police benefit in terms of creating a more professional image and in terms of efficiency, since mistakes in processing should be reduced. The juvenile benefits in that trained personnel can better carry out the intent of juvenile court acts, which were developed to protect the best interests of the juvenile. The justice system benefits from the proper initial processing of juveniles and abusive adults who are to be processed further in that system. It is essential to reward juvenile police officers who perform well.

The majority of police juvenile contacts result in unofficial dispositions. When trained, competent officers make such decisions, the rights of all parties are better protected. In those cases that require official disposition, further processing is facilitated by proper initial processing. In order to ensure that

police officers handle juvenile cases properly, specialized training programs have been developed and implemented.

### **Review Questions**

1. What requirements must be met in order to become a juvenile police officer in Illinois?
2. What is the major goal of the Illinois Juvenile Officers' Association?
3. What categories of minors are handled by juvenile police officers in Illinois?
4. Under what circumstances can a police officer in Illinois take a minor into custody?
5. Are there special rules for handling juveniles' photographs, fingerprints, and official records in Illinois? If so, what are some of these rules?