ROCKFORD POLICE DEPARTMENT GENERAL ORDER - NUMBER 40.10 -	DISTRIBUTION ALL PERSONNEL	PAGE 1 OF 22

ORDER TITLE	SERIES NO.	SERIES TITLE / SUBJECT
JUVENILE PROCEDURES	40	LAW ENFORCEMENT OPERATIONS

TOPICS / REFERENCE	APPENDICES
Delinquent, Juveniles, Minors, Missing Juveniles, Runaways, Status Offender	None

EFFECTIVE / ORIGINAL ISSUE DATE	REVISION / REISSUE DATE	EXPIRATION DATE
December 9, 1981	February 14, 2011	This order remains in effect until revised or rescinded

CALEA (5th Edition Standards)
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POLICY

It is the policy of the Rockford Police Department to develop programs designed to prevent and control juvenile delinquency and to enforce the laws with regard to juvenile offenders in a fair and impartial manner. It is also the policy of the Rockford Police Department to investigate all reports of missing or unidentified juveniles.

PURPOSE

The purpose of this Order is to establish guidelines and procedures concerning the handling of juvenile offenders, status offenders and other juveniles that come under police jurisdiction.

This Order is comprised of the following numbered sections:

I. DEFINITIONS
II. DEPARTMENT POLICIES CONCERNING JUVENILES
III. DAYTIME CURFEW VIOLATIONS UNDER CITY ORDINANCE
IV. NIGHTTIME CURFEW VIOLATIONS UNDER CITY ORDINANCE
V. HANDLING MINORS REQUIRING AUTHORITATIVE INTERVENTION (MRAI)
VI. HANDLING OF CIVIL AND CRIMINAL CUSTODY COMPLAINTS
VII. HANDLING NEGLECT AND ABUSE CASES
VIII. TRAFFIC ARRESTS
IX. INVESTIGATIONS IN SCHOOLS
X. JUVENILE ARREST RECORDS
XI. MISSING JUVENILES
XII. GENERAL PROCEDURES
XIII. COORDINATION WITH JUVENILE JUSTICE SYSTEM
XIV. ANNUAL PROGRAM REVIEW
XV. EFFECTIVE DATE
XVI. REVIEWS, REVISIONS AND CANCELLATIONS

I. DEFINITIONS

A. Abused Minor: Any minor under 18 years of age whose parent or immediate family member; or any person responsible for the minor's welfare; or any person who is in the same family or household as the minor; or any individual residing in the same home as the minor or a paramour of the minor's parent:

1. Inflicts, causes to be inflicted or allows to be inflicted upon such minor physical injury by other than accidental means which causes death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function; or
2. Creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health or loss or impairment of any bodily function; or
3. Commits or allows to be committed any sex offense against such minor, as such sex offenses are defined in the Criminal Code of 1991 (***720 ILCS 5/1-1 et seq***.), and extending those definitions of sex offenses to include minors under 18 years of age; or
4. Commits or allows to be committed an act or acts of torture upon such minor; or
5. Inflicts excessive corporal punishment; or
6. Whose environment is injurious to the minor's welfare (***705 ILCS 405/2-3***)

B. Addicted minor: Any minor who is an addict or an alcoholic as defined in the Minor Alcoholism and Other Drug Dependency Act (***20 ILCS 305/1-101 et seq***.) as now or hereafter amended (***705 ILCS 405/4-3***).

C. Adult: A person 21 years of age or older.

D. AMBER Alert: Information released to the public by participating electronic news media regarding the abduction of a child whose life may be in danger.

E. Child: Any person under the age of 14 years.

F. Court Order: An order of an Illinois Court having jurisdiction over the person of the child.

G. Custody (Limited): A law enforcement officer may, without a warrant, take into limited custody a minor the law enforcement officer reasonably determines is:

1. Absent from home without consent of the minor's parent, guardian or custodian; or
2. Beyond the control of his or her parent, guardian or custodian in circumstances that constitute a substantial or immediate danger to the minor's physical safety.

NOTE: Limited custody shall not exceed 6 hours from the time of the minor's initial contact with the officer.

H. **Custody (Temporary Protective):** The taking of a minor into custody by a law enforcement officer without a warrant when:

1. The officer has probable cause to believe the minor is abused, neglected or dependent; or
2. The minor is adjudicated a Ward of the Court and has escaped commitment ordered by the court; or
3. The minor is found on any street or public place suffering from any sickness or injury requiring any medical treatment or hospitalization.

NOTE: When a minor is taken into **Temporary Protective Custody t**he law enforcement officer shall immediately notify the Department of Children and Family Services by contacting either the central register established under part 7.7 of the Abused and Neglected Child Reporting Act or the nearest Department of Children and Family Services office. If there is reasonable cause to suspect that a minor has died as the result of abuse or neglect, the law enforcement officer shall immediately report such suspected abuse or neglect to the appropriate medical examiner or coroner.

Temporary custody shall not exceed 6 hours from the time of the minor's initial contact with the officer.

I. **Dependent Minor:** Any minor under 18 years of age:

1. Who is without a parent, guardian or legal custodian; or
2. Who is without proper care because of the physical or mental disability of his parent, guardian or custodian; or
3. Who is without proper medical or other remedial care recognized under state law or other care necessary for his or her well being through no fault, neglect or lack of concern by his parents, guardian or custodian, provided that no order may be made terminating parental rights, (nor may a minor be removed from the custody of his or her parents for longer than 6 months, pursuant to an adjudication as a dependant minor under this subsection); or
4. Who has a parent, guardian or legal custodian who with good cause wishes to be relieved of all residual parental rights and responsibilities, guardianship or custody and who desires the appointment of a guardian of the person with power to consent to the adoption of the minor under ***705 ILCS 405/2-29*** of the Illinois Compiled Statutes.

J. **Delinquent Minor:** Any minor who prior to his or her 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or state law, county, or municipal ordinance, AND any minor who prior to his or her 18th birthday has violated or attempted to violate, regardless of where the act occurred, any federal, state, county, or municipal law or ordinance classified as a MISDEMEANOR offense.

K. **Detention:** Any minor taken into temporary custody, where there is reasonable cause to believe that the minor is a delinquent minor, and:

1. Secured custody is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another; or

2. The minor is likely to flee the jurisdiction of the court; or

3. The minor was taken into custody under a warrant.

L. **Emancipated Minor:** Any minor 16 years of age or over who has been completely or partially emancipated under the "Emancipation of Minors Act."

M. **Guardianship:** The duty, authority and responsibility, subject to residual parental rights of the minor, to make important decisions in matters of a minor having a permanent effect on the life and development of the minor and to be concerned with his or her general welfare.

N. **Interim Crisis Intervention Service:** A local agency that is under contract with the Department of Children and Family Services to provide crisis intervention services to handle minors who are runaways and Minors Requiring Authoritative Intervention (M.R.A.I.).

O. **Juvenile:** Any person under the age of 18.

P. **Juvenile Court:** As defined within 705 ILCS of the Illinois Compiled Statutes.

Q. **Juvenile Police Officer:** A sworn police officer that has completed a basic recruit training course and has completed the necessary juvenile officers training as prescribed by the Illinois Law Enforcement Training Standards Board.

R. **Minor:** A person under the age of 21 years subject to the Juvenile Court Act. (***705 ILCS 405/1-3 (10)***)

S. **Minor Requiring Authoritative Intervention (MRAI):** Any minor under 18 years of age who is:

1. Absent from home without consent of parent, guardian or custodian, or beyond the control of his or her parent, guardian or custodian, or in circumstances which constitute a substantial or immediate danger to the minor's physical safety; and

2. After being taken into limited custody for the period provided for in this section and offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement.

T. **Missing Juvenile:** A minor 17 years of age and under who has failed to return home and is missing under what appears to be suspicious circumstances. Also see Minor Requiring Authoritative Intervention (MRAI).

U. **Neglected Minor:** Any minor under 18 years of age whose parent or any other person responsible for the minor's welfare;

1. Does not provide the proper or necessary support and education as required by law; or

2. Does not provide proper medical or other remedial care recognized under state law as necessary for a minor's well-being, including adequate food, clothing and shelter; or

3. Is abandoned by his or her parents or other person responsible for the minor's welfare; or
4. Is located in an environment that is injurious to the minors welfare; or
5. Any infant who was born drug exposed not as a result of medical treatment; or
6. Any minor under 14 whose parent or other person responsible for the welfare of the minor leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety or welfare of the minor based on factors in ***705 ILCS 405/2-3 (d)*.**

V. **Parent:** The father or mother of a child to include any adoptive parent. It also includes the father whose paternity is presumed or has been established under the law of this or another jurisdiction. It does not include a parent whose rights in respect to the minor have been terminated in any manner provided by law.

W. **Residual Parental Rights:** Those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the minor, including, but not limited to, the right to reasonable visitation, the right to consent to adoption, the right to determine the minor's religious affiliation and the responsibility for his support.

X. **Runaway:** A minor 17 years of age or under who is absent from home without parental consent.

Y. **Station Adjustment:** A diversionary intervention procedure where a delinquent minor, who is alleged to have committed a misdemeanor offense, is informally interviewed by a Juvenile Officer. Station adjustments will not be used when the delinquent minor is formally or informally on probation at the time of the offense or:

1. The offense is a crime involving the use of drugs or alcohol; or
2. The offender possessed a weapon during the offense.

NOTE: Juvenile Probation shall receive a copy of the report in which the station adjustment was documented

Z. **Status Offense:** An act or conduct declared by statute to be an offense, but only when committed or engaged in by a juvenile, that can be adjudicated only by a juvenile court. Examples include violation of curfew, truancy, runaways, underage drinking, etc. Status offenders **CANNOT** be held securely in Juvenile Detention or the Winnebago County Jail.

II. DEPARTMENT POLICIES CONCERNING JUVENILES

A. **Responsibilities** – The responsibility for maintaining a positive relationship with juveniles and supporting the Department's juvenile operations function will be shared by every member of this Department. It shall be the responsibility of all sworn personnel of this Department to maintain a working knowledge of the Juvenile Court Act, ***705 ILCS 405*** of the Illinois Compiled Statutes, as it pertains to juveniles, to follow the Department's policies, procedures, and regulations

regarding juveniles and to familiarize themselves with the various support programs utilized. Each member of the Department is responsible for:

1. Discovery of delinquency.
2. Investigation of delinquency and cause of delinquency.
3. Protection of juveniles.
4. Delinquency prevention.

B. Determining Harm or Allegations of Harm

1. When dealing with all minors under the age of 18 officers are to check if the minor is harmed or in danger of being harmed. Officers should determine the following:
   a. If there are visible signs of injury to the minor.
   b. If the minor appears to be ill or in distress.
   c. The validity of any complaints of illness or injury made by the minor
   d. If the environment the minor is in is determined to be unsafe.
2. When the officer determines any of the situations listed in section **II. B. 1. a. - d.** exist the officer will take the appropriate action to include, but not limited to, transporting the minor to the nearest hospital or removing the minor from the unsafe environment.
3. If a minor is removed from a dangerous environment or transported to a hospital a Juvenile Officer must be notified. Depending on the situation, I.C.I.S. or D.C.F.S must be notified as well.

C. Juvenile Arrest Policy – When information of an offense by a juvenile or a condition dangerous to a juvenile's well-being is brought to the attention of a police officer, such officer shall make, or cause to be made, a complete investigation of the complaint and the person or situation complained of, to determine whether or not the juvenile shall be arrested, and/or the information submitted for subsequent follow up investigation by the Youth and Sex Crimes Unit of the Investigative Services Bureau.

1. Officers are encouraged to use the least coercive alternative to arrest when possible. The following is a summary of authorized alternatives to arrest
   a. Release of juvenile to parent or guardian with no further action;
   b. Voluntary participation with a social service agency;
   c. Station adjustment without court referral;
   d. Juvenile taken to Juvenile Assessment Center for counseling.
2. Traffic Citations and Notice to Appears, when used within in the guidelines of General Order ***1.15 - Arrests and Alternatives to Arrest***, are recommended in lieu of taking the minor into custody.

3. In determining the proper alternative action to be taken, an officer must consider several factors in the process. Those factors that should be considered include, but are not limited to:

   a. The nature of the alleged offense;

   b. The age and circumstances of the alleged offender;

   c. The alleged offender's criminal history and past police contacts;

   d. The availability of community based rehabilitation programs;

   e. Cooperativeness of the juvenile and the parents or guardian;

   f. Any other factors that might affect the juvenile.

4. Juveniles who are involved in misdemeanor offenses and who have no prior criminal record may, at the discretion of the officer, be diverted from the standard arrest routes. The officer, with the cooperation of the parent or guardian, may request the juvenile to comply with behavior modification rules at home. The officer may also explain the juvenile justice system and offer a stern warning. Compliance with these diversions may result in the officer not filing charges against the juvenile.

5. Juveniles must be referred to the court system when any of the following criteria are met, unless justifiable circumstances, such as those listed in **II. C. 3.,** dictate an alternative course of action:

   a. All felonies;

   b. All cases where a weapon is involved;

   c. All gang related crimes;

   d. All crimes against a person;

   e. Any crime committed while the juvenile is on probation or when there is a case pending against the juvenile in court;

   f. All repeat delinquent acts that have occurred within the preceding 12 months;

   g. Juveniles who have been selected for a diversion program but have refused to participate; or

   h. Cases in which it has been determined that parental supervision is not effective.

6. A law enforcement officer may, without a warrant, take into temporary custody a minor;

   a. Whom the officer, with probable cause, believes to be a Delinquent Minor as described in **Section I. J.**; or

   b. Who has been adjudicated a ward of the court and has escaped from any commitment ordered by the court under the Juvenile Court Act; or

c. Who is found in any street or public place suffering from any sickness or injury, which requires care, medical treatment or hospitalization; or

d. When the officer reasonably believes the minor has violated a condition of his probation or supervision ordered by the court.

7. Whenever a petition has been filed and the court finds that the conduct and behavior of the minor may endanger the health, person, welfare or property of himself or others; or that the circumstances of his home environment may endanger his health, person, welfare or property of himself or others; a warrant may be issued immediately to take the minor into custody.

D. Juvenile Procedures and Detention Policy - The detention of juveniles is protective in nature, not punitive. Officers are encouraged to either station adjust juveniles or to release directly to Winnebago County Juvenile Assessment Center**.**

1. When any delinquent minor is taken into custody for committing a felony or serious misdemeanor (e.g., weapon violation, sex offense), the arresting officer shall notify their supervisor who will then contact the Youth and Sex Crimes Unit's Supervisor. When handling a minor involved in less serious misdemeanors, the officer(s) shall bring the minor to the Juvenile Assessment Center for processing. If the Juvenile Assessment Center is closed the minor shall be released to their parents or other responsible adult. When handling a minor involved in a status offense violation the officer(s) shall take the minor to the Juvenile Assessment Center. If the Juvenile Assessment Center is closed the minor shall be released to his/her parents or other responsible adult.

a. When a minor is delivered to the Winnebago County Detention Facility or the Juvenile Assessment Center, the officer transporting the minor shall complete the intake form including the probable cause section.

b. For all those minors who are not taken to the Juvenile Assessment Center and a report is made, the Youth and Sex Crimes Unit will have the responsibility for any follow-up investigation that may be necessary in the case.

c. In the event of any problem with this procedure, it will be brought to the attention of the Youth and Sex Crimes Unit Supervisor. The Youth and Sex Crimes Unit Supervisor will then contact the Supervisor of the Juvenile Probation Department for discussion and resolution of the problem.

2. Parents or guardians of an arrested juvenile who have questions regarding the juvenile justice system should be referred to the Winnebago County State's Attorney Office, Juvenile Section of the Family Division.

E. Place of Detention - If the minor taken into custody must be detained, is delinquent (charged with an offense) and under the age of 17 years, he shall be detained at the Winnebago County Juvenile Detention Center.

1. Parole violators who are under the age of 17 will NOT be detained in the Winnebago County Jail unless determined by juvenile authorities that it is necessary. A parole violator, 17 years of age and older, shall be detained in the Winnebago County Jail.

2. If the minor is arrested on a warrant and is 17 years of age or older the minor shall be lodged in the Winnebago County Jail.

3. If the minor is under 17 years of age at the time of the offense and has subsequently turned 17 years old but no warrant has been obtained an officer can arrest and release the minor to parents or other responsible adult.

F. Special Procedures When Dealing With 17 Year Olds Charged With a Criminal Offense – 17 year olds charged with **ONLY** misdemeanor offenses shall be treated as juveniles for the purpose of arrest and processing. 17 year olds charged with a felony offense shall be treated as an adult for the purpose of arrest and processing.

1. An Assistant State's Attorney shall be contacted for authorization on any FELONY charges for any arrested person who is 17 years of age

2. All 17 year olds charged with a traffic offense shall be treated as an adult.

G. Juvenile Interrogation – When a juvenile is interrogated, while in custody, the following shall apply. See section **IX. B. 3** for information on interviewing juveniles while in school.

1. The juvenile will be advised of their constitutional rights prior to the interrogation.

2. The officer or investigator will take into account the age and severity of the crime during an interrogation. The interrogation itself will not be excessively long. If the interrogation is longer than one hour, the juvenile will be given the opportunity for a restroom break, water, and/or something to eat if requested.

3. No more than two (2) officers or investigators will be present during the interrogation of a juvenile.

4. At some point during the interrogation process, the officers or investigators will try to answer any questions the juvenile or his/her parent(s) may have and explain the juvenile justice procedures, as it applies to the situation involving the juvenile and their parent(s).

H. Status Offender – An officer who takes a juvenile into custody for a status offense (e.g., curfew, truancy, runaways, underage drinking):

1. Limit custody to less than 6 hours.

2. Contact the juvenile's parent(s), legal guardian or custodian and release the minor to them.

   a. If the juvenile refuses to stay at his place of residence or a parent, legal guardian or custodian refuses to allow the minor to remain there, the officer will notify an interim crisis intervention service,

such as the *Crisis Intervention Youth Services Network* (24 hour hotline 815-986-1953) and arrange a meeting with a youth services case worker. The youth services caseworker will take custody of the minor.

3. Complete an incident report documenting all actions taken and whom the minor was released to.

I. **Prevention Programs** – In addition to the Department's enforcement and crime prevention efforts in the adult community, it is the commitment of the Department to develop and perpetuate programs designed to prevent and control juvenile delinquency.

1. In the past the Department has participated in these juvenile programs:

   a. Rockford Youth Police Academy.

   b. Police on Your Street.

   c. PB&PA Cops and Bobbers.

   d. PB&PA RCops.

2. The Department will continue participation in these programs and develop or assist in developing additional programs.

III. DAYTIME CURFEW VIOLATIONS UNDER CITY ORDINANCE

A. Rockford City Ordinance 19-28.5 established a daytime curfew. The general rule is that any person under 18 years of age is prohibited to remain in any public place or on the premises of any establishment during daytime curfew hours. The restrictive hours are:

1. 9:30 a.m. to 2:00 p.m. Monday through Friday

B. **The following exceptions to the general rule exist:**

1. The school in which the minor is enrolled is not in session (e.g., Spring break, summer vacation).

2. The school in which the minor is enrolled is on a holiday observed by the closure of classes.

3. The minor has graduated from high school or received a high school equivalency certificate.

4. The minor has permission to be absent from school or be in a public place or on the premises of any establishment from an authorized school official.

   a. In the case of a minor who is enrolled in a private school at home, a parent of such minor shall be deemed a school official.

   b. It shall not be a defense to a violation of daytime curfew that the minor is suspended or expelled from school.

5. The minor is accompanied by his/her parent or guardian or other person in custody or control of the minor.

6. The minor is on an errand at the direction of his/her parent or guardian, without any detour or stop.

7. The minor is in a motor vehicle involved in interstate travel.

8. The minor is engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop.

9. The minor is involved in an emergency.

10. The minor is on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, as long as the neighbor did not complain to the Police Department about the minor's presence.

11. The minor is attending an official school, religious or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization or another similar entity that takes responsibility for the minor.

12. The minor is going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization or another similar entity that takes responsibility for the minor.

13. The minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.

14. The minor is married or had been married or is an emancipated minor under the Emancipation of Minors Act.

C. **Enforcement -** Before taking any enforcement action under this section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances no defense in section **III. B. 1-13**. is present.

IV. NIGHTTIME CURFEW VIOLATIONS UNDER CITY ORDINANCE

A. The general rule under City of Rockford Ordinance 19-28 is a person less than 18 years of age is prohibited from being present at or upon any public assembly, building, place, street or highway during certain hours. The restricted hours are as follows:

1. Between 12:01 A.M. and 6:00 A.M. Saturday and Sunday.

2. Between 11:00 P.M. on Sunday to Thursday inclusive and 6:00 A.M. of the next day.

3. In simpler terms as far as times, minors can be out until 12:00 A.M. Friday and Saturday nights, and 11:00 P.M. on all other nights.

B. The following exceptions to the general rule exist:

1. The minor is accompanied and supervised by a parent, legal guardian, custodian, sibling, stepbrother or stepsister at least eighteen (18) years of age; or

2. The minor is accompanied and supervised by another responsible person at least twenty-one (21) years of age and approved by parent or legal guardian; or

3. The minor is engaged, participating in, going to, or returning from, without any detour or stop:

   a. Employment which the laws of this state authorize a person the minor's age to perform; or

   b. A school sanctioned activity; or

   c. A religious event; or

   d. An emergency involving the protection of a person or property from an imminent threat of serious bodily harm or substantial damage; or

   e. An activity involving the exercise of the minor's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3, 4, and 5 of the Constitution of the State of Illinois, or both, such as the free exercise of religion, freedom of speech, political activity and the right of assembly; or

   f. An activity conducted by a non-profit or governmental entity that provides recreation, education, training or other care under the supervision of one (1) or more adults; or

   g. In a motor vehicle involved in interstate travel.

4. The minor is married or had been married or had disabilities of minority removed in accordance with Illinois law.

C. Prohibited places - The place from which minors are prohibited should be interpreted broadly. Any place where the general public is allowed entry, whether by admission, charge or otherwise, should be considered within the meaning of public assembly, building or place.

1. The place need not be publicly owned and operated.

2. A curfew violation can occur even though the minor is on privately owned property.

D. Enforcement - Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place.

1. Once the officer has determined a violation has occurred a citation may be issued.

E. **Parental Responsibility -** It is also unlawful for a parent, legal guardian or other person to knowingly permit a person in their custody to violate this ordinance.

1. For the minor to be out after curfew, the minor must be **accompanied and supervised** by the parent, legal guardian or other person of age.

2. For the minor to qualify under the exception that he is accompanied by another person at least 21 years of age, there must be parental approval in advance and not after the fact that an arrest has been made. Parental consent can be given only in advance.

V. HANDLING MINORS REQUIRING AUTHORITATIVE INTERVENTION (MRAI)

A. When an officer takes into custody a minor he/she believes to be an MRAI, the officer shall:

1. Make a reasonable effort to contact the parent(s), guardian or legal custodian and make a "good faith" effort to return responsibility to them before contacting an interim crisis intervention service.

   a. If the minor consents, the officer shall make a reasonable effort to transport or arrange for transport to release the minor to the parent, guardian or legal custodian. The officer may meet the parent, guarding or legal custodian at a specified location.

2. Unless the officer is a certified juvenile police officer, the officer taking the minor into custody must notify a juvenile police officer of the limited custody.

3. The officer shall ensure that the limited custody of the minor shall not exceed six (6) hours.

4. The officer shall complete an incident report documenting the actions taken and whom the minor was released to.

B. **Crisis Intervention Youth Services (CIYS)**

1. A youth services caseworker will be contacted from the callback calendar provided by the intervention services (CIYS) office. Such callback calendars will be maintained in the Investigative Services Bureau, the Communications Center and the Patrol Shift Commander's Office. CIYS will not accept a juvenile charged with a delinquent act or where there is a pending investigation for abuse or neglect being conducted by the Rockford Police Department.

2. A youth services caseworker will then come to the Rockford Police Department and assume charge of the child.

3. The facilities of the Rockford Police Department will be made available to the youth services caseworker to conduct any necessary interviews.

4. It will be the responsibility of the officer to contact a parent, guardian or other relative and to advise them who has custody of the child and that a youth services case worker will be in contact to arrange an **IMMEDIATE** conference.

C. **Wards of the Department of Child and Family Services (D.C.F.S.) -** If the child is a ward of D.C.F.S., that department will be contacted and a caseworker from that department will then take charge of the child.

D. **Out-of-state Runaways -** Out-of-state runaways apprehended by the Rockford Police Department will be turned over to an I.C.I.S. caseworker unless there is a court order on file from the state from which the minor ran. A Teletype message confirming this court order must accompany the order and the minor to Juvenile Detention for the purpose of detaining the minor. If it is thought that an out-of-state runaway may flee from an I.C.I.S. caseworker or from an I.C.I.S. home, the Chief Probation Officer or on-call caseworker should be contacted and may then authorize detention.

E. **Illinois runaways from counties other than Winnebago -** Any runaway reported missing from a county of Illinois other than Winnebago County may be handled using the procedures outlined above for out-of-state runaways.

VI. HANDLING OF CIVIL AND CRIMINAL CUSTODY COMPLAINTS

A. The purpose of this section is to clarify the responsibilities and limitations of members of the Rockford Police Department when dealing with child custody complaints.

B. **Civil Custody Complaints -** When a member of the Department is assigned or comes upon a situation where the question of legal custody of a child is raised, the following guidelines should be followed:

1. If the person claims to have a court order granting them custody, ask to inspect it and note the issuing court, the date, the child or children's names and the name of the person granted custody. If custody was granted in Winnebago County, copies may be obtained from the Clerk's Office during normal business hours. It would be prudent to ask for identification from this person. This information should be included in any report prepared on the case.

2. Accompany the person to the place or residence where the child or children are alleged to be and ask if they are in fact there.

3. If they are there, allow the person given the court order to request that they be given up to his or her custody.

4. If the person having physical control refuses to release the child or children, officers are **NOT** to take coercive action either physically or verbally to retrieve the child or children, as long as the child is in no danger. At this point, it would be proper to advise the complainant to contact his or her attorney and the issuing court for further directions.

5. The above policy will be followed unless the investigating officer(s) feel, based on probable cause, that the child or children are being endangered, abused or neglected. At this junction it has shifted from a civil matter to a criminal case and should be investigated as such.

a. If this situation exists, under **NO** circumstances should the child or children be given to the other parent or guardian.

b. The child or children are to be put under protective custody for further disposition by the formal court. Department of Children and Family Services (D.C.F.S.) shall be notified as soon as possible.

6. If an officer comes upon a situation where the question of legal custody of a child enters the area of being a criminal matter the officer shall notify a supervisor. The offense of Child Abduction includes situations in which a person, with intent to violate a court order awarding custody of a child to another:

a. Removes the child from Illinois without consent of the person lawfully having custody of the child; or

b. Conceals the child within the State of Illinois.

7. In all cases, a detailed report must be prepared stating the circumstances of the incident.

VII. HANDLING NEGLECT AND ABUSE CASES

A. The primary purpose of a police investigation of suspected child abuse or neglect is the protection of the child. A police officer has both the authority and the responsibility to immediately take into protective custody any children who are found in a situation where they are likely to be subjected to violence, injury or where willful or negligent failure to provide proper care for a child is indicated. The thoroughness required in such an investigation may only be achieved when joint cooperation is maintained between personnel of D.C.F.S. and members of the Rockford Police Department.

B. Child Abuse

1. **"Abused Child"** means a child whose parent or immediate family member or any person responsible for the child's welfare or any person residing in the same home as the child, or a paramour of the child's parent:

a. Inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, or impairment of physical or emotional health, or loss or impairment of any bodily functions; or

b. Creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of bodily function; or

c. Commits or allows to be committed any sex offense against any child under 18 years of age; or

d. Commits or allows to be committed an act or acts of torture upon such child; or

e. Inflicts excessive corporal punishment.

2. Investigation of Child Abuse.

a. The investigation of child abuse will ordinarily begin with the assignment of a Patrol Officer and a Patrol Supervisor. In cases of a serious nature, the Youth and Sex Crimes Unit Supervisor will be notified.

b. In cases being investigated in a home, a doctor's office or emergency medical facility, photographs will **always** be taken of any visible injuries.

1. The officer shall request photographs to be taken by an Identification Officer.

2. If an Identification Officer is not available then a Department issued digital camera may be used.

c. A written description of the injuries and a general statement from any attending physician should be collected.

d. If a known instrument was used to inflict an injury, the instrument should be treated as evidence.

e. If great bodily harm or death has occurred and the officer is not at the scene of occurrence, an additional unit should be dispatched immediately to preserve the crime scene and to attempt to identify and record the identity of any witnesses.

1. In the event of a death investigation, the Youth and Sex Crimes Unit Supervisor **shall** be notified.

f. If during the course of an investigation, the officer determines a need exists to take a child into protective custody and the child is not hospitalized, the officer assigned will notify a caseworker from D.C.F.S. This will also include sexually abused children who may be in danger of further abuse if returned to the home.

C. Child Neglect

1. **"Neglected Child"** means any minor, under 18 years of age, whose parent, guardian or person responsible for the minor's welfare;

a. Does not provide the proper or necessary support and education as required by law; or

b. Does not provide proper medical or other remedial care recognized under state law as necessary for a minor's well-being, including adequate food, clothing and shelter; or

c. Is abandoned by his or her parents, guardian or other person responsible for the minor's welfare; or

d. Is located in an environment that is injurious to the minors welfare; or

e. Any infant who was born drug exposed not as a result of medical treatment; or

f. Any minor, under 14 years of age, whose parent, guardian or other person responsible for the welfare of the minor leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety or welfare of the minor; or

g. Any minor who has been provided with interim crisis intervention services and whose parent, guardian or custodian refuses to permit the minor to return home unless the minor is an immediate danger to themselves or others living in the home.

2. Investigation of Child Neglect.

a. The investigation of child neglect will ordinarily begin with the assignment of a Patrol Officer.

b. In most cases of neglect the child generally will not have to be removed from the home.

c. In cases of serious neglect or danger to the child, a Police Supervisor must be notified. At the discretion of the officer, D.C.F.S. may be called to take the child into protective custody.

VIII. TRAFFIC ARRESTS

A. The following procedures will be adhered to when dealing with juvenile traffic offenders:

1. Under age 13 – Offenders less than 13 years of age will be handled by the Juvenile Court System. The minor is to be taken to the Juvenile Assessment Center. If the Juvenile Assessment Center is closed, the minor is to be released to their parent or guardian. The parent or guardian is to be notified of the minors pending court date

2. Ages 13 through 16 - Offender in this age bracket will be handled through adult Traffic Court. Processing of these tickets will be the same as for an adult offender, with the exception of some bonding procedures differing, as explained below.

B. Bonding Procedures:

1. Bond for traffic offenses shall follow Supreme Court Rule 526. The order of preference in bonding should be as follows:

a. Driver's License (if any).

b. Cash bond.

c. Personal recognizance bond (see 2. below).

d. Notice to appear.

2. Supreme Court **Rule 553** provides that if any individual under 17 years of age cannot make bail (posting a driver's license or cash bond) and the bond amount for the offense committed does not exceed $105 and does not require fingerprinting the individual may be released after posting a personal recognizance bond, if after a reasonable amount of time a parent

or responsible adult is not located. **This recognizance bond is allowed without the need to have approval of a judge.**

3. Officers are encouraged to use the Notice to Appear in all minor traffic violations.

4. Officers should inform the juvenile that his/her parents' presence would be required on the court date. This requirement should be noted on the citation.

IX. INVESTIGATIONS IN SCHOOLS

A. All officers shall report directly to the principal prior to conducting any investigation inside of a school.

B. No student is to be interviewed until a parent or guardian has been notified and has given consent, except for exigent or emergency circumstances involving the health or safety of others. The principal, or designee, may be present at an interview with a student if the principal or designee desire to be present.

1. Interviewing a victim or a witness:

   a. When a police officer interviews a student who is either a VICTIM or WITNESS, the interview should be scheduled around the student's academic schedule, if possible. The interview should be conducted in the presence of the principal and in the presence of the School Liaison Officer if they are available.

2. Interviewing a suspect or an accused student:

   a. A student who is a suspect or accused shall be advised of their Miranda Rights as soon as the interview begins. This interview should be conducted in the presence of the principal or their designee and the School Liaison Officer if they are available.

   b. Juveniles are afforded the same Miranda Rights as adults. If a juvenile invokes their Miranda Rights then the interview is to be terminated.

C. Arrests of Students:

1. A police officer may arrest a student on a warrant or with probable cause, however, he must contact the school principal or in their absence, the person acting in his stead before doing so. The officer must also contact the School Liaison Officer and ask their assistance if the School Liaison Officer is available.

D. School Records:

1. Records may be made available at the discretion of the principal or his designee. Whenever possible the officer will contact the School Liaison Officer for aid in obtaining the needed information.

X. JUVENILE ARREST RECORDS

A. **Case Reports -** Case reports containing arrest information that identifies a juvenile, as an arrested party shall not be released to the public or any news media unless all identification of the juvenile is redacted.

1. **Accident Reports -** Accident reports that contain the name of an arrested juvenile under the age of 16, who was taken into custody shall be given to the on-duty Report Review Officer.

   a. These reports shall not be shown to any news media nor shall the name of the arrested juveniles be disclosed.

B. **Records Center -** The original copies of juvenile arrest records and case reports containing juvenile arrest information shall be maintained by the Records Center.

1. These records are considered confidential and shall not be disclosed except:

   a. By court order; or

   b. When criminal proceedings have been instituted against the juvenile in adult court they may be released using the same guidelines as adult records; or

   c. When the juvenile has been convicted of an offense or is the subject of a pre-sentence investigation on an application for probation; or

   d. To another law enforcement agency or their representative with prior approval of Youth and Sex Crimes Unit Supervisor; or

   e. For prisoner review; or

   f. By authority of military personnel; or

   g. To the Department of Children and Family Services (D.C.F.S.); or

   h. To the Department of Human Services Mental Health; or

   i. Under the provisions of Sexually Violent Persons Act.

2. The above release of juvenile arrest records also applies to release of accident reports containing juvenile arrest information.

C. **Youth and Sex Crimes Unit -** The Youth and Sex Crimes Unit may retain copies of whatever juvenile records and reports are deemed necessary by the Investigative Services Bureau Deputy Chief for efficient operation. These records should be released only as established above for the Records Center.

XI. MISSING JUVENILES

A. The initial responding officer shall provide all necessary information to the 911 Communications Center so that an appropriate 'attempt to locate' messages can be broadcast. The Reverse 911 system may also be used as described in **Memorandum 2007-038**. A supervisor will be notified of the missing juvenile incident and will respond to the scene. The officer should, at a minimum, obtain and furnish for broadcast, the following information:

1. The age and sex of the missing juvenile.
2. If the juvenile has disabilities or impairments.
3. If foul play is suspected.
4. If last known to be in an isolated area.
5. Any suicidal tendencies including the possession of a weapon.
6. Any other life threatening or potentially life threatening situation existing.

B. **Officers will not assume that a missing juvenile is a runaway or is missing voluntarily unless circumstances and information clearly indicate that is the case.**

C. The Investigative Services Bureau has primary responsibility for follow-up investigation on all missing juvenile incidents.

D. Missing juveniles will be entered into the Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC) as soon as possible. LEADS and NCIC entries will follow established agency protocols outlined in the LEADS and NCIC manuals. The reporting officer shall give the complainant the LEADS entry number. Upon the locating of a missing juvenile the reporting officer will note in their report the LEADS entry is to be cancelled.

E. If at any time a missing juvenile report is taken and the juvenile is under the age of 16, has a proven mental or physical disability, is abducted or there is reason to believe an abduction has taken place; and there is reason to believe the juvenile to be in imminent danger of serious bodily harm or death and there is information available to disseminate to the public that could assist in the safe recovery of the juvenile and/or apprehension of the suspect – An AMBER alert will be initiated after obtaining authorization from the Deputy Chief of the Investigative Services Bureau or his designee. The Reverse 911 system may also be used per **Memorandum 2007-038**.

F. All reports of juveniles missing from a location within the jurisdiction of the Rockford Police Department and brought to the attention of the Rockford Police Department shall be immediately responded to, investigated and documented.

XII. GENERAL PROCEDURES

A. **Search of Arrested Juveniles -** The same search procedures should be used for arrested juveniles as other persons. The officer should search the arrested person paying particular attention to the location of dangerous or offensive weapons, narcotics or other items of valuable evidence.

B. **Notification of Parents, Guardian or Legal Custodian -** It shall be the responsibility of officers taking a juvenile into custody to see that parents, guardians or legal custodian are notified as soon as practical. When such notification is not possible, the reason why such notification was not made shall be stated in the case report.

C. **Holds Placed on Juveniles at Juvenile Detention -** Unless released sooner, a minor taken into custody must be brought before a Judicial Officer within 40 hours of the arrest, exclusive of Sundays and Holidays, for a detention hearing to

determine whether the minor should be further detained. The Juvenile Court must find that further detention is a matter of immediate and urgent necessity for the protection of the minor or of the person or property of another, that the minor is likely to flee the jurisdiction of the court or that the minor was taken into custody under a warrant. All requests for a hold on minors must be made by the Youth and Sex Crimes Unit Supervisor or another Investigative Services Bureau Supervisor. The final decision for detention will be made by the Juvenile Probation Intake Officer.

D. **Transporting Juvenile Prisoners –** The use of the Squadrol is strongly encouraged for the transportation of juvenile prisoners. If the Squadrol is unavailable a squad car may be used. When a squad car is used, a male officer working alone should only transport a female juvenile when his vehicle is equipped with a barrier. Likewise, a female officer working alone should only transport a male juvenile when her vehicle is equipped with a barrier. For additional information on Department policies and procedures regarding the transportation of prisoners see General Order ***40.30 – Prisoner Transport.***

E. **Handcuffs – Use on Juveniles -** When deciding whether to use handcuffs or not, the officer should take into consideration the need for security, the circumstances of the arrest and the age and size of the juvenile.

F. **Fingerprinting and Photographing Arrested Juveniles -** Juveniles 13 years of age or older arrested for a felony, class A or class B misdemeanor must be fingerprinted and photographed. This will be part of the intake process at the Juvenile Assessment Center. During times when the Assessment Center is closed, the juvenile is to be brought to the Winnnebago County Justice Center prior to being released or lodged. The Front Desk Deputy will fingerprint and photograph the juvenile. At no time is the Juvenile to be brought into the corrections area of the Juvenile Justice Center.

1. All fingerprints and photographs taken at the front desk of the Winnebago County Justice Center will be forwarded by Winnebago County Sheriffs Office to the Juvenile Assessment Center.

G. **Constitutional Rights of Juveniles**

1. All officers are reminded that an arrested juvenile must be advised of their rights under law according to the guidelines of **Miranda** before any custodial interrogation can be conducted. On all misdemeanors and felony interrogations the standard Department "Rights Waiver" form should be used.

2. A juvenile who is a victim or a witness may be interviewed by and give statements to any police officer.

3. A minor who was under the age of 13 **at the time of the offense**, who is accused of murder, involuntary manslaughter, criminal sexual abuse, aggravated criminal sexual assault or aggravated criminal sexual assault **must** have an attorney present during custodial interrogation.

XIII. COORDINATION WITH JUVENILE JUSTICE SYSTEM

A. The Rockford Police Department encourages input from the juvenile justice system and social service organizations when formulating new programs and policies that deal with juvenile matters. Some of these organizations are:

1. Winnebago County Juvenile State's Attorney's Office
2. Winnebago County Juvenile Probation Department
3. Carrie Lynn Children's Center
4. Illinois Department of Children and Family Services (D.C.F.S.)

B. Input from various agencies is requested prior to formulation of any new programs or policies and when needed in the revision of existing programs and policies.

XIV. ANNUAL PROGRAM REVIEW

A. On an annual basis, the Supervisor of the Youth and Sex Crimes Unit with the assistance of the Supervisor of the Community Services Unit and the Supervisor of the School Liaison Unit will complete a written evaluation report of all enforcement and prevention programs relating to juveniles. The evaluation shall include:

1. An assignment of both the quantitative and qualitative elements of the Department's youth-related activities.
2. Recommendation for youth program changes and/or modifications.
3. A review and evaluation of all juvenile enforcement programs including but not limited to:
   a. Tobacco Compliance Checks
   b. Alcohol Compliance Checks
   c. Curfew Sweeps

B. Upon the completion of the annual evaluation the report shall be forwarded to the Deputy Chief of the Field Services Bureau for approval. The Deputy Chief of the Field Services Bureau will forward a copy to the Chief of Police.

XV. EFFECTIVE DATE

A. This policy became effective December 9, 1981.

XVI. REVIEWS, REVISIONS AND CANCELLATIONS

A. This General Order will be reviewed each **February** by the **Supervisor of Youth and Sex Crimes Unit** and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order ***10.01 – Written Directives*.**

B. This order is a revision of and supercedes General Order ***J-3 - Juvenile Arrest Policies and Procedures*** issued December 9, 1981.

C. Any employee with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to the **Deputy Chief of the Investigative Services Bureau.**

BY ORDER OF

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Chet Epperson
Chief of Police