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EVANSTON POLICE DEPARTMENT
Juvenile Bureau
Minor and Parental Agreement
CONDITIONS OF FORMAL STATION ADJUSTMENT

We, the undersigned, voluntarily agree to the following conditions of the Forman Station Adjustment of _____ for the offense of _____ which occurred on _____

We understand that the admission by the minor of his/her involvement in the offense may be admitted into evidence in future court hearings. **WE HEREBY ACKNOWLEDGE THAT THE CONSEQUENCES FOR VIOLATION OF THE CONDITIONS HAVE BEEN EXPLAINED TO US, INCLUDING** _____

The following conditions apply to, and are hereby made part of Formal Station Adjustment by the Evanston Police Department of Incident No. _____

1. **Curfew:** _____
2. **Geographical Restrictions:** _____
3. **No Contact with Specified Persons:** _____
4. **School Attendance:** _____
5. **Community Service:** _____
6. **Restitution-limited to 90 days:** _____
7. **Additional Terms & Conditions:** _____

A Formal Station Adjustment does not constitute and adjudication of delinquency or a criminal conviction. A minor or the minor's parent/guardian/legal custodian may within 30 days revoke his/her consent by personally serving the Officer of his/her Supervisor with written notification. Beginning January 1, 2000, a record of Formal Station Adjustments shall be maintained with the Illinois State Police. The total for Formal Station Adjustments statewide may not exceed 4 without the State's Attorney's approval. Formal Station Adjustment records can be expunged under Section 5-915 of the Juvenile Court Act. The minor or his/her parent/guardian **HAVE THE RIGHT TO REFUSE** a Formal Station Adjustment, and have the matter referred for court action.

Minor: _____ Date: _____

Parent/Guardian/Legal Custodian: _____ Date _____

Juvenile Officer/Star #: _____ Date _____

2

EVANSTON POLICE DEPARTMENT
Juvenile Bureau
Minor and Parental Agreement - Informal Station Adjustment

An **Informal Station Adjustment** is defined as a procedure when a juvenile police officer determines that there is probable cause to believe that the minor has committed an offense. A minor shall receive a total of no more than 5 informal station adjustments statewide during his/her minority. An Informal Station Adjustment does not constitute an adjudication of delinquency or a criminal conviction.

The following conditions apply to, and are hereby made part of Informal Station Adjustment by the Evanston Police Department of Incident No. _____

1. **Curfew:** _____
2. **Geographical Restrictions:** _____
3. **No Contact with Specified Persons:** _____
4. **School Attendance:** _____
5. **Community Service-Up to 25 hours:** _____
6. **Community Mediation:** _____
7. **Teen Court/Peer Court:** _____
8. **Restitution-limited to 90 days:** _____
9. **Additional Terms & Conditions:** _____

If the minor REFUSES OR FAILS TO ABIDE BY THE CONDITIONS of an Informal Station Adjustment, the juvenile police officer MAY IMPOSE A FORMAL STATION ADJUSTMENT OR REFER THE MATTER TO THE STATE'S ATTORNEY'S OFFICE. Beginning January 1, 2000, a record shall be admitted with the Department of State Police for Informal Station Adjustments for offenses that would be a felony if committed by an adult, and may be maintained if the offense would be a misdemeanor.

We, the undersigned, voluntarily agree to the above conditions of the Informal Station Adjustment, and acknowledge that we realize the consequences for violation of the forgoing conditions.

Minor: _____ Date: _____

Parent/Guardian/Legal Custodian: _____ Date _____

Juvenile Officer/Star #: _____ Date _____

CPAC – SPECIAL MEETING – CR 17-02
September 27, 2017 (cont'd on October 9, 2017)
(Dispositions by CPAC Member Becky Biller)

I. DISPOSITION AS TO ACCUSED OFFICER #1 (“O1”):

A. Summary of Complainant’s Allegations: Where Complainant’s son (the “Minor”) was riding on the pegs of a bicycle operated by another juvenile, and the operator of the bicycle rode into traffic, almost getting hit by oncoming cars, O1 and Officer #2 (“O2”) should not have arrested and transported the Minor to the police station in the police squadrol, particularly where the operator of the bicycle was not arrested.

B. Rules 2¹, 6²:

1. OPS Findings: Exonerated (for both Rule 2 and 6).

2. My Findings: Sustained (for both Rule 2 and 6). I disagree with OPS’ findings. My rationale is as follows:

a. O1 and O2 made an unlawful/unwarranted/improper arrest. The Minor was arrested when he was detained and taken into custody. The fact of the Minor’s arrest is further evidenced by the facts that he would not be released to his sister or to Witness # 2, and only to his parents upon signing the Formal Station Adjustment; and further evidenced by the fact that an Arrest Report was made by D4.

An arrest requires probable cause that a crime/offense has been committed. The arrest of a minor without a warrant requires the officer to have probable cause to believe the minor to be a delinquent minor.³ “*Delinquent minor means 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.*”⁴

Further, both formal and informal station adjustments require “probable cause to believe that the minor has committed an offense”.⁵ A formal station adjustment has the additional requirement of “an admission by the minor of involvement in the offense.” According to D4, the decision to issue an Informal Station Adjustment was collectively decided upon.

¹ Rule 2: “Any action or conduct, on or off duty, which impedes the department’s efforts to achieve its goals, mission or values, or which degrades or brings disrespect upon any member or the department as a whole; or any action that impedes the operation or efficiency of the department and its members.”

² Rule 6: “Incompetency or inefficiency in the performance of a duty or task.”

³ 705 ILCS 405/5-401(1)(a).

<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=070504050HAr1%2E+V+Pt%2E+4&ActID=1863&ChapterID=50&SeqStart=19800000&SeqEnd=20500000>

⁴ 705 ILCS 405/5-105(3) (emphasis added). <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=070504050K5-105>

⁵ 705 ILCS 405/5-301(1)(a). See also 705 ILCS 405/5-301(2)(a).

<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=070504050K5-301>

The alleged ordinance violation by the Minor was City of Evanston Code 10-9-4(J), which focuses on the operator of the bike (and is punishable by no more than a fine).⁶ O1 and O2 both concede that they observed the kids on the bike and saw the Minor riding on the pegs of the bike, and thus not “operating” the bike. Therefore, they had no probable cause to believe he was violating 10-9-4(J), and in fact, should have known that he was not violating 10-9-4(J). Thus, the Minor should never have been arrested, and should never have received any kind of station adjustment (formal or informal). Further, O1 and O2 claim they brought the Minor to the station “*out of concern for his safety after he almost was hit by a car.*” (Report p. 3). A person cannot be arrested or issued a station adjustment out of concern for their safety.

- b. **O1 Should Have Released the Minor to His Sister:** O1 claims he would not release the Minor to his sister because his sister was a minor. A juvenile police officer may take “*any other appropriate action with consent of the minor or a parent.*”⁷
- c. **O1 Concedes He Was Unaware of Difference in Forms:** O1 (on p. 4) admitted he did not know there were 2 forms for station adjustments (formal and informal). Given the magnitude of station adjustments, particularly the fact that Formal Station Adjustments result in a record with the Department of State Police⁸, O1’s lack of awareness on this issue is clear evidence of incompetency (i.e. Rule 6). Whether or not EPD actually reports Formal Station Adjustments to the Department of State Police does not lessen the magnitude of the Formal Station Adjustment.

C. **Further, the O1’s conduct appears to implicate other Rules of Prohibited Conduct, namely:**

1. **Rule 1:** O1 made an unlawful/unwarranted/improper arrest. This certainly should qualify as a violation of policy, directive, or training, and arguably, a violation of law.
2. **Rule 20:** by making an unlawful/unwarranted/improper arrest, O1 failed to provide correct service.
3. **Rule 44:** O1 made an unlawful/unwarranted/improper arrest. This is an unlawful or unnecessary use of force. Even if no physical harm occurred to the Minor, the force was the intimidation and coercion of the police power. Given that there was no probable cause for the arrest and that 10-9-4-(J) is punishable at most by a fine, the detention, transport, and arrest were unnecessary.
4. **Rule 74:** this should have been identified in the investigative report as an alleged Rule Violation. The Report expressly states (on p. 3) that O3 said Complainant expressed concern that the outcome would have been different had the juveniles been White. This is precisely what Rule # 74 covers, and it should have been identified as an alleged rule violation and investigated. As this was not investigated, I cannot opine on whether this Rule was, in fact, violated.

⁶ To the extent the Illinois Motor Vehicle Code is also implicated, “operate” is defined as “*To ride in or on, other than as a passenger, use or control in any manner the operation of any device or vehicle whether motorized or propelled by human power.*” 625 ILCS 5/1-154.1 (emphasis added). <http://www.ilga.gov/legislation/ilcs/documents/062500050K1-154.1.htm>

⁷ 705 ILCS 405/5-405(3)(d). <http://www.ilga.gov/legislation/ilcs/documents/070504050K5-405.htm>

⁸ 705 ILCS 405/5-301(2)(e). <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=070504050K5-301>

II. DISPOSITION AS TO ACCUSED OFFICER #2 (“O2”):

- A. Summary of Complainant’s Allegations: Where the Minor was riding on the pegs of a bicycle operated by another juvenile, and the operator of the bicycle rode into traffic, almost getting hit by oncoming cars, O1 and O2 should not have arrested and transported the Minor to the police station in the police squadrol, particularly where the operator of the bicycle was not arrested.
- B. Rules 2, 6:
1. OPS Findings: Exonerated (for both Rule 2 and 6).
 2. My Findings: Sustained (for both Rule 2 and 6). I disagree with OPS’ findings. My rationale is as follows:
 - a. **O1 and O2 made an unlawful arrest.** [see same rationale for O1 above].
- C. Further, O2’s conduct appears to implicate other Rules of Prohibited Conduct, namely:
1. Rule 1: [see same rationale for O1 above].
 2. Rule 20: [see same rationale for O1 above].
 3. Rule 44: [see same rationale for O1 above].
 4. Rule 74: [see same rationale for O1 above].

III. DISPOSITION AS TO ACCUSED SCHOOL RESOURCE OFFICER #3 (“O3”):

- A. Summary of Complainant’s Allegations: Complainants alleges that he was misinformed about the procedural requirements for having the Minor released from custody.
- B. Rules 2, 6, 20⁹:
1. OPS Findings:
 - a. Rule 2: no ruling/disposition provided in report.
 - b. Rule 6 and 20: Sustained.
 2. My Findings: Sustained (for Rule 2, 6, and 20). My rationale is as follows:
 - a. **O3 should not have provided a partially completed document (of any kind) to Complainant and his wife to sign.** Among all 4 officers implicated in this Complaint, O3 is the least culpable because he was simply doing what he was instructed by the unidentified/non-implicated Juvenile Detective to do, and operating under the assumption that a Formal Station Adjustment was intended to be issued. Regardless, O3 should have ensured the document was complete beforehand.

⁹ Rule 20: “Failure to provided prompt, correct, or courteous service.”

- b. O3 misrepresented the magnitude and severity of a Formal Station Adjustment. O3 concedes he told the parents that it was a “slap on the hand”. As referenced above, a Formal Station Adjustment results in a record with the Department of State Police, and thus should never be trivialized to a mere “slap on the hand.”

IV. DISPOSITION AS TO ACCUSED DETECTIVE #4 (“D4”):

- A. Summary of Complainant’s Allegations: Complainants alleges that D4 signed off on inconsistent reports relating to the station adjustment (i.e. Complainant was told it would be an “informal” station adjustment, but the paperwork he received indicates it was a “formal” station adjustment, and that as a result, he will have to attempt to get it expunged.)
- B. Rules 2, 6:
 1. OPS Findings:
 - a. Rule 2: no ruling/disposition provided in report.
 - b. Rule 6: Sustained.
 2. My Findings: Sustained (for Rules 2 and 6). My rationale is as follows:
 - a. Ignoring the issue of whether the arrest or resulting station adjustment (of any kind) was proper, assuming D4 had authority to fill out the arrest report, it appears that D4 did so accurately (i.e. noting that an informal station adjustment was going to be issued. However, D4 should have either completed the station adjustment paperwork himself (rather than allow the unidentified/non-implicated Juvenile Detective to do so), or verified that the station adjustment paperwork was complete and accurate before it was provided to O3.
- C. Further, D4’s conduct appears to implicate other Rules of Prohibited Conduct, namely:
 1. Rule 1: D4 admits he participated in the “collective” decision to issue an informal station adjustment. As set forth above, a station adjustment (of any kind) requires “*probable cause to believe that the minor has committed an offense*”, and there was no probable cause to either arrest or issue a station adjustment to the Minor. O2 explained to D4 that the Minor was brought in out of concern for his safety, thus D4 should not have agreed to a station adjustment being issued in any form, as neither O1 or O2 provided any evidence to show that the requirements of a station adjustment were met. Thus, D4 agreed to the issuance of an unlawful/unwarranted/improper station adjustment. This certainly should qualify as a violation of policy, directive, or training, and arguably, a violation of law.
 2. Rule 20: by agreeing to the issuance of an unlawful/unwarranted/improper station adjustment, D4 failed to provide correct service.
 3. Rule 74: this should have been identified in the investigative report as an alleged Rule Violation. The Report expressly states (on p. 3) that O3 said Complainant expressed concern that the outcome would have been different had the juveniles been White. This is precisely what Rule # 74 covers, and it should have been identified as an alleged rule violation and investigated. As this was not investigated, I cannot opine on whether this Rule was, in fact, violated.

V. ADDITIONAL CONCERNS/RECOMMENDATIONS.

- A. Why isn't the Juvenile Detective who prepared the Formal Station Adjustment Form implicated in the Complaint as a fifth accused person? **This unidentified Juvenile Detective is most at fault on the station adjustment.** According to D4, "[a]nother Juvenile Detective prepared the station adjustment forms..." (Report p. 3). Further, according to O3, "a Juvenile Detective gave him a partially-completed Formal Station Adjustment form and told him to have the Complainant and his wife sign it." (Report, p. 3). The burden cannot be placed on a citizen to know what officers are implicated in the conduct complained of. Here, Complainant's complaint centered on (1) the arrest; and (2) the inconsistent paperwork. **Thus, all individuals involved in the arrest or the paperwork should have been implicated and investigated.**
- B. **There is no consensus on who the decision-makers were.** It remains unclear who made the decision to arrest in the manner it was done, and who made the decision to issue a station adjustment of any kind (formal or informal). Because there is no clarity on who the decision-makers were and the officers statements on the issue are not consistent, it is difficult to determine who is most responsible.
1. O1 says he knew the Minor would be receiving a station adjustment (though he was unaware of the 2 types) (Report, p. 4);
 2. O2 says she didn't have a conversation with anyone regarding an informal station adjustment being given to the Minor (Report, p. 4);
 3. O3 does not appear to have been a decision-maker of any kind, but rather a messenger.
 4. D4 claims that an informal station adjustment was collectively agreed upon (though he doesn't say by whom). (Report, p. 3).
- C. What is the procedure for handling the documentation of any police interaction (regardless of whether with a juvenile or otherwise)? Essentially, who is responsible for preparing any paperwork associated with or resulting from the encounter? If EPD concedes that the errors in this case were attributed to the higher than normal number of officers involved (Report, p. 5), then shouldn't there be some kind of departmental policy and training regarding proper documentation?
1. Why didn't the arresting officers (O1 and O2) just complete the paperwork?
 2. D4 claims he completed the arrest report because juvenile officers are the only officers authorized to complete juvenile arrest reports. Does this mean that the arresting officers (O1 and O2) are not juvenile officers? If so, then why were they deployed in response to a report involving a group of juveniles?
- D. There is no OPS finding/disposition for O3 or D4 on Rule 2. There should be. In addition, there are at least 8 references throughout the report about how the implicated officers were not rude or forceful. This complaint involves no allegations of rudeness/disrespect (the type of behavior prohibited by Rule 18), thus such references are irrelevant to the analysis. Perhaps a revised investigative report form (going forward) could help clarify the issues, the implicated people, the implicated rules, the findings, and recommendations (if any).

Delivered: October 9, 2017

Signature: 
Rebecca ("Becky") Biller

CPAC MEETING – DI-17-04
October 9, 2017
(Dispositions by CPAC Member Becky Biller)

I. DISPOSITION AS TO ACCUSED OFFICER #1 (“O1”):

A. Summary of Complainant’s Allegations: O1 and Officer #2 (“O2”) harassed, intimidated and discriminated against him during a 3/26/17 check of his wellbeing precipitated by Complainant’s text message to his therapist that he was going to commit suicide due to troubles with his husband. Complainant also alleges that the police report contains inaccurate information.

B. Rules 6¹, 74²:

1. OPS Findings: Not Sustained (for both Rule 6 and 74).

2. My Findings: Not Sustained (for both Rule 6 and 74). I agree with OPS’ findings. However, I have the following commentary:

a. The basis for the alleged Rule 74 should have been included in the report. I assume the basis for Complainant’s alleged Rule 74 violation is his sexual orientation. However, the basis is not mentioned. Any time a person makes a Rule 74 complaint, the basis should be expressly stated and noted in the report. That being said, the language of Rule 74 should probably be revised as it is overly broad. It should be limited to protected classes (i.e. race, color, sex, religion, national origin, age, disability, genetic information, sexual orientation, gender identity, any anything else protected under the law)..

b. Sergeant Ones and Sergeant Two’s statements, in part, are not based on personal knowledge: For both Sergeants, the Report states that each Sergeant claimed that entry to the unit was not forced – that one of the residents answered the door/allowed entry. However, both Sergeants claim that O1 and O2 were already in the residence upon the Sergeants arrival. Thus, neither Sergeant actually has first-hand knowledge of how entry was effectuated, thus their statements to that effect should not be part of the Report.

c. The allegation of the error in the report regarding the number of incidents was not addressed. Complainant alleges that the police report erroneously stated this was the 2nd incident in a year, but the Report does not address this allegation. It should have addressed it.

C. Further, Complainant’s Allegations appears to implicate other Rules of Prohibited Conduct, namely:

1. Rule 20³: if the police report contained inaccurate information, wouldn’t this be a failure to provide correct service? As this was not investigated, I cannot opine on whether this Rule was, in fact, violated. See B(2)(c) above.

¹ Rule 6: “Incompetency or inefficiency in the performance of a duty or task.”

² Rule 74: “Subject any person or group, or allow any person or group to be subjected, to any form of harassment, discrimination, prejudice or bias on the basis of race, ethnic background, sex, age, religion or any other personal characteristic, belief, or affiliation.”

³ Rule 20: “Failure to provided prompt, correct, or courteous service.”

II. DISPOSITION AS TO ACCUSED OFFICER #2 ("O2"):

A. Summary of Complainant's Allegations: [same as for O1].

B. Rules 6, 74:

1. OPS Findings: Not Sustained (for both Rule 6 and 74).

2. My Findings: Not Sustained (for both Rule 6 and 74). I agree with OPS' findings. [same commentary as for O1]

Delivered: October 9, 2017

Signature: 

Rebecca ("Becky") Biller