

JUVENILE ENFORCEMENT AND CUSTODY

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I. PURPOSE

The purpose of this policy is to provide guidelines for officers when dealing with juveniles in enforcement and custody situations.

II. POLICY

It is the responsibility of all members of this department to familiarize themselves with juvenile problems and established procedures for handling criminal and non-criminal juvenile incidents as defined in this policy. Officers should bear in mind that only a small percentage of juveniles commit the majority of juvenile crimes. While this small percentage may require secure custody, the vast majority of juvenile offenders are likely candidates for non-secure custody and positive diversion and intervention strategies. With this in mind, officers shall, whenever reasonable and justified under this policy, take those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community.

III. DEFINITIONS

- A. **Status Offender:** A juvenile who is charged with an offense that would not be a crime if committed by an adult.
- B. **Responsible Adult:** In the absence of a juvenile's parent or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian, who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.
- C. **Non-Secure Custody:** A condition under which a juvenile's freedom of movement is controlled by members of this agency and, during such time, the juvenile:
 - 1. Is held in an unlocked, multi-purpose area that is in no way designed for administrative use, such as a report writing room or an office;
 - 2. Is at no time handcuffed to any stationary object.
 - 3. Is held only long enough to complete identification, investigation and processing and then released to a responsible adult or transferred to a juvenile facility or court; and
 - 4. Is under continuous visual supervision until released.

- D. **Secure Custody:** A condition in which a juvenile is physically detained or confined in a locked room, set of rooms or cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody or when the juvenile is physically secured to a cuffing rail or other stationary object.

III. PROCECURES

A. Enforcement Alternatives

Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions.

Alternatives that may be considered include:

1. Release without further action;
2. Informal counseling to inform the youth of the consequences of his/her actions;
3. Informal referrals to community services;
4. Referral to parents or other responsible adult;
5. Informal counseling of parents or responsible adult;
6. Limited custody and station house warning;
7. Issuance of a summons or complaint;
8. Arrest under non-secure custody; and
9. Arrest under secure custody.

B. Enforcement Criteria

The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.

1. Release without further action or following informal counseling referral to community resources or parents may be appropriate in incidents where property damage or personal injury is not involved but intervention is necessary to avoid potential delinquent actions and when the youth has had no prior enforcement contacts with the police. Examples of these incidents include, but are not limited to:
 - a. curfew violations;
 - b. loitering;
 - c. minor liquor law violations; and
 - d. disorderly conduct.
2. Officers may elect to transport the youth home or direct him/her to return home; make personal, telephone or mail contact with the youth's parents or guardians to provide them with information and counseling on their child's actions; refer the youth to appropriate community service agencies with or without follow-up; or detain the youth at the station house until he/she is released to a parent or guardian when without follow-up; or detain the youth at the station house until he/she is released to a parent or guardian when:
 - a. the nature of the incident is of a more serious or potential serious nature than exemplified in item B(1) of this policy.

- b. the youth involved is fully aware of the seriousness or potential seriousness of his actions and/or is acting in alliance or collusion with others to commit such acts;
 - c. The youth fails to cooperate or to positively respond to police intervention and direction;
 - d. The youth has received prior informal warnings or referrals or has engaged in delinquent acts; and/or
 - e. The youth's parents or responsible adult have apparently failed to provide appropriate control and supervision.
3. Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in item B(2) of this policy. Officers should file delinquency charges against juveniles when they commit :
- a. acts that if committed by an adult would be felonies;
 - b. delinquent acts involving deadly weapons;
 - c. serious gang-related offenses;
 - d. delinquent acts involving assault;
 - e. delinquent acts while on probation or parole or when they have charges pending against them;
 - f. delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs; or
 - g. when it has been determined that parental or other adult supervision is ineffective.
4. An officer may also take a juvenile into custody if the youth is lost, seriously endangered or a runaway. In all such cases these juveniles shall be held in non-secure custody and officers shall contact the child's parents or guardian as soon as possible. Where parents or guardians cannot be contacted or refuse to accept custody, the officer shall contact the departmentally approved youth services agency for placement.
5. In cases of alleged child abuse, officers shall contact a youth officer or their immediate supervisor in order to conduct an investigation of the complaint unless probable cause justifies immediate action in order to protect the safety and well-being of the child.

C. Status Offenses

- 1. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to his parents, guardian or other responsible adult.
- 2. Juveniles taken into custody for status offenses should normally be frisked for contraband and weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others.
- 3. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.

4. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.
5. Transportation of a juvenile in a caged vehicle is not considered secure custody.
6. Status offenders and other juveniles taken into temporary no secure custody for non-criminal type offenses should not be fingerprinted or photographed for purposes of record.
7. Status offenders and other juveniles taken into temporary custody shall not be placed in a holding area with adult suspects and shall also;
 - a. be under constant visual supervision;
 - b. afforded reasonable access to toilets and washing facilities;
 - c. provided food if in need of nourishment to include any special diets necessary for health or medical purposes;
 - d. provided with reasonable access to water or other beverages; and
 - e. allowed reasonable access to a telephone.

D. Criminal Type Offenses

1. Juveniles arrested for criminal-type offenses are subject to the same security requirements as adults and may be handcuffed or otherwise restrained as necessary during transport and processing.
2. Juveniles accused of criminal-type offenses may be securely detained only for the period of time and in the manner prescribed by state law to allow for identification, investigation, processing and release to parents or a responsible adult, or transfer to the juvenile facility or court.
3. Fingerprints and photographs shall be taken of all juveniles taken into custody for criminal-type offenses. The fingerprint card and mug shot shall be marked "Juvenile" and shall be maintained in this agency's central repository for such purposes separately from adult fingerprints and mug shots and shall be subject to controlled dissemination as provided by law.
4. Juveniles placed in secure detention, whether in cells, locked rooms or other locations, shall be sight and sound separated from any incarcerated adults and shall:
 - a. be informed of the approximate period of time the incarceration will last;
 - b. be provided with constant auditory access to officers responsible for their supervision; and
 - c. be personally observed by supervisory personnel on both a routine and unscheduled basis no less than every 30 minutes.
5. Prior to custodial interviews or questioning, a juvenile officer should be summoned if available.

6. A juvenile in custody should not be questioned without the presence of his parent or a responsible adult. The juvenile and the adult, if available, shall be advised of their constitutional rights prior to interrogation. If, prior to or during questioning, the juvenile, his parents or responsible adult express the desire to speak with an attorney, all questioning shall cease and shall not be renewed until permission is granted.
7. In the absence of a parent or guardian, a juvenile may be questioned and may provide statements if reasonable assurances can be made that the juvenile fully understands his constitutional rights.
8. Interrogation of juveniles should not extend over periods of time that could be considered unreasonable or harassing and, whenever possible, should be conducted by only one officer at a time.
9. The juvenile should be informed of the procedures that will be followed with regard to custody, release, transport to another facility or to a custody hearing.

D. Record Keeping

1. Officers who select non-custodial alternatives or engage in informal enforcement contacts with juveniles shall complete appropriate field interview and/or incident reports as required by this agency. These reports shall clearly identify the juveniles involved, the nature of the incident and the rationale for the officer's disposition.
2. Juveniles taken into custody for criminal-type offenses shall be subject to the same reporting requirements as adults. Such reports shall be clearly marked "Juvenile", maintained in a separate location from adult arrest records and be subject to state law regarding dissemination and access.
3. A custody record will be maintained with each juvenile arrest report that specifies:
 - a. the time the juvenile entered secure detention and the duration of each period of secure detention;
 - b. if the juvenile is placed in a locked room or cell, the name of the police officer or custodial officer responsible for visual supervision and the schedule of visual supervision;
 - c. a statement of the need for secure detention; and the time in which each period of interrogation was commenced and completed, the officers present and the names of parents or responsible adults on hand.

ORDERED and EXECUTED this 15th day of April, 2013

Christopher Workman
Chief of Police