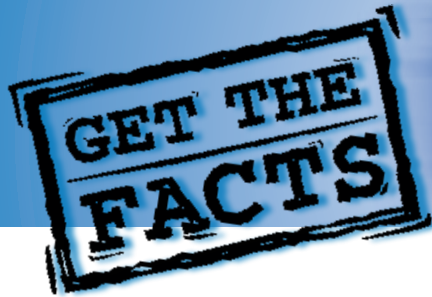




Juvenile justice system

Juvenile arrests



The Illinois juvenile justice system was created to address the unique needs of young offenders. This *Get the Facts* provides an overview of juvenile arrests, including the types of offenses for which juveniles may be arrested, the rights of a juvenile who has been arrested, and how an arrest may affect a juvenile's criminal record.

In the Illinois juvenile justice system, who is considered a juvenile?

In the Illinois juvenile justice system, a juvenile, or delinquent minor, is any youth under the age of 17 who commits an offense that would be considered a crime if committed by an adult. On Jan. 1, 2010, 17-year-olds who commit offenses categorized as adult misdemeanors also will be considered juveniles.

What is an arrest warrant?

An arrest warrant is an order issued by a judge authorizing the arrest and detention of an individual. Judges issue warrants to arrest juveniles who, based on probable cause, have allegedly committed a criminal offense, and when individuals fail to appear in court or perform court-mandated activities. In Illinois, juveniles arrested on warrants are typically detained in a temporary juvenile detention facility.

What happens when a juvenile is arrested?

A juvenile may be taken into police custody without being formally arrested. But once a youth has been formally arrested, police must read them their Miranda rights. An officer will then use formal tools and informal assessment methods to gauge the juvenile's needs and determine any risk the juvenile poses to himself and to the community. Police must make a reasonable attempt to contact a parent or guardian upon taking the youth into custody.

For what kinds of offenses can juveniles be arrested?

Juveniles can be arrested for two kinds of offenses: delinquency offenses or status offenses. Delinquency offenses are acts that violate criminal law. Status offenses are violations of laws or municipal ordinances that apply only to minors, such as curfew violations, running away from home, and truancy.

Do all arrests appear in criminal records?

Arrests are documented in criminal history records. However, juvenile arrests are sealed and available only under certain circumstances to law enforcement, prosecutors, the military, the courts, and other entities that work with young people. Certain types of juvenile arrests may be expunged, or permanently removed, from the record.



What other rights do juveniles have when they are under arrest?

Juveniles have the right to know what charges are being brought against them and the right to an attorney. They must be protected from self-incrimination. In addition, youth may not be interrogated—asked questions about the alleged offense—without the presence of an attorney, parent, or guardian.

Do all juvenile arrests result in charges filed with the courts?

No. Police officers have the discretion to release a youth to a parent or guardian without further action. They may also divert a youth from further system involvement using a formal or informal station adjustment. When an officer does file charges, prosecutors may decide not to pursue the case or to drop charges due to lack of evidence.

Can a juvenile be arrested for truancy?

Yes. Truancy and chronic truancy are status offenses. Youth who are absent from school without a valid excuse are considered truant. Chronic truancy is when a youth is absent from school without a valid excuse for more than 18 of 180 regular attendance days.

What is a station adjustment?

A station adjustment diverts a juvenile offender from juvenile justice system involvement. Used both formally and informally, station adjustments allow the release of the youth to a parent or guardian under specified conditions, such as obeying curfew, attending school, performing community service, and participating in social services. In a formal station adjustment, admission of guilt by the juvenile is required.

What does it mean when a minor requires authoritative intervention?

A designation of a Minor Requiring Authoritative Intervention, or *MRAI*, occurs when a minor leaves the home and a judge deems the minor (anyone under 18 years of age) to be beyond the control of a parent or guardian. When a youth refuses to return home even after intervention provided by the state, he or she will require authoritative intervention and may be placed in custody of the Illinois Department of Children and Family Services, placed under the supervision of the court, or placed with another family member.

About *Get the Facts: Juvenile Justice System*



This *Get the Facts* series was created to answer common questions about the juvenile justice system. Other topics to be addressed in this series include juvenile sentencing, the pretrial process, the court system, and corrections.



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