



ROCKFORD POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 40.38

TITLE: Habitual and Serious Offenders

SERIES NUMBER: 40

SERIES TITLE / SUBJECT: Law Enforcement Operations

TOPICS/ REFERENCE: Criminal, Delinquent, Habitual,

APPENDICIES: None

ORIGINAL / EFFECTIVE ISSUE DATE: March 18, 2009

DATE OF LAST REVISION: May 01, 2013

THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RESCINDED

CALEA STANDARDS: 42.1.5

Policy:

It is the policy of the Rockford Police Department to identify persons who have exhibited a tendency towards criminal behavior, and to identify all cases in which this person is a party. The Department will cooperate with the State's Attorney's office and social services agencies in obtaining vigorous prosecution and/or determining diversionary solutions to the problem.

Purpose:

The purpose of this Order is to establish criteria for the identification of habitual and serious offenders and to provide for the notification of the proper prosecuting authority.

These guidelines are not meant to be all-inclusive, since each incident must be dealt with on an individual basis, but are intended as broad guidelines to assist the employees and supervisors involved.

This Order is comprised of the following numbered sections:

- I. DEFINITIONS
- II. IDENTIFYING THE HABITUAL OFFENDER
- III. NOTIFICATION TO PROSECUTING AUTHORITY
- IV. EFFECTIVE DATE
- V. REVIEWS, REVISIONS AND CANCELLATIONS

I. Definitions:

- A. Habitual Juvenile Offender: Any minor having been twice adjudicated a delinquent minor for offenses which, had they been prosecuted as an adult, would have been felonies and who is thereafter adjudicated a delinquent minor for a third time shall be adjudged an Habitual Juvenile. Criteria set forth in 705

ILCS 405/5-815 must be met.

- B. Habitual Criminal: Every person who has been twice convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class X felony, criminal sexual assault, aggravated kidnapping or first degree murder, and is thereafter convicted of a Class X felony, criminal sexual assault or first degree murder, committed after the 2 prior convictions, shall be adjudged an habitual criminal (720 ILCS 5/33B-1).
- II. Identifying the Habitual Offender:
- A. When a person is arrested inquiries into the person's background for the possibility of prior criminal history are to be made. This is done through LEADS, NCIC and CCH (Computerized Criminal History).
 - B. If in the course of these inquiries, the arrestee is identified as a habitual offender the arresting officer will document this in the case report. This will notify the States Attorney's Office the arrestee is to be prosecuted to the fullest extent of the law and should not be extended concessions or special considerations that might otherwise be granted to a first time offender.
- III. Notification to Prosecuting Authority:
- A. When a habitual offender is identified, the appropriate prosecuting authority will be notified prior to the initiation of prosecution. Assistance with case preparation may be requested at that time.
- IV. Effective Date:
- A. The Department's policy on Habitual and Serious Offenders became effective on March 18, 2009.
- V. Reviews, Revisions, and Cancellations:
- A. This General Order will be reviewed annually by the Commander of the Investigative Services Bureau and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order *10.01 – Written Directives*.
 - B. Any employee with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to the Commander of the Investigative Services Bureau.

BY ORDER OF

_____/_____/_____
Chet Epperson
Chief of Police