



Village of Schaumburg Police Department
Policies and Procedures Manual

<i>Section :</i>	5 Operations Section	Status:	Active
<i>Chapter :</i>	45 Juveniles	Issued:	07/01/85
<i>Title:</i>	45-40 Juvenile Procedures	Effective:	08/30/2000

45-40 JUVENILE PROCEDURES

I. ADMINISTRATIVE REVIEW

The Investigations Division Commander shall annually review all procedures relating to the handling of juveniles and programs that impact juveniles. The initial review shall be accomplished in collaboration with designated youth officers. Subsequent revision of juvenile policy or procedure shall be reviewed by all Division Commanders/Managers with final proposals submitted to the Director of Police for approval.

II. DISCRETIONARY CONSIDERATION

With respect to family autonomy and minimal state intervention, law enforcement officers dealing with juveniles are encouraged to use the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual rights and freedom, e.g., street and station adjustments.

III. DIVERSION DECISIONS

The Director of Police through the Investigations Division Commander shall establish procedures to structure and control the use of discretionary diversion decisions involving juveniles. Factors to consider in making such decisions should include:

1. Nature of the alleged offense
2. Age and circumstances of alleged offender
3. Alleged offender's police record, if any
4. The cooperation of the youth's parents
5. An assessment of the parents ability to supervise the activities of a youthful offender
6. The availability of a community-based rehabilitation programs.

IV. ARREST PROCEDURES

When a Schaumburg Police Officer arrests a juvenile and takes the youth into custody for a delinquent act, the following duties with respect to the interim status of the juvenile shall be accomplished:

- A. Make an immediate attempt to notify youth's parent or guardian. If unable to contact parents, the time the attempt was made and phone number called or address visited should be documented within the field report.
- B. Inform the juvenile of Miranda warnings prior to custodial interrogation.
 - 1. If the youth does not understand English, the officer should convey the Miranda in the youth's native language.
 - 2. Obtain written Miranda waiver if appropriate. Having youth read aloud from warning card may confirm degree of literacy.
- C. Processing of juvenile shall include:
 - 1. Field report (block form with identifying date)
 - 2. Arrest report (secure parent work phone, if available)
 - 3. Fingerprints and photo (see Policy 40-30)
 - 4. Property Inventory Form (if utilized, display juvenile's initials only and mark form "Hold for Investigation")
- D. If a juvenile officer is not on duty, the arresting officer shall review the facts of the case with the Watch Commander to determine the necessity of notifying the on-call youth officer.
- E. If a juvenile officer is on duty and available, contact the juvenile officer and review the facts of particular case.
- F. Provide meals if necessary while in the custody of the Schaumburg Police Department
- G. Release youth to parent or guardian for future follow-up by a juvenile officer, unless directed to detain by youth officer.

V. JUVENILE OFFICER PROCEDURES

- A. When the delinquent act is not serious, and a record check shows no prior delinquency, after conferring with complainant and the youth's parent or guardian, the juvenile officer shall consider the disposition of station adjustment. This procedure involves resolving the matter at the police level without court referral.
- B. When a juvenile officer makes a referral to juvenile court, every effort to issue a

written petition or summons shall be made in lieu of taking the offending minor into custody.

1. Criteria for taking a juvenile into custody shall depend on whether the detention of the juvenile is a matter of urgent and immediate necessity for the protection of the minor, or of the person or property of another, or because the detained minor is likely to flee court jurisdiction.
2. The parent or guardian's right to the custody of their child shall not prevail when a juvenile officer or the court determines that it is contrary to the child's best interests.

VI. TEMPORARY CUSTODY

A Schaumburg police officer may, without a warrant, take into protective or limited custody any minor child who the officer reasonably believes is:

- A. A delinquent minor who has violated or attempted to violate any federal or state law or municipal ordinance, regardless of where the act occurred.
- B. An adjudicated ward of the Juvenile Court who has escaped from any court-ordered commitment.
- C. A minor requiring authoritative intervention (M.R.A.I.).
- D. A neglected or abused minor.
- E. A dependent minor
- F. An addicted minor if reasonable cause for such belief exists
- G. An ill or injured minor requiring care, medical attention or hospitalization when found in any street or public place

VII. INTERVIEWS

During interviews or interrogations, as in all procedures, police officers must be sensitive to and respect the constitutional rights of the juvenile. Officers must avoid practices that could be described as inherently coercive in the sense that a person may cooperate or confess to unlawful conduct as a result of induced fear. The following procedures shall be adhered to:

- A. A juvenile officer, if available, shall confer with the youth's parent or guardian, who shall have been contacted immediately. If no contact is made with the parent, the officer should document attempt.
- B. Limit the duration of the interrogation and the number of officers engaged in

questioning the juvenile.

- C. Explain the Schaumburg Police Department's procedures to the juvenile being questioned and the custodial parent or guardian, consistent with established law and practice (e.g. Miranda warnings, written waiver if used, dispositional alternatives).

VIII. IDENTIFICATION AND PROCESSING

In processing arrested juveniles, procedural rights assured to the minor shall be the same rights as adults, unless specifically precluded by laws which enhance the protection of such minors.

- A. A Youth Bureau Detective, specifically assigned by the Investigative Division Commander, shall be responsible for the collection, dissemination, and retention of juvenile records.
- B. When a juvenile is arrested for a delinquent act, fingerprints and photographs shall be obtained as part of routine processing (see Policy 40-30). These and other juvenile records may be destroyed or retained when juveniles reach their majority at the discretion of the juvenile officer. If retained for good cause, these records shall remain separate from adult records within the Youth Bureau.
- C. Juvenile fingerprints and photographs shall be distinguished by appropriate markings and shall be maintained in a juvenile file segregated from adult arrest records. Such juvenile records shall be for restricted use only and shall be retained by the Schaumburg Police Department only.
- D. Fingerprint and photograph files of juveniles may be inspected by law enforcement officers in conjunction with the discharge of their official duties upon request to and approval of a juvenile officer.
- E. Other forms of identification from juvenile offenders shall be obtained upon verbal or written consent of the offending youth and/or the youth's parent or guardian, or upon the issuance and receipt of valid Juvenile Court discovery or expungement orders.

IX. JUVENILE ARREST RECORD INQUIRY

- A. There are restrictions concerning what **TYPE** of records may be viewed and under what circumstances an inquiry into a juvenile record may be made:
 - 1. Viewable Records:
 - a. Any arrests dealing with delinquent acts may be viewed. Delinquent acts are those acts that would be considered criminal if the offender were an adult.
 - b. Traffic and ordinance violations

2. Permissible Instances for Inquiry

- a. An official police investigation with RD/Case number assigned
- b. All other circumstances defined in Chapter 37 Illinois Revised Statutes under section dealing with the confidentiality and accessibility of juvenile court records.
- c. Under **NO** circumstances except as defined in Section IX. A.II.a of this order, should an inquiry on a juvenile be made into PIMS for the sole purpose of determining a juvenile arrest record.

B. Identifying Juvenile and Adult Arrest Records

1. A Schaumburg juvenile arrest record in PIMS is identified with an IR number preceded with a "J", i.e., J 54.
2. A Schaumburg adult arrest record in PIMS is identified with an IR number preceded with a "P", i.e., P 2740.
3. It is possible for a person to appear in PIMS with two (2) different Schaumburg IR number. A "J" number for juvenile arrest and a "P" number for arrests made when he/she becomes an adult. This satisfies the state law requiring separate storage of adult and juvenile arrest records.
4. Other departments use their own IR numbering system for arrestee records. Therefore, it is very important to check records of other departments carefully to determine if it is an adult or juvenile arrestee.

C. PIMS Inquiry Access

Any person having inquiry capability into PIMS will automatically be able to view both adult and juvenile arrest records.

X. DELINQUENCY CONTROL AND PREVENTION PROGRAMS

In an attempt to discourage deviant behavior before it occurs, the Schaumburg Police Department shall encourage:

- A. Referrals to the Village's Family Counseling Service
- B. Referrals to the Schaumburg Police Department social worker
- C. Referrals to other crisis intervention agencies in the Schaumburg Township area
- D. Utilization of the Officer Friendly Program in Schaumburg elementary schools;
- E. Maintaining the Explorer Post within the Schaumburg Police Department
- F. Use of the Community Relations Bureau to foster positive community attitudes

towards youthful citizens

- G. Cooperation with the Schaumburg High School police liaison officer.

By order of:

Director of Police