

A close-up, high-angle photograph of a silver fountain pen with a black barrel, resting on a spiral-bound notebook. The pen's nib is in sharp focus, pointing towards the bottom left. The notebook's spiral binding is visible, curving across the frame. The background is a soft, out-of-focus grey.

# *Waukegan Police Department*

An Independent Review of Best Practices and Policies for  
Law Enforcement When Engaging with Juveniles

FINAL REPORT

June 17, 2022

*Confidential – Prepared for Use by Counsel*



JENSEN HUGHES



June 17, 2022

Mr. Stewart J. Weiss  
Corporation Counsel on Behalf of the City of Waukegan  
Elrod Friedman, LLP  
325 N. LaSalle Street, Suite 450  
Chicago, IL 60654

Dear Mr. Weiss:

Please find attached our objective review of the Waukegan Police Department's policies and best practices regarding the investigation, arrest, interrogation and charging of juvenile suspects. We detail the results of our independent sufficiency review of the Department's investigation of the interrogation of a juvenile in a criminal case in a separate report.

Our principal finding is that the Department's policies and procedures regarding the interrogation of juveniles is generally in compliance with best practices in Illinois. However, we have identified some areas of improvement.

This report is a confidential and proprietary work document between Jensen Hughes and the City of Waukegan. We place enormous value on the trust that you have extended to us in this matter, and we look forward to supporting you in the future.

Sincerely,  
Jensen Hughes

Rob Davis  
Senior Vice President and Global Service Line Leader  
Law Enforcement Consulting



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## Introduction

### Assignment

In March 2022, the City of Waukegan engaged Jensen Hughes to conduct a sufficiency review of the Waukegan Police Department's (WPD) investigation of the interrogation of a juvenile in a criminal case. We also conducted an objective review of the WPD's policies regarding the investigation, arrest, interrogation and charging of juvenile suspects, which we provide in this report.

### The Jensen Hughes Team

Jensen Hughes Senior Consultant Sydney Roberts, Vice President Robert Boehmer and Senior Director Mark Giuffre led the engagement with support, as needed, from the broader Jensen Hughes team. Senior Vice President, Law Enforcement Consulting Rob Davis provided oversight for this engagement.

### Actions Taken

We completed the following actions as part of our review:

- + Reviewed national best practices regarding law enforcement and juvenile engagement
- + Reviewed relevant WPD policies related to engaging with juveniles
- + Reviewed Illinois laws regarding law enforcement encounters with juveniles



## Comparison of WPD Policies to Best Practices and Illinois Law

### Overview

Numerous studies have found that juveniles lack development in the prefrontal cortex of their brain, which controls impulse decisions.<sup>1</sup> Further, juveniles' brain development and emotional maturity differs from that of adults. Model policies and papers and best practice documents have described this distinction. For example, in its Juvenile Interview and Interrogation document detailing its model policy for interviewing and arresting juveniles, the International Association of Chiefs of Police (IACP) states:

“Regardless of whether the child being questioned is a victim, witness, or a seemingly guilty suspect, he or she is fundamentally still a child. This means that, regardless of how clever or defiant a pose he or she strikes, his or her brain development and emotional maturity is still different from that of an adult.”<sup>2</sup>

Further, the IACP states:

“But, it can be said, that youths as a whole are typically more impulsive and less mature, less able to weigh risks and long-term consequences, more vulnerable to external pressures, and more compliant with authority figures than are adults. These traits can make any youth – whether school dropout or honor roll student, victim or perpetrator – more prone to making involuntary or unreliable statements during interviews and interrogations, particularly if certain questioning techniques are used. For this reason, many of the careful techniques prescribed by child victim interview protocols are equally useful when questioning any youth. With the foregoing in mind, it can generally be said that age-sensitive interview and interrogation techniques should be followed in order to avoid certain risks.”<sup>3</sup>

In addition to model policies focused on police relationships with juveniles, the Office of Juvenile Justice and Delinquency Programs (OJJDP), in conjunction with the IACP, published *Reducing Risks: An Executive's Guide to Effective Juvenile Interview and Interrogation*,<sup>4</sup> which “provides an overview of the issues, latest research, and legal developments related to questioning juveniles.”<sup>5</sup> This document also provides best practices for interviewing juveniles that reflect these developments.

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1 Werner, Brian (2015) "Did They Ever Stand a Chance? Understanding Police Interrogations of Juveniles," Themis: Research Journal of Justice Studies and Forensic Science: Vol. 3 , Article 9. <https://doi.org/10.31979/THEMIS.2015.0309>  
<https://scholarworks.sjsu.edu/themis/vol3/iss1/9>

2 IACP Concepts and Issues Paper, accessed at <https://www.theiacp.org/resources/document/juvenile-interview-and-interrogation>

3 Ibid

4 *Reducing Risk: An Executives Guide to Juvenile Interview and Interrogation*, Office of Juvenile Justice Delinquency Programs and International Association of Chiefs of Police. <https://www.theiacp.org/resources/document/reducing-risks>

5 Ibid



We compared the WPD’s policies and procedures related to the interview and interrogation of juveniles to the best practices identified by the OJJDP and the IACP in the documents indicated above. Specifically, we reviewed policies and procedures related to Miranda rights, the need for a friendly adult presence, interview and interrogation techniques for juveniles, the avoidance of deception, and electronic recording requirements.

## Miranda Rights

### Best Practices

As noted above, numerous studies have found that juveniles lack development in the prefrontal cortex of the brain, which controls impulse decisions.<sup>6</sup> Additionally, research indicates that juveniles lack the ability to comprehend the significance of their Miranda rights during police interrogations. These factors may cause problems during custodial interrogations, as police often tell juveniles that in order to go home, they must tell the police what they want to hear.<sup>7</sup> Advocates note one major issue concerning the interrogation of juveniles is whether they understand what the Miranda rights mean. OJJDP states that “juveniles experience interrogation differently than adults. Law enforcement must accordingly treat juveniles differently than adults during questioning. Police and courts are already starting to apply these lessons across the country.”<sup>8</sup>

In *Reducing Risks*, the IACP and the OJJDP note that “even intelligent children and teenagers often do not fully understand their Miranda rights, which can require a tenth-grade level of comprehension.”<sup>9</sup> *Reducing Risk* also states, “Officers should read each warning slowly, stopping to ask the child after each individual warning to explain it back in his or her own words. Further, officers should read juveniles simplified Miranda rights that require only a third-grade comprehension level.”<sup>10</sup>

According to the IACP and the OJJDP, officers should use this model to ensure that the juvenile understands their rights. Asking the juvenile to sign a juvenile Miranda acknowledgement and rights waiver is a recommended best practice.

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6 Scott, E.S. & Steinberg, L. (2008). *Rethinking juvenile justice*. Cambridge, MA: Harvard University Press, as referenced in (see footnote 8)

7 Feld, B.C. (2006a). Juveniles’ competence to exercise Miranda rights: An empirical study of policy and practice. *Minnesota Law Review*, 91(1), 26-100 as cited in Werner, Brian (2015) “*Did They Ever Stand a Chance? Understanding Police Interrogations of Juveniles*,” *Themis: Research Journal of Justice Studies and Forensic Science*: Vol. 3 , Article 9. <https://doi.org/10.31979/THEMIS.2015.0309> <https://scholarworks.sjsu.edu/themis/vol3/iss1/9>

8 *Reducing Risk: An Executives Guide to Juvenile Interview and Interrogation*, Office of Juvenile Justice Delinquency Programs and International Association of Chiefs of Police. <https://www.theiacp.org/resources/document/reducing-risks>

9 Fred E. Inbau et al, *Criminal Interrogation and Confessions*. Burlington, MA: Jones and Bartlett Learning, 2013, as cited in *Reducing Risk: An Executive’s Guide to Effective Juvenile Interview and Interrogation*.

10 Ibid



## Illinois Law

### 705 ILCS405/5-401.5 (Juvenile Court Act)

Statements made by a minor are presumed to be inadmissible if the minor made them before the interviewer read the following Miranda rights statement to the minor without stopping for the minor to respond or otherwise verifying their comprehension:

"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 have the right to stop this interview at any time."

After reading the statement, the interviewer must ask the following questions and wait for the minor's responses:

- + Do you want to have a lawyer?
- + Do you want to talk to me?

## WPD's Policies and Procedures

General Order INV.02 establishes the WPD's guidelines for the administration and operation of juvenile proceedings. Section INV.02.10 provides guidance for the interrogation of juveniles. Section INV.02.10.B.2 states that when a juvenile is in custody for a delinquent act and subject to interrogation, the interrogating officer will "advise the juvenile of his/her Miranda rights under *Miranda v. Arizona* as printed on the Juvenile Rights Warning Waiver Form, General Order INV.02, Attachment E." Attachment E lists the Miranda rights in checklist form and requires a signature by the juvenile and two witnesses (**Appendix**).

Neither General Order INV.02 nor the Juvenile Rights Warning Waiver Form includes the exact language as proscribed by the Juvenile Court Act. Illinois law deviates somewhat from best practices, in that best practices dictate that officers must read the Miranda rights one at a time, stopping after each to ask the juvenile to explain the warning to the officer in their own words. In contrast, Illinois law requires officers to read the statement to the juvenile in its entirety before asking the juvenile if they want a lawyer and if they want to speak with the officer. Both Illinois law and best practices recommend that officers read juveniles simplified Miranda rights. The WPD general orders that we reviewed do not provide officers the appropriate guidance to interview juveniles and comply with Illinois law.

We recommend the WPD amend General Order INV 02.10.B to include the specific language from Illinois law requiring the interviewer to read a specific statement to the minor without stopping for the minor to respond or to verify comprehension. The WPD should also revise Attachment E to mirror that statement.



## Friendly Adult Presence

### Best Practices

The OJJDP states that “it is essential to involve a ‘friendly adult’ in the juvenile interrogation process and to allow him or her meaningful opportunities to privately consult with the juvenile throughout the interrogation. Traditionally, the friendly adult is a parent or a youth officer, although each presents different challenges.” The OJJDP also states that police should involve other “friendly adults” like parents or attorneys in the interrogation process whenever possible, rather than youth officers, as it might be difficult for a police officer to switch roles from law enforcement to juvenile advocate. It also states that depending on the situation, the presence of a parent could be problematic, as they may pressure their child to confess. Other guidance reinforces this notion, stating, “juvenile[s] should automatically be given an unbiased representative who can help explain their rights and look out for their best interests.”<sup>11</sup>

### Illinois Law

#### 705 ILCS 405/5-405

Section 5-405 of the Illinois Juvenile Court Act requires that a law enforcement officer who arrests a minor with or without a warrant to “immediately make an attempt to notify the parent or other person legally responsible for the minor’s care or the person with whom the minor resides that the minor has been arrested and where he or she is being held.”

#### 705 ILCS 405/5-170

This law states that if a minor under 15 commits an act that, if committed by an adult, would be a serious listed offense such as first-degree murder, counsel must represent the minor throughout the custodial interrogation. Illinois law does not indicate if a parent or other friendly adult must be present during an interrogation.

### WPD’s Policies and Procedures

WPD Special Order 22-05, issued March 8, 2022, requires that “no delinquent minor (as defined above) may be interviewed without the presence of a parent, guardian or attorney. If an officer is unable to notify a parent, guardian or attorney, a custodial interrogation may not take place.” Special Order 22-05 specifically removes language in General Order INV.02.10(B)(4) that states, “Two officers shall be involved in the interrogation, one of which will be a certified Juvenile Officer (Advocate).”

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<sup>11</sup> Werner, Brian (2015) "Did They Ever Stand a Chance? Understanding Police Interrogations of Juveniles," Themis: Research Journal of Justice Studies and Forensic Science: Vol. 3 , Article 9. <https://doi.org/10.31979/THEMIS.2015.0309>  
<https://scholarworks.sjsu.edu/themis/vol3/iss1/9>



WPD Special Order 22-06, issued March 9, 2022, prohibits officers taking delinquent minors and adult students into custody while attending school or school-related functions.

General Order INV.02 requires officers to immediately make every attempt possible to notify a parent, legal guardian or person with whom the juvenile resides that the juvenile has been taken into custody (INV 2.09(H)). Additionally, General Order INV.02:

- + Reiterates the officer's requirement to immediately attempt to notify a parent, legal guardian or authorized person. [INV2.10(B)(1)]
- + Requires an attorney be present during a custodial investigation for certain offenses if the juvenile is under the age of 13, pursuant to 705 ILCS 405/5-170. [INV 2.10(B)(8)]

WPD's General Order complies with Illinois law, except for the requirement for an attorney to be present. We recommend the WPD amend General Order INV 2.10(B)(8) to state that an attorney must be present for a custodial investigation for certain offenses when the minor is under 15 years old.

## Questioning Duration

### Best Practices

According to the OJJDP, juveniles can tolerate only about one-hour of questioning before needing a substantial break, and a juvenile interrogation should never last longer than four hours. Further, if an officer questions a child or adolescent for a prolonged period, the risk that any statement will be involuntary or unreliable increases substantially with each hour of questioning.<sup>12</sup>

### Illinois Law

The Illinois Juvenile Court Act does not provide guidance on the duration of juvenile interrogations.

### Waukegan Policies and Procedures

WPD General Order INV.02.10(B)(3) states that the interrogating officers will "limit the duration of questioning to a reasonable period of time to avoid causing stress for the juvenile." The General Order does not provide guidance on what is reasonable.

The WPD may want to consider providing officers further guidance regarding the reasonable amount time to interrogate a juvenile.

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<sup>12</sup> Reducing Risk: An Executives Guide to Juvenile Interview and Interrogation, Office of Juvenile Justice Delinquency Programs and International Association of Chiefs of Police. <https://www.theiacp.org/resources/document/reducing-risks>



## Timing of Questioning

### Best Practices

The OJJDP states that police should be “wary of questing juvenile suspects, especially younger teens and children in the middle of the night. Even a few hours of sleep deprivation, combined with the stress of interrogation can increase the risk of false confession.”<sup>13</sup>

### Illinois Law

The Illinois Juvenile Court Act does not provide guidance on when to interrogate a juvenile.

### Waukegan Policies and Procedures

The WPD does not have a general order that provide guidance on when to interview a juvenile. The Department should consider providing officers guidance regarding the timing of interrogations of juvenile suspects.

## Avoiding Deception

### Best Practices

The OJJDP states that “the presentation of false evidence may cause a young person to think that the interrogator is so firmly convinced of his guilt that he will never be able to persuade him otherwise. For this reason, one of the nation’s most well-known interrogation training programs has discouraged the use of false evidence during juvenile interrogations, advising interrogators to avoid such tactics with young children and individuals who have significant mental limitations.”<sup>14</sup>

Included in the prohibition of deception is the use of tactics such as promising leniency and threatening harm. The OJJDP guidance advises interrogators to:

- + Avoid communicating that the suspect will avert or face reduced charges if he confesses.
- + Stay away from unclear or technical language that a young person could interpret as a promise of leniency.
- + Ensure the suspect understands the consequences of confessing.
- + Refrain from suggesting that the interrogator can help the suspect if they confess.

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<sup>13</sup> Reducing Risk: An Executives Guide to Juvenile Interview and Interrogation, Office of Juvenile Justice Delinquency Programs and International Association of Chiefs of Police. <https://www.theiacp.org/resources/document/reducing-risks>

<sup>14</sup> Fred E. Inbau et al., *Criminal Interrogation and Confessions*. Burlington, MA: Jones and Bartlett Learning, 2013, 331, as referenced in Reducing Risks: An Executive’s Guide to Effective Juvenile Interview and Interrogation.



## Illinois Law

### 705 ILCS 405/5-401.6 Prohibition of Deceptive Practices

A minor's statements are presumed to be inadmissible in a criminal court proceeding or juvenile court proceeding for a misdemeanor or felony if a law enforcement officer or juvenile officer knowingly engages in deception during the custodial interrogation. The law defines deception as "knowing communication of false facts about evidence or unauthorized statements regarding leniency by a law enforcement officer or juvenile officer to a subject of a custodial interrogation."

725 ILCS 5/103.2.2 is part of the Code of Criminal Procedure and is essentially the same as 705 ILCS 405/5-401.6.

## Waukegan Policies and Procedures

WPD Special Order 21-06, issued December 7, 2021, prohibits the use of deception during the custodial investigation of a minor who was under 18 years old at the time of the offense. The Special Order defines deception consistent with the Illinois Juvenile Court Act.

## Electronic Recording Requirements

### Best Practices

In its Concepts and Issues Paper on Interviewing and Interrogating Juveniles, the IACP recommends recording all interviews and interrogations and states:

"It is easy to understand why this is recommended; when a questioning session is recorded from start to finish, officers have a complete record that allows attorneys, courts, and other law enforcement personnel to objectively review the entire statement. The recording also makes it unnecessary for officers to take notes during questioning, and allows them to focus exclusively on the interview. The recording protects officers from false claims of coercion, leading to fewer pre-trial suppression motions, more guilty pleas, and less time spent in court defending themselves on the witness stand. Finally, recordings can help guard against the false confessions previously mentioned. With a video- and audiotape recording, officers and others can review the interrogation for any signs of statements made or actions taken by police that could have resulted in a false confession. The statement can also be reviewed repeatedly where verification of facts made by the juvenile need to be made."

The OJJDP states that "it is imperative that departments around the country videotape interviews and interrogations from the reading of Miranda rights until the end.



## Illinois Law

### 705 ILCS 405/5-401.5

The Illinois Juvenile Court Act states:

“An oral, written, or sign language statement of a minor who, at the time of the commission of the offense was under the age of 18 years, made as a result of a custodial interrogation conducted at a police station or other place of detention on or after the effective date of this amendatory Act of the 99th General Assembly shall be presumed to be inadmissible as evidence against the minor in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be a misdemeanor offense under Article 11 of the Criminal Code of 2012 or any felony offense unless: (1) an electronic recording is made of the custodial interrogation; and (2) the recording is substantially accurate and not intentionally altered.”

## Waukegan Policies and Procedures

INV 2.10 (B) (7) requires that if officers are interrogating a juvenile for an offense that would be a felony if committed by an adult, the interview must be audio and video recorded.

We recommend the WPD amend INV 2.10(B)(7) to require the audio and visual recording of juvenile interrogations involving offenses that would be a misdemeanor if committed by an adult.

## Other Best Practices

*Reducing Risks* recommends officers ensure they corroborate confessions from juveniles with objective, physical evidence, not just statements from other juveniles. It states that many proven false confessions included accurate details and warns officers to not be fooled by detailed confessions.

*Reducing Risks* also emphasizes that those responsible for interrogating juveniles should complete special training in juvenile interrogation techniques and policies and recommends the following best practices regarding interviewing juveniles:

- + Start with open-ended questions
- + Use targeted but open-ended questions to get more information.
- + Probe while avoiding outright accusations and deception if you suspect the juvenile is lying. (i.e., “Help me understand ...”)
- + Use questions beginning with “who,” “what,” “where,” “when” and “how.”
- + Do not offer the juvenile options.
- + Do not use leading questions.
- + Do not show the suspect crime scene photos or other pieces of evidence.



## Recommendations

Overall, the WPD's policies and procedures regarding the interrogation of juveniles are generally in compliance with best practices in Illinois. However, we have identified areas of improvement and provide the following recommendations.

Rec #	Recommendation
1.1	Consider amending General Order INV 02.10.B to include the specific language from Illinois law requiring the interviewer to read a specific statement to the minor without stopping for the minor to respond or to verify comprehension. Revise Attachment E to mirror this statement.
1.2	Consider amending General Order INV 2.10(B)(8) to require an attorney to be present for a custodial investigation for certain offenses when the minor is under 15 years old.
1.3	Consider revising the general orders related to the reasonable amount of time to interrogate a juvenile.
1.4	Consider providing officers further guidance regarding when to interrogate juvenile suspects to ensure the juveniles are not sleep deprived, which increases the risk of false confessions.
1.5	Consider amending INV 2.10(B)(7) to require the audio and visual recording of juvenile interrogations involving offenses that would be a misdemeanor if committed by an adult.
1.6	Consider providing interview and interrogation training to Investigative Bureau personnel that aligns with OJJDP best practices.



*( Waukegan Police Department )*

**An Independent Review of Best Practices and Policies**

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**APPENDIX: WPD GENERAL ORDER INV.02: JUVENILE OPERATIONS -  
ADMINISTRATION, APPENDIX E: JUVENILE RIGHTS WARNING WAIVER FORM**

	<b>WAUKEGAN POLICE DEPARTMENT</b> <b>GENERAL ORDER – INV.02</b> <b>Subject: JUVENILE OPERATIONS/ADMINISTRATION</b>	
	<b>Effective: September 28, 2016</b>	Revised:
		Original: May 1, 2009

**PURPOSE**

The purpose of this order is to define and establish criterion for handling juvenile offenders, as well as to establish guidelines for the administration and operations of juvenile procedures within the department.

**INV.02 POLICY**

The Waukegan Police Department will develop and maintain operations for juvenile offenders, emphasizing a rehabilitative aspect rather than a punitive, and will establish procedures with the intention of promoting cooperation with other segments of the Juvenile Justice System. Sworn personnel will discharge their duties in a manner consistent with the best interests of the youth involved. All sworn officers shall have a basic knowledge of the Illinois Juvenile Court Act and a working knowledge of Department directives and orders. Officers are expected to use this knowledge to arbitrate minor matters involving juveniles as well as investigate more serious matters.

**DEFINITIONS**

**Juvenile Court Act:** Title for Illinois Compiled Statutes (ILCS), Chapter 705.

**Delinquent Juvenile:** Any minor who, prior to his 18th birthday, has violated or attempted to violate, regardless of where the act occurred, any federal or state law or municipal ordinance.

**Minor:** A person under the age of 21 years and subject to the Juvenile Court Act. 705 ILCS 405/5-105.

**Juvenile:** Any minor who has not reached his 18th birthday.

**Juvenile Police Officer:** An officer who has completed the necessary juvenile officer training and is certified by the Illinois Law Enforcement Training Standards Board.

**Temporary Custody:** Temporary placement of a minor out of the custody of his/her parent/guardian such as Temporary Protective Custody or Shelter Care. It shall not be a jail or other place for the detention of criminal or juvenile offenders. Taking of a minor into temporary custody is not an arrest. 705 ILCS 405/2-7, 3-9, 4-6.

**Limited Custody:** A type of temporary custody wherein a law enforcement officer takes a minor under the age of 18 into custody for not more than six hours if the minor is believed to be absent from home without parent/guardian consent or beyond the control of his/her parent/guardian and is in danger. The taking of a minor into limited custody is not an arrest and they cannot be held in secure custody. 705 ILCS 405/3-4.

**Station Adjustment:** Informal handling of an alleged offender by a juvenile officer. 705 ILCS 405/5-105.

**Status Offense:** The violation of any federal or state law, or a municipal ordinance that would not be illegal if committed by an adult (e.g., curfew violations, purchase, possession or consumption of alcohol, etc.).

**INV.02.1 JUVENILE ADMINISTRATION**

- A. The Waukegan Police Department is committed to the development, implementation, and maintenance of programs designed to prevent and control juvenile delinquency. The following shall be the administrative policies of the Department regarding the enforcement of the Juvenile Court Act.
  - 1. It shall be the policy of the Department to comply with the Juvenile Justice Reform Provisions of 1998, 705 ILCS 405/5-101, which declares the following as its purpose and of importance:
    - a. To protect citizens from juvenile crime.
    - b. To hold each juvenile offender directly accountable for his or her acts.
    - c. To provide an individualized assessment of each alleged and adjudicated delinquent juvenile in order to rehabilitate and to prevent further delinquent behavior through the development of competency in the juvenile offender.
  - 2. It shall be the policy of the Department that the constitutional rights of minors shall never be abridged. Juveniles have the same constitutional rights as adults, including rules of evidence for court processing.
  - 3. It shall be the policy of the Department to refer juveniles to other criminal justice agencies, public social service agencies, or private social service agencies within the parameters of the Juvenile Court Act in order to divert non-serious and/or social problems from the formal Juvenile Justice System and to solve individual and community problems by means of community and regional resources
- B. The Waukegan Police Department maintains Officers throughout the Department trained as Juvenile Police Officers as defined within this policy and the Illinois Juvenile Court Act.
  - 1. Juvenile Police Officers receive specialized training which allows them to properly investigate crimes committed by juvenile offenders. Juvenile Police Officers are knowledgeable in the dispositional guidelines for juvenile offenders set forth by the Juvenile Justice System and this policy,
  - 2. Juvenile Police Officers also receive specialized training allowing them to properly investigate crimes committed against juvenile victims.

**INV.02.2 COORDINATION WITH THE JUVENILE JUSTICE SYSTEM**

- A. The Waukegan Police Department encourages input from the Juvenile Justice System and social service organizations when formulating new programs and policies that deal with juvenile matters. These organizations include, but are not limited to:
  - 1. Lake County Juvenile Probation Department
  - 2. Lake County States Attorney’s Office – Juvenile Division
  - 3. Lake County Children’s Advocacy Center
  - 4. Illinois Department of Children and Family Services
- B. Input from various agencies is requested prior to formulation of any new programs or policies and, when needed, revision of existing programs and policies.

**INV.02.3****JUVENILE OFFENDERS – NON-SECURE CUSTODY ALTERNATIVES**

- A. With the intent of protecting both public safety and individual liberty, officers are encouraged to use the least coercive enforcement action of the reasonable alternatives available to properly execute their law enforcement responsibilities. The alternatives listed in the Juvenile Court Act are:
1. Informal resolutions, such as verbal warnings or notifications to parents, and release with no further action.
  2. Uniform traffic citations, issued for violations of the Illinois Vehicle Code or equivalent City ordinances.
  3. Non-traffic complaints, issued to juveniles who are 13 years of age and older.
- B. In non-custodial enforcement situations where a juvenile is suspected of being under the influence of alcohol or drugs, the officer shall ensure the juvenile is released to a parent or other authorized responsible adult. Arrangements for release must include:
1. Parent or guardian responding to the scene.
  2. Parent or guardian authorizes release to other responsible individual.
  3. Juvenile is taken home where a parent or other responsible family member is present to take custody of the juvenile.
  4. If a parent or guardian cannot be reached, the juvenile may be released to a responsible adult with the approval of a supervisor

**INV.02.4****CRITERIA FOR REFERRAL TO JUVENILE COURT**

- A. One or more of the following criteria should be met when referring a case to juvenile court:
1. A delinquent act has been committed, that if committed by an adult, would be a felony.
  2. A delinquent act involving the use of a weapon has been committed.
  3. A delinquent act that is believed to be gang-related has been committed.
  4. A delinquent act that involved physical violence has been committed.
  5. A delinquent act committed by a youthful offender who is on probation or supervision imposed by the juvenile court.
  6. Repeated delinquent acts by the suspect within a twelve month period.
  7. Refusal of the offender or his/her family to participate in a selected diversion program.
  8. In cases where it is apparent parental supervision is lacking and such a lack of supervision is a contributing factor to delinquent behavior.

- B. The Investigations Division shall be made aware of all cases resulting in a referral to the Juvenile Court.

**INV.02.5 FACTORS CONSIDERED IN DIVERSION**

- A. Before an alternative to formal adjudication is chosen by a Juvenile Police Officer, the following factors should be considered:
  - 1. The nature and seriousness of the alleged offense.
  - 2. The prior history of delinquency of the juvenile.
  - 3. The age and maturity level of the juvenile.
  - 4. The culpability of the juvenile in committing the alleged offense.
  - 5. Whether the offense was committed in an aggressive or premeditated manner.
  - 6. Whether the juvenile used or possessed a deadly weapon when committing the alleged offense(s).
  - 7. A Juvenile Police Officer will also take into consideration the desires and personal input of victims and complainants
- B. Diversion will not be considered in any case that constitutes a violent felony.

**INV.02.6 DISPOSITIONAL GUIDELINES**

- A. Juvenile Police Officers shall follow established dispositional guidelines which provide for the fair and consistent management of juvenile delinquency and status offenses. These dispositions include the following:
  - 1. Verbal warning/parental adjudication.
  - 2. Informal station adjustment.
  - 3. Teen Court
  - 4. Formal station adjustment.
  - 5. Referral to traffic court with citation.
  - 6. Referral to Juvenile Court / Juvenile Petition
- B. In all cases where the disposition involves further interaction between the Juvenile Justice System and the juvenile, the next steps shall be explained by the Officer to the parent or legal guardian of the minor at the time the minor is released from custody if applicable.

## **INV.02.7 ALTERNATIVES TO COURT REFERRAL**

### **A. Station Adjustments**

Station adjustments are often used as a means of intervening quickly with juveniles involved in status and delinquent offenses. Juvenile Police Officers may impose either an informal or formal station adjustment in accordance with the established disposition guidelines and in accordance with Illinois Compiled Statutes 705 ILCS 405/5 -301.

1. Juvenile Police Officers may set reasonable conditions within the station adjustments, which may include, but are not limited to:
  - a. Restricted curfew.
  - b. School attendance and improvement.
  - c. Meeting with social services organization personnel.
  - d. Attendance at drug or alcohol assessments or awareness programs.
  - e. Performance of community service work.
  - f. Attendance at youth jury.
  - g. Payment of restitution.
  - h. Written essays and letters of apology.
2. All station adjustments issued with conditions, must be fully explained by the Officer to the juvenile and his/her parent or guardian prior to release.

### **B. Teen Court**

1. Teen Court is a voluntary program. Teen Court is available to first or second time offenders, ages ten (10) to eighteen (18), who are enrolled in school, have committed a status offense or certain misdemeanors, and intend to plead guilty. Juveniles can only be referred to Teen Court once. This alternative is not available for traffic offenses, felony offenses, or in cases involving physical violence perpetrated by the juvenile offender. Any officer may make a referral to Teen Court.
2. Teen Court Referral Procedure
  - a. Determine eligibility via the checklist on the back of the Teen Court Referral Form (Attachment A).
  - b. Explain the Teen Court Program to the parent/guardian and give them a Teen Court Participation Packet (Attachment B).
  - c. Complete the Teen Court Referral Form, photocopy the front of the referral form, and give the copy to the parent/guardian.
  - d. Inform the family that NICASA will contact them with their court date and that the court is held at Waukegan City Hall.
  - e. Teen Court paperwork will be reviewed by an Investigations Supervisor and will be forwarded to NICASA's Teen Court Coordinator.

**INV.02.8 NON-CUSTODIAL ADJUDICATION**

- A. There will be instances when juvenile offenders may be referred to, or petitioned to the justice system without placing them into secure physical custody (i.e. juvenile holding cell, juvenile detention center). A Juvenile Police Officer can petition a juvenile offender without custodial arrest when the circumstances are appropriate to this course of action and the decision serves a greater law enforcement purpose.
  
- B. **Petitioning a Juvenile Offender to Juvenile Court**  
In those instances where a Juvenile Police Officer determines that it will be in the best interest of a minor accused of a delinquent act to be petitioned to Juvenile Court without placing them into secure physical custody, the officer will:
  - 1. Advise both the parent and the minor that the case is being referred to Juvenile Court.
  - 2. Complete Lake County Delinquent Referral to Juvenile Intake form (Attachment C).
  - 3. Release the minor to his parents, legal guardian, or legal custodian (unless circumstances dictate confinement).
  - 4. Send the completed intake form and two (2) copies of the completed police report to:  
Juvenile Intake  
Robert W. Depke Juvenile Justice Complex  
24647 N. Milwaukee Ave.  
Vernon Hills, IL 60061

**INV.02.09 TAKING JUVENILES INTO CUSTODY**

- A. **Minor Requiring Authoritative Intervention (M.R.A.I.)**
  - 1. Minors that meet the statutory requirements as defined in Chapter 705 ILCS 405/3-3 of the Illinois Compiled Statutes can be taken into limited custody by officers. Limited custody is not the equivalent of an arrest.
  - 2. Procedures for handling M.R.A.I.'s and limited custody situations are documented in Chapter 705 ILCS 405/3-4 of the Illinois Compiled Statutes.
  - 3. All M.R.A.I.'s requiring crisis intervention services will be referred to the Lake County Juvenile Detention Center.
  
- B. **Neglected, Abused, Dependent, or Addicted Minors**
  - 1. Minors that meet the statutory requirements defined in Chapter 705 ILCS 405/2-3, 405/2-4, and 405/4-3 of the Illinois Compiled Statutes can be taken into temporary custody by law enforcement officers. Temporary custody is not the equivalent of an arrest.
  - 2. Procedures for handling neglected, abused, dependent and addicted minors as well as temporary custody situations are delineated in Chapter 705 ILCS 405/2-7, 405/4-4, and 405/4-6 of the Illinois Compiled Statutes. The Illinois Department of Children and Family Service's (DCFS) hotline must immediately be notified in any of these situations at 1-800-25-ABUSE.
  - 3. When an officer is confronted by a situation where temporary custody of a neglected, abused, addicted, or dependent minor is appropriate, he will advise his commanding officer of the case circumstances and request approval before acting to take temporary custody of the minor.

4. After an officer takes temporary custody of a minor as described in this section, he/she will immediately contact the DCFS Abuse Hot Line at 1-800-25-ABUSE. DCFS will refer the case to a local office for follow-up.
  5. In the investigation of child sexual abuse cases, the Investigations Division will be contacted immediately. Generally, in-depth interviews in child sexual abuse investigations will be conducted by or through the Criminal Investigations Division or the Lake County Children's Advocacy Center.
- C. Status Offenses
1. Officers will determine whether the juvenile is alleged to have committed a status offense based on the definition within this policy and the Juvenile Court Act.
  2. Juveniles taken into temporary custody for status offenses must be held non-securely until release or transfer to a parent, guardian, or appropriate agency.
- D. Secure Custody
1. No minor under ten (10) years of age shall be placed in secure custody.
  2. Minors under twelve (12) years of age may be placed into secure custody up to six (6) hours.
  3. Minors twelve (12) years of age or over may be placed into secure custody for up to twelve (12) hours.
  4. A minor twelve (12) years of age or over who commits a crime of violence may be held in secure custody for up to 24 hours.
- E. Officers will determine whether the juvenile is alleged to have been harmed or is in danger of being harmed. If either is found to be true, officers will take appropriate action and make the proper referrals. The DCFS hotline must be notified in any of these situations immediately at 1-800-25-ABUSE.
- F. Officers will ensure that the constitutional rights of juveniles are protected at all times while in custody.
- G. Once in custody, officers will transport juveniles to the police facility without delay, unless the juvenile is in need of emergency medical treatment. If emergency medical treatment is necessary, officers will follow the General Order referring to Detainee Medical and Health Care.
- H. Officers will immediately make every attempt possible to notify a parent, legal guardian, or person with whom the juvenile resides that the juvenile has been taken into custody. Officers will document the times that they attempted to notify a parent, legal guardian, or person with whom the juvenile resides.
- I. In any circumstance where a juvenile has committed an offense, a Juvenile Custody/Release Report must be completed at the time the juvenile is turned over to a parent or guardian (Attachment D).
- J. In-custody procedures and juvenile detention are explained fully in the General Order referring to the Detention of Juveniles.

**INV.02.10 INTERROGATION OF JUVENILES**

- A. This section is designed to assist officers when conducting a custodial interrogation of a juvenile accused of a delinquent act. This directive is intended to guide officers, without limiting their sound use of discretion where applicable within the law.
  
- B. When a juvenile is in custody for a delinquent act and he/she will be subject to interrogation, the interrogating officer will:
  - 1. Immediately make a reasonable attempt to notify a parent, legal guardian, or authorized person with whom the juvenile resides.
  - 2. Advise the juvenile of his/her constitutional rights under *Miranda v Arizona* as printed on the Juvenile Rights Warning Waiver form (Attachment E).
  - 3. Limit the duration of the questioning to a reasonable period of time to avoid causing undue stress for the juvenile.
  - 4. Two officers shall be involved in the interrogation, one of which will be a certified Juvenile Officer (Advocate). The Advocate should not participate in questioning the juvenile.
  - 5. Ensure that the juvenile is informed of Departmental juvenile processing procedures.
  - 6. Advise the juvenile of any potential future actions of the Juvenile Justice System as they relate to his/her case or custody.
  - 7. If the offense for which the juvenile is being interrogated would be a felony if committed by an adult, the interview will be audio and video recorded.
  - 8. Any juvenile under the age of thirteen (13) at the time of the commission of the crime, being interviewed as a suspect for any of the following charges, must have an attorney present (705 ILCS 405/5-170).
    - a. First Degree Murder
    - b. Intentional Homicide of an Unborn Child
    - c. Second Degree Murder
    - d. Voluntary Manslaughter of an Unborn Child
    - e. Involuntary Manslaughter and Reckless Homicide
    - f. Involuntary Manslaughter and Reckless Homicide of an Unborn Child
    - g. Drug-Induced Homicide
    - h. Criminal Sexual Assault
    - i. Aggravated Criminal Sexual Assault
    - j. Predatory Criminal Sexual Assault of a Child
    - k. Criminal Sexual Abuse
    - l. Aggravated Criminal Sexual Abuse

**INV.02.11 CRIMINAL RECORD SHARING WITH SCHOOLS**

- A. Chapter 705, Section 405/1-7 of the Illinois Compiled Statutes states that certain law enforcement records can be disseminated to the appropriate school official. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency.
- B. The Waukegan Police Department and Waukegan Public School District # 60 have entered into a mutual agreement of reciprocal reporting. The Waukegan Police Department may provide the school district those records involving a minor who has been arrested or taken into custody for any of the following offenses:
  - 1. 720 ILCS 5/24-1 - Unlawful Use of Weapons
  - 2. 720 ILCS 570/100 - Violation of the Illinois Controlled Substances Act
  - 3. 720 ILCS 550/1 - Violation of the Cannabis Control Act
  - 4. 720 ILCS 5/2-8 - A Forcible Felony defined in the Illinois Criminal Code
- C. It will be the responsibility of an Investigations Supervisor to transmit the appropriate information to the school district official upon their request.

**INV.02.12 SCHOOL LIAISON PROGRAM**

- A. The Waukegan Police Department assigns School Resource Officers (SROs) at each high school. They have the following responsibilities within the school environment:
  - 1. Act as a resource with respect to delinquency prevention.
  - 2. Provide law enforcement-related counseling to students and parents.
  - 3. Enforce laws and makes arrests.
- B. SROs shall also act as liaison between the Waukegan School District and the Waukegan Police Department.

**INV.02.13 LOCK-OUTS**

- A. A lock-out is a situation in which a child aged 11 through 17 who desires to return home and the parent or caretaker has denied the child access to the home, and has refused or failed to make another appropriate living arrangement for the child. Although locked-out minors can be classified as neglected, a different approach is recommended in these situations due to the nature of the problem. Lock-outs are often the result of a more short term crisis, and the availability of crisis intervention services is a more productive solution.
- B. An officer confronted with a lock-out should first attempt to return the minor to their residence if it is safe to do so.
- C. If the basis of the problem is related to the behavior of the child, then the officer may choose to place the child into limited custody.

- D. If it is not possible to return the minor to his/her home, the Crisis Intervention Agency should be contacted.
  - 1. Crisis intervention services are available to locked- out minors through One Hope United. They may be contacted during business hours at 847-599-3852 (Select option #2).
  - 2. After hours contact should be made to 618-242-5460 and ask for a One Hope United/CCBYS staff member.
- E. If the parent or caretaker refuses to cooperate with the officer, the officer may place the child into protective custody.
- F. Protective custody should be utilized only if the minor's health or safety is in imminent danger.
- G. Locked-out minors must never be held in secure custody.

**INV.02.13 RECORDS EXPUNGEMENT**

- A. Any juvenile arrested, but not referred to the State, shall be supplied the Juvenile Expungement Form (Attachment F).
  - 1. The form must be supplied to the parent or guardian of the juvenile.
  - 2. The contents of the form shall be explained to the juvenile and the parent or guardian.
- B. Juveniles referred to the State for adjudication do not need to be supplied with the Juvenile Expungement Form as the State will do so at a later date.

This order supersedes all previous written and unwritten policies of the Waukegan Police Department on the above subject.

By order of:



Wayne Walles  
Chief of Police

Attachments A, B, C, D, E, F

## Eligibility Checklist for Teen Court Referral

- Eligible offense (see below)
- No prior Teen Court referrals
- First or second offense from offenses listed below - only if prior was branch court or station adjustment
- Admission of guilt
- Ages 10-17 (or 18 and in high school)
- Youth willing to participate
- Parents willing to participate
- Background checked to verify priors (also ask juvenile and parent)
- Willing to make restitution and court fees
- No gang affiliation
- Teen Court packet given to family

## Eligible Offenses

The following non-traffic misdemeanor offenses are eligible:

- Alcohol (possession/consumption)
- Assault
- Criminal damage to property/vehicle
- Criminal trespass to property/vehicle
- Curfew
- Disorderly Conduct
- Illegal possession of fireworks
- Littering
- Possession/Use of cannabis
- Possession/Use of drug paraphernalia
- Possession/Use of tobacco
- Possession of stolen property
- Reckless conduct
- Retail theft
- **Runaway**
- Simple battery
- Telephone and email harassment, to include texting, Facebook, MySpace, etc.
- Theft from motor vehicle
- Theft of property
- Truancy
- Unlawful possession/use of weapon (i.e. knife, blades, BB guns, air pistols and rifles, paint ball guns)

**Upon completion of above paperwork, mail, fax or email pg. 1 only of this completed document, along with a copy of the police report to:**

Nanci Radford  
 13979 N Fish Lake Road  
 Round Lake, IL 60073  
 nradford@nicasa.org  
 847-201-8543 (phone)  
 847-546-6760 (fax)

or

Jade Layburn  
 jlayburn@nicasa.org  
 847-546-6450 ext: 8041

Please note: The TEEN COURT PARTICIPATION PACKET should be given to the parent/guardian.

## TEEN COURT PARTICIPATION PACKET Polices, and Procedures and Expectations Nicasa's Teen Court Program

It is the responsibility of each referred youth, as well as his/her parent/guardian to read the rules, policies, and procedures of Nicasa's Teen Court Program, to be prepared for court, as specified in this package, and abide by the rules, policies and procedures while in the Teen Court Program. Failure to do so will result in the termination of the referred youth in the Teen Court Program.

### Waiver of Liability

- You will release the village/city where my child was arrested and charged, Lake County, their officials, police departments and officers, Nicasa, their board of directors and employees, and any other organization or persons assigned by the Teen Court Program from any and all liability whatsoever, for the injuries, damages, and claims your child or yourself, any heirs, dependents, and assigns may sustain or have in the course of performing tasks or jobs assigned by the police department under its station adjustment procedures, or the Teen Court Program per Juvenile Court Act 705 ILCS 405/1-12 and 405/5-301.

### Waiver of Confidentiality

- You will release the village/city where your child was arrested and charged, Lake County, their police department, officers and those elected and appointed officials, Nicasa, their board of directors and employees, and any other organization or persons assigned by the Teen Court Program, for any claims of violations of confidentiality in regards to adjudication in your child's case.

### Parent Participation

- The Teen Court Program operates under the jurisdiction of the police department. As a voluntary program, **it is a privilege, not a right**, to participate in the Teen Court Program. As the parent(s)/legal guardian, you will ensure your child completes the program successfully. Non-compliance will result in your child being terminated from the program.
- You are responsible for appearing at all court hearings with your child.
- You will abide by all of the conditions set forth by the jury including, but not limited to, making sure your child completes all of the assignments required by the date set forth on the Work Assignment and Community Service Referral form. This means that your child may have to miss extracurricular activities, such as sports, in order to complete the work assigned. You will need to work with your child to set up of schedule of days and hours to be worked at the assigned community site, as well as the assigned decision making class and any other services mandated by the Court.

- Your child must start community service work within one week of sentencing and must work out a schedule of hours that will accommodate the community service site first. In other words, do not expect your child to be able to get all of his/her community service work done within the last two weeks. The community service site will not accommodate your child if he/she waits until this time to begin the community assignment.
- If there is a problem connecting with the community service site, or obtaining other mandated services, you must call the Teen Court Program at (847) 546-6450 immediately.
- If your child repeatedly shows up late or leaves early from the community service site, misses more than one day of community service work without calling, or does not attend court mandated classes or services, your child will be terminated from the Teen Court Program.
- If all of the conditions set forth by the Teen Court and this agreement are not met, your child will be terminated from the program and the case will be referred back to the police department for further disposition.

### **Offender Participation**

- Your child must be made aware of all of the following requirements that are set forth as part of the Teen Court Program. His/her failure to meet these requirements will result in termination from the program. It is your responsibility to make sure that your child reads and understands these requirements.
- Your child has been arrested and charged with a misdemeanor under a local city/village ordinance. Instead of being required to appear in Branch Court or Juvenile Court, he/she has been diverted to the Teen Court Program as a station adjustment. Should he/she choose not to participate in or complete the program, the case will be referred back to the police department for further disposition. Any sentencing requirements that he/she has completed up to that point will not be transferred.
- The Teen Court Program is for first-time misdemeanor offenders or second time misdemeanor offenders who have not previously appeared in Teen Court. Your child will have to admit their guilt to the noted offense/charge in court. Failure to do so will result in his/her termination from the program.
- If, and when, your child completes all the requirement of the sentence, his/her case will be successfully closed by the court and the police department.
- The Teen Court Program, and any constructive sentence it issues, is separate from any disciplinary action that may be taken against him/her by the school.
- If your child gets arrested while going through the Teen Court Program, it is his/her responsibility to contact the Teen Court Coordinator immediately. Arrests while in the Teen Court Program will result in termination from the program.

### **Assistance**

- The Teen Court staff is willing to assist you with any problems, questions, or concerns you may have regarding the program. They can be reached at (847) 546-6450.

DATE Click - to enter a date.

<b>MINOR</b>	(LAST, FIRST, MIDDLE)					DOB:	AGE:	SEX:	RACE:
HAIR	EYES	HEIGHT	WEIGHT	BUILD	SCARS, MARKS, TATTOOS				
STREET ADDRESS						CITY	STATE	ZIP	
HOME PHONE#:				MINOR RESIDES WITH:					
<b>ADOPTIVE/ NATURAL FATHER</b>	NAME (LAST, FIRST, MIDDLE)								
STREET ADDRESS (IF DIFFERENT)						CITY	STATE	ZIP	
HOME PHONE #					CELL PHONE #				
<b>ADOPTIVE/ NATURAL MOTHER</b>	NAME (LAST, FIRST, MIDDLE)								
STREET ADDRESS (IF DIFFERENT)						CITY	STATE	ZIP	
HOME PHONE #					CELL PHONE #				

**DELINQUENT OFFENSES**

**RECOMMENDATIONS**

REPORT NUMBER	OFFENSE DATE	APPREH. DATE	STATUTE NAME / NUMBER	INFORMAL	CONFERENCE		COURT
	Click - to enter a date.	Click - to enter a date.		<input type="checkbox"/>	INF.	VOL. SUP	
	-	-		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	-	-		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	-	-		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	-	-		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	-	-		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	-	-		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLEASE CALL ME TO DISCUSS RECOMMENDATIONS      JUVENILE OFFICER NAME: \_\_\_\_\_      JUVENILE OFFICER PHONE NUMBER: \_\_\_\_\_

COMMENTS:

---

OTHERS INVOLVED AND AGES:

---

WAS THE MINOR BROUGHT TO INTAKE IN CUSTODY?  
 Yes       No

**POLICE DEPARTMENT**  
**WAUKEGAN POLICE DEPARTMENT**      OFFICERS: \_\_\_\_\_

**ATTACH 2 COPIES OF MINORS LOCAL ACTIVITY REPORT AND ANY RELEVANT RECORDS**

STATES ATTORNEY (WHITE)

JUVENILE SERVICES (YELLOW)

INTAKE (PINK)

POLICE DEPARTMENT (GOLD)



# WAUKEGAN POLICE DEPARTMENT

101 N. West Street, Waukegan, Illinois 60085

## Juvenile Rights Warning Waiver

Subjects Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Report #: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

### Statement of Rights

- \_\_\_\_\_ 1. You have the right to remain silent.
- \_\_\_\_\_ 2. Anything you say can and may be used against you in a court of law.
- \_\_\_\_\_ 3. You have the right to consult with a lawyer before you answer any questions or make any statement and to have him present during questioning.
- \_\_\_\_\_ 4. If you cannot afford a lawyer, one will be appointed for you before questioning or at any time during questioning, if you so desire.
- \_\_\_\_\_ 5. As a juvenile , you may consult with your parents or legal guardian before any questioning begins and you may also have them present during questioning if you so desire.
- \_\_\_\_\_ 6. As a juvenile, you must also understand that anything you say can and may be used against you in a subsequent criminal proceeding if the case is transferred from the juvenile court to an adult criminal proceeding after an appropriate hearing in juvenile court.

### Waiver of Rights

I have read this statement of my RIGHTS, and they have been explained to me, and any questions I have with respect to them have been explained to me, and I understand what my rights are. I am willing to make a statement and answer any questions. I do not want a lawyer at this time . I understand and know what I am doing. No coercion of any kind has been used against me.

Signed \_\_\_\_\_

Witness \_\_\_\_\_

Witness \_\_\_\_\_

# WAUKEGAN POLICE DEPARTMENT

## QUALIFYING FOR EXPUNGEMENT OF YOUR JUVENILE RECORD

Your Juvenile Record may be considered for expungement if you fall into one of these two categories:

**CATEGORY NO. 1:** If you are at least 18 years old and you can answer "Yes" to **ANY** of the following questions:

- ( ) Were you arrested and not charged?
- ( ) Were you charged but found not delinquent (not guilty)?
- ( ) Were you placed under supervision and, if so, did you follow all the rules of your supervision so that it was successfully terminated?
- ( ) Were you adjudicated delinquent (found guilty) for an offense that if committed by an adult would be a Class B misdemeanor, Class C misdemeanor or a petty or business offense?

Then you can have your juvenile record expunged. Use the "Category 1" Petition.

**CATEGORY NO. 2:** For any juvenile incidents that do not fall into Category 1 above, you may still have your juvenile record expunged except those proceedings based upon (1) first degree murder or (2) sex offenses which would be felonies if committed by an adult, **SO LONG AS** you can answer "Yes" to **ALL** of the following questions:

- ( ) Have you **NO** convictions for any crime since your 18<sup>th</sup> birthday?
- ( ) Are you at least 21 years old?
- ( ) Has it been at least five years since your last juvenile court proceeding was terminated?
- ( ) Has it been at least five years since your commitment to the Department of Corrections, Juvenile Division ended?

If you answered "Yes" to **ALL** of these questions and your case was not based on first degree murder or a sex offense that would be a felony if committed by an adult, you can have your juvenile record expunged. Use the "Category 2" Petition.

**REMEMBER: JUVENILE OFFENSES THAT ARE BASED ON FIRST DEGREE MURDER OR SEX CRIMES THAT WOULD BE FELONIES IF COMMITTED BY AN ADULT CAN NOT BE EXPUNGED.**

**ALL PETITION FORMS CAN BE FOUND AT [HTTP://WWW.WAUKEGANIL.GOV/DOCUMENTCENTER/VIEW/1163](http://www.waukeganil.gov/documentcenter/view/1163)**

## JUVENILE EXPUNGEMENT PROCESS AND PROCEDURES

1. Obtain an arrest history report from any agency that arrested you, such as the police department, sheriff's department, or State Police.
2. Decide which of the two petition forms to use (Category 1 or Category 2). Generally, if your case only involved an arrest or supervision and you were never on probation, you should use the Category 1 petition. If your case involved probation, you should use the Category 2 petition. Samples of the 2 petitions are included in this packet.
3. If you are unsure of which form to use, call the Lake County Circuit Clerk's Office at (847) 377-7888. You need to file a separate petition for each arrest listed on your arrest history report.
4. Obtain the Petition, Notice and Order to expunge from the Lake County Circuit Clerk's Office. Fill out the following portions of the Notice:

Your name, case number, address of the arresting agency, address of the State's Attorney, and your own address. **LEAVE THE REST OF THE NOTICE BLANK.**

Fill out the following portions of the Order:

Your name, date of birth (DOB), case number, name of the arresting agency/agencies. **LEAVE THE REST OF THE ORDER BLANK.**

5. File the original Petition, Notice and Order with the Circuit Clerk's Office. If filing a Petition to Expunge under Category 1, there is a \$260.00 filing fee if Box A is checked. If Box B, C, D or E is checked, the filing fee is \$60.00. If you are filing a Petition to Expunge under Category 2, the filing fee is \$60.00. Both Category 1 and 2 petitions require \$6.00 for each certified copy (you will need at least 3 copies). Additionally, there is a separate \$60.00 fee to be made payable to the Department of the Illinois State Police. This must be either money order or cashier's check. **NO PERSONAL CHECKS ACCEPTED.** The State Police will not expunge your record without this fee. If you are under 18 years of age, you must have your parent or legal guardian with you. Your parent or legal guardian must provide proof that he or she is your parent or guardian.
6. The Circuit Clerk's Office will send notice of your petition to the Illinois State Police, the State's Attorney or prosecutor assigned to your case, and the agency that arrested you. They have 45 days to object to your petition. After you file your petition, you need to notify the Circuit Clerk if you move or change your mailing address by filling out a change of address form. You can get the form from the Circuit Clerk's Office.
7. After 45 days, contact the Circuit Clerk's Office to determine the status of your petition. Unless the State's Attorney or prosecutor, the Illinois State Police, or the arresting agency object to your petition within 45 days, the Court may grant the petition and expunge your record.

If there is an objection to your petition, the Circuit Clerk will schedule a hearing. If a hearing is scheduled, you are required to attend. If there is no objection, there will not be a hearing and the Court may grant your petition.

8. Should your petition be granted, your money order or cashier's check to the Illinois State Police will be forwarded to the State Police by the Circuit Clerk's Office along with a certified copy of the order. Several weeks later, the State Police will send you and the Circuit Clerk a letter confirming the expungement. Should the petition be denied, the order and the money order or cashier's check for the State Police will be returned to you by mail.