

ILLINOIS STATE POLICE DIRECTIVE OPS-037, JUVENILE PROCEDURES

RESCINDS: OPS-037, 2017-048, revised 06-26-2017.	REVISED: 11-06-2019 2019-006
RELATED DOCUMENTS: ADM-135, ENF-005, Juvenile Officer's Manual	RELATED CALEA STANDARDS: 1.1.1, 1.1.3, 1.2.6, 42.1.3, 44.2.3, 44.1.1, 44.1.2, 44.1.3, 44.2.2, 46.1.3., 55.1.1, 55.1.3, 55.2.2, 55.2.3, 61.1.2, 82.1.1

I. POLICY

The Illinois State Police (ISP) will comply with juvenile laws as provided in 705 ILCS 405/1-1 et. seq., the "Juvenile Court Act of 1987" (hereinafter referred to as "the Act"). Acting in the best interest of the juveniles and the community, as defined in the act, the ISP will:

I.A. Retain primary police responsibility for all cases involving minors when the case is initiated or investigated by a department officer and the case involves:

- I.A.1. Delinquent Minors (under age 18)
- I.A.2. Minors requiring authoritative intervention (MRAI) (under age 18)
- I.A.3. Neglected, abused, or dependent minors (under age 18)
- I.A.4. Addicted minors (under age 18)
- I.A.5. Victims and witnesses of a criminal offense (under age 18)
- I.A.6. Status Offenders (under age 18)

NOTE: The case may be referred to another police agency of proper jurisdiction when such referral is in the best interests of the minor. Cases can also be referred to Juvenile Probation when warranted.

I.B. Upon request, ensure the Division of Patrol (DOP) provides juvenile services in support of all divisions within the ISP.

I.C. Ensure all agency components and personnel share the responsibility for participating in or supporting the juvenile operation function.

I.D. Assist in the placement of dependent children of those adults arrested in accordance with the Act.

I.E. Provide juvenile officer services in support of other agencies upon official request.

I.F. Coordinate placement and/or referrals of minors with social service agencies and juvenile probation offices according to their best interests.

I.G. Develop and perpetuate, as appropriate, programs designed to prevent and control juvenile delinquency.

I.H. Invite and encourage review and comments on policies and procedures from other branches of the juvenile justice system when juvenile policies and procedures are being developed or revised.

II. AUTHORITY

II.A. 20 ILCS 2630/0.01 et seq., "Criminal Identification Act"

II.A.1. 20 ILCS 2630/5, "Arrest reports"

II.A.2. 20 ILCS 2630/5.2, "Expungement, sealing, and immediate sealing"

- II.B. 705 ILCS 405/1-1 et seq., “Juvenile Court Act of 1987”
 - II.B.1. 705 ILCS 405/1-7, “Confidentiality of juvenile law enforcement and municipal ordinance violation records”
 - II.B.2. 705 ILCS 405/4-4, “Taking into custody”
 - II.B.3. 705 ILCS 405/4-5, “Addicted Minors: Duty of officer; admissions by minor”
 - II.B.4. 705 ILCS 405/5-170, “Representation by counsel”
 - II.B.5. 705 ILCS 405/5-401.5, “When statements by a minor may be used”
 - II.B.6. 705 ILCS 405/5-905, “Law enforcement records”
 - II.B.7. 705 ILCS 405/5-915, “Expungement of juvenile law enforcement and court records”
 - II.C. 725 ILCS 5/100-1 et seq., “Code of Criminal Procedure of 1963”
 - II.D. 725 ILCS 5/107-2(2), “Arrest by Peace Officer”
 - II.E. 725 ILCS 190/1 et seq., “Privacy of Child Victims of Criminal Sexual Offenses Act”
 - II.F. 725 ILCS 190/3, “Confidentiality of Law Enforcement and Court Records”
- III. DEFINITIONS
- III.A. Minor or Juvenile – any person under 18 years of age.
 - III.B. Delinquent Minor - any minor who, prior to his/her 18th birthday, has violated or attempted to violate, regardless of where the act occurred, any federal, state, county, or municipal law or ordinance.
 - III.C. District/Zone Juvenile Coordinator - person who coordinates all juvenile reporting in the respective work location and acts as liaison between the Statewide Juvenile Coordinator and all Juvenile Officers in that work location.
 - III.D. Miranda Rights for Minors – in accordance with 705 ILCS 405/5-401.5, a specific warning to be read to a Delinquent Minor in its entirety and without stopping prior to a custodial interrogation as follows: “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 will have the right to stop this interview at any time.”
 - III.E. Juvenile Officer - a sworn police officer who has successfully completed a Basic Juvenile Officer Training Course.
 - III.F. Juvenile Officer Program - the statewide program coordinated by the Statewide Juvenile Coordinator, consisting of all District/Zone Juvenile Officers, District/Zone Juvenile Coordinators, and all related functions.
 - III.G. Juvenile Reports - reports, forms, and files that identify juveniles as one of the following: a Delinquent Minor under the age of 18; a minor charged with a status offense; a minor requiring authoritative intervention (MRAI); a dependent, neglected or abused minor; an addicted minor under the age of 18; or a minor who witnessed a criminal offense.
 - III.H. Statewide Juvenile Coordinator - the person designated by the ISP Academy Commander to coordinate the Juvenile Program through program development and training, as well as liaison with District/Zone Juvenile Coordinators.
- IV. PROCEDURES

- IV.A. Officers responding to an incident involving a minor will:
 - IV.A.1. Refer to the ISP Juvenile Manual, ISP 5-445, A Law Enforcement Guide to Handling Juveniles, (available in the ISP Document Library at <https://isp.portal.illinois.gov/generalinfo/Lists/Document%20Library>) and the relevant provisions of the Juvenile Court Act of 1987 for standard operating procedures when dealing with juvenile victims, witnesses, and offenders.
 - IV.A.2. Make notification to an ISP Juvenile Officer and document the notification.
 - IV.A.3. Make a reasonable attempt to contact the juvenile's parent or guardian and document all attempts.
 - IV.A.4. When conducting a custodial/non-custodial interrogation of a minor:
 - IV.A.4.a. Limit the duration of the interrogation to a reasonable amount of time;
 - IV.A.4.b. Offer a reasonable number of breaks to the juvenile; and
 - IV.A.4.c. Limit the number of officers in the interrogation room to two, not including the Juvenile Officer.
 - IV.A.5. When conducting a custodial interrogation of a minor who was under 15 years-of-age at the time of the commission of an act that if committed by an adult would constitute a Homicide or a sex Offense under the Criminal Code of 2012, ensure the minor is represented by counsel throughout the entire custodial interrogation of the minor.
 - IV.A.6. Before conducting a custodial interrogation of a minor the officer shall read the Miranda Rights for Minors Form (ISP 2-692) (available in the ISP Document Library at <https://isp.portal.illinois.gov/generalinfo/Lists/Document%20Library>) in its entirety and without stopping for purposes of obtaining a response from the minor or verifying comprehension.
 - IV.A.7. Upon the completion of reading the Miranda Rights for Minors, the officer will ask the minor the following questions, wait for the minor's response to each question, and document the responses on the Miranda Rights for Minors Form:
 - IV.A.7.a. "Do you want to have a lawyer?"
 - IV.A.7.b. "Do you want to talk to me?"
 - IV.A.8. If the act being investigated is an act that had it been committed by an adult would be a misdemeanor offense under Article 11 of the Criminal Code of 2012 (Sex Offenses, 720 ILCS 5/11-0.1 et seq.) or any felony offense, the officer shall ensure an electronic recording is made of the custodial interrogation and that such recording is substantially accurate and not intentionally altered.
 - IV.A.9. Immediately notify the Illinois Department of Children and Family Services at 1-800-25ABUSE (1-800-252-2873) if the officer has reasonable cause to believe a minor may be neglected, abused, or dependent (see ISP Directive ENF-005, "Neglected, Abused, and Dependent Minors").
 - IV.A.9.a. ISP officers are encouraged to use ISP Juvenile Officers to accomplish this requirement.
 - IV.A.9.b. Information pertaining to questioning or assisting with the placement of dependent children of those arrested will be included in any lock-up report or documentation concerning the incarceration of an arrested person.
 - IV.A.10. Transport the minor, as appropriate.
 - IV.A.11. Responding officers may refer to the ISP Juvenile Manual for further assistance with Juvenile forms and reports.
- IV.B. District/Zone Juvenile Officers will assist the responding officer in:

- IV.B.1. Applying the proper juvenile procedures and ensuring that the minor's rights are protected.
 - IV.B.2. Securing the proper placement for the minor and ensuring the appropriate agencies have been contacted.
 - IV.B.3. Completing the proper reports and documentation in accordance with the Juvenile Court Act of 1987. Juvenile Officers may refer to the ISP Juvenile Manual for further assistance with Juvenile forms and reports.
 - IV.B.4. Explaining agency and Juvenile Justice System procedures to the minor being interrogated.
- IV.C. The ISP Academy Commander will designate a Statewide Juvenile Coordinator who will:
- IV.C.1. Be based in the Academy and provide administrative coordination for the Juvenile Officer Program.
 - IV.C.2. Conduct a quarterly review and written evaluation of all department juvenile enforcement and prevention programs, including the ISP Juvenile Manual.
 - IV.C.2.a. Forward the review/evaluation to the Academy Commander by the 15th of the month following the quarterly review.
 - IV.C.2.b. The review shall be quantitative and include qualitative evaluations of the program.
 - IV.C.3. Review the Juvenile Manual at least biannually, and update it as necessary.
 - IV.C.4. Recommend policies and procedures related to juvenile justice enforcement.
 - IV.C.5. Control and design operating forms related to juvenile services.
 - IV.C.6. Designate liaisons to other agencies involved with juvenile offenders and victims.
 - IV.C.7. Coordinate the Juvenile Officer Training Program.
 - IV.C.8. On a calendar-year basis, conduct juvenile law update training for all District/Zone Juvenile Coordinators.
 - IV.C.9. Coordinate inter-divisional programs.
- IV.D. District/Zone Commanders will:
- IV.D.1. Ensure that policies and procedures for handling cases involving minors and juveniles are implemented and followed.
 - IV.D.2. Ensure a copy of arrest records relating to juvenile cases is maintained in his/her respective District/Zone and are kept separate from adult records.
 - IV.D.3. Designate only certified Juvenile Officers as District/Zone Juvenile Coordinators (if possible), and notify the Statewide Juvenile Coordinator when the District/Zone Juvenile Coordinator changes.
 - IV.D.3.a. It is recommended that personnel already holding a full-time specialist position (Safety Education Officer, Commercial Vehicle Enforcement Officer, etc.) not be designated as a District/Zone Juvenile Coordinator.
 - IV.D.3.b. Juvenile Officers will be used as required by the Act.
 - IV.D.4. Provide Juvenile Officers access to a personal computer and the ISP email system.
 - IV.D.5. Authorize a Juvenile Officer to continue an active case beyond the officer's normal tour of duty when necessary.

NOTE: The necessity for such authorization must be based upon the merits and facts of the specific case.

- IV.E. District/Zone Juvenile Coordinators will:
 - IV.E.1. Oversee respective District/Zone programs.
 - IV.E.2. Assist their District/Zone Commander in implementing juvenile policies and procedures.
 - IV.E.3. Obtain and distribute report forms for use by District/Zone Juvenile Officers.
 - IV.E.4. Check forms and reports for accuracy, completeness, and legibility.
 - IV.E.5. Act as an informational resource for District/Zone personnel.
 - IV.E.6. Oversee the District/Zone juvenile records keeping system.
 - IV.E.7. Identify training needs relative to the District/Zone Juvenile Officer Program, including names of personnel to attend Juvenile Officer training.
 - IV.E.8. On a calendar-year basis, prepare a report about the District/Zone Juvenile Officer Program and forward the report by March 1 to the Statewide Juvenile Coordinator.
 - IV.E.9. Develop a local program to help District/Zone Juvenile Officers maintain proficiency in juvenile law and procedures.
 - IV.E.10. Attend annual meetings held by the Statewide Juvenile Coordinator.
 - IV.E.11. Notify the Statewide Juvenile Coordinator when a change in Juvenile Officer personnel occurs.
 - IV.E.12. Perform other functions and duties as requested by the Statewide Juvenile Coordinator.
 - IV.E.13. On a calendar-year basis, conduct a juvenile law update to all District/Zone Juvenile Officers.
- IV.F. Working agreements with other agencies in the juvenile justice system, should they be needed, must:
 - IV.F.1. Be in writing and should reflect local needs (see ISP Directive ADM-135, "Contractual Agreements for Law Enforcement Services").
 - IV.F.2. Be reviewed and approved initially, and every 12 months thereafter, by the appropriate DOP or Division of Criminal Investigation (DCI) Region Commander and the Deputy Director of that Division, with copies to the Statewide Juvenile Coordinator.
- IV.G. Juvenile Records
 - IV.G.1. Juvenile records will be maintained and filed:
 - IV.G.1.a. Separately from non-juvenile records.
 - IV.G.1.b. Within confidentiality requirements provided by the Act.
 - IV.G.2. Records retention and disposal
 - IV.G.2.a. For Cook County cases, retain records until either the subject's 80th birthday or their death provided all necessary audits have been completed under the supervision of the Auditor General and no litigation is pending or anticipated, then disposal of the records may be completed.
 - IV.G.2.b. For cases outside of Cook County, retain records for one (1) year after the subject reaches legal age provided all necessary audits have been completed under the supervision of the Auditor General and no litigation is pending or anticipated, then disposal of the records may be completed.

| Indicates new or revised items.

-End of Directive-