

## **CHAPTER 35 – JUVENILES**

**Section 35.00 – Definitions**

**Section 35.01 – Enforcement Actions**

**Section 35.02 – Juvenile Incarceration**

**Section 35.03 – Photographing Juveniles**

**Section 35.04 – Fingerprinting Juveniles**

**Section 35.05 – Interrogation Of Juveniles**

**Section 35.06 – Child Abuse And Neglect**

**Section 35.07 – Runaway Juveniles**

**EFFECTIVE: JULY 1, 2020**

## **CHAPTER 35 – JUVENILES**

### **Section 35.00 – Definitions**

- A. Juvenile: A person less than seventeen years of age.
- B. Adult: A person of seventeen years of age or older.
- C. Secure Detention: When a juvenile is held in a cell, a locked room or group of rooms, or is handcuffed to an object.
- D. Non-Secure Detention: When a juvenile is held in an unlocked room, or group of rooms, or unhandcuffed.
- E. Delinquent: When a juvenile commits an act that, if tried in an adult court, would constitute a misdemeanor or felony.
- F. Status Offense: A non-criminal act, such as beyond parental control, truancy, runaway, etc.
- G. Juvenile Officer: Person appointed by the Judicial Court as the Juvenile Officer for the Circuit, to supervise all matters relating to juveniles.
- H. Deputy Juvenile Officer: Person appointed by the Judicial Circuit to work under the supervision of the Juvenile Officer. These persons will be available on 24-hour call and should be contacted for guidance concerning juvenile matters.

### **Section 35.01 – Enforcement Actions**

- A. Violations of the Law:
  - 1. When an officer determines that probable cause exists to believe that a juvenile has violated any city ordinance, state or federal statute, or county ordinance, the officer shall;
    - a. Submit a completed copy of a juvenile referral report to the Juvenile Office (Referral reports will be provided by the Juvenile Office).
    - b. Complete a general offense report, including all facts and details concerning the alleged violation.
    - c. If the violation is that which, if committed by an adult would be a felony, the Investigations Unit will be notified as soon as possible.
    - d. A Deputy Juvenile Officer for the Circuit will be notified of the alleged violation and the facts of the incident.

2. Traffic Violations will be handled as any adult violation, however;
  - a. A sixteen year old juvenile will not be incarcerated in an adult facility for a traffic offense. If incarceration is necessary, a Deputy Juvenile Officer will be notified and will advise the appropriate location for detention of the juvenile.
  - b. Juveniles under the age of sixteen will not be issued traffic citations.
  - c. A sixteen year old juvenile may be released to a parent or guardian, in lieu of bond on traffic violations.

B. Custody:

1. The jurisdiction of the Juvenile Court shall attach from the time the juvenile is taken into custody.
2. A child may be taken into custody pursuant to the following, none of which is considered an arrest:
  - a. A law violation.
  - b. A status offense (i.e., truancy, curfew violation, etc.)
  - c. An environment, association or behavior injurious to the juvenile or the welfare of others.
  - d. Being without proper care.
3. When a juvenile is taken into custody, every effort shall be made to immediately notify a parent, guardian or legal custodian.
4. A juvenile taken into custody shall be released to a parent, guardian, or legal custodian, unless;
  - a. Otherwise ordered by the Court, or Deputy Juvenile Officer or;
  - b. Continued protective custody is required.
5. While a juvenile is being held in custody, pending release to a parent or guardian, or transfer to a juvenile detention facility, the juvenile shall not be held in an area within sight and sound of adult prisoners.

## **Section 35.02 – Juvenile Incarceration**

A. The authority to incarcerate juvenile offenders comes solely from the Juvenile Court or its officers. Places of detention for juveniles are designated by Order of the Court and are:

1. A juvenile detention facility provided by the Court or;
2. A shelter care facility, subject to the supervision of the Court or;
3. A detention facility maintained by an approved agency or;
4. Other suitable custody as directed by the Court.

B. A juvenile in custody for a felony shall be taken immediately before the Juvenile Court, a Juvenile Officer, or to a juvenile detention facility that has been designated by the Court. All information and personal property will be transported with the juvenile. A written Juvenile Referral Report and Probable Cause Statement shall be prepared for the Juvenile Officer, stating why the juvenile was not released and the reason for the custody.

C. The department will not be used as a detention facility for juveniles except; while awaiting arrival of a parent, custodian or legal guardian. However, if after a period not to exceed two hours, the juvenile has not been picked up by the proper authority, the Juvenile Office will be notified, and the juvenile will be transported to the nearest appropriate detention facility.

D. No status offender will be held in secure detention.

E. Release of Juvenile:

1. A juvenile, once detained by the police, may only be released to one of the following:

- a. Parent, guardian, legal custodian;
- b. Juvenile Officer or representative;
- c. Adult relative;
- d. Temporary guardian, approved by Juvenile Officer or representative.

2. Under no circumstances will juveniles be released on their own recognizance except:

- a. Traffic offenses involving sixteen year old juveniles:
- b. Juvenile is emancipated by Court, marriage, etc.

F. A juvenile shall not be detained in a jail or other adult facility pending disposition of case. A sixteen year old charged with a non-felony traffic violation may not be held in jail, even if the traffic case is being handled in Adult Court.

G. When an Officer deems it necessary to hold a juvenile, a parent, guardian or legal custodian will be notified immediately.

### **Section 35.03 – Photographing Juveniles**

A juvenile will be photographed if apprehended for a crime considered to be a felony, if committed by an adult. Officers wishing to photograph a juvenile who is the victim of a crime must first obtain permission from the Juvenile Office.

### **Section 35.04 – Fingerprinting Juveniles**

A juvenile will only be fingerprinted if apprehended for a crime considered to be a felony, if committed by an adult. Juveniles meeting this criteria will be fingerprinted on the State juvenile fingerprint card provided for that purpose, with the card being forwarded to the central repository as in any other adult case.

### **Section 35.05 – Interrogation Of Juveniles**

Juveniles are entitled to greater Constitutional protection than adults. These procedures will be followed during the interrogation of juveniles:

A. Interrogation will be done only with the permission of, and in the presence of, a Deputy Juvenile Officer and a parent or legal guardian. The juvenile will be advised of the Constitutional Rights provided under the Miranda Decision, by the Deputy Juvenile Officer, prior to the interrogation. If the juvenile is at least fourteen years of age and facing the possibility of certification as an adult, these facts must be given and that alleged violation would be a felony if committed by an adult.

B. The juvenile's Constitutional Rights will be explained to the parent, guardian or legal custodian. The juvenile will be given the opportunity to consult with this person or an attorney, regarding waiver of these rights. The parent, guardian or legal custodian, and a Deputy Juvenile Officer will be present when a statement or confession is given.

### **Section 35.06 – Child Abuse And Neglect**

A. If an officer believes that abuse or neglect of a juvenile, up to the age of 18 years, is occurring, the officer will:

1. Contact the Child Abuse Hotline within forty-eight hours.
2. Contact the Juvenile Office or representative within 48 hours.

3. Submit reports to the Investigations Unit within 24 hours.
- B. If the officer determines that the juvenile is in immediate danger of being further harmed by the abuse or neglect, complete the following without delay:
1. Notify the Juvenile Officer or representative.
  2. Remove the juvenile from the harmful environment.
  3. Complete a Child Services CS 33 Form
  4. Submit detailed reports to:
    - a. Investigations Unit.
    - b. Juvenile Officer.
    - c. Division of Family Services.

### **Section 35.07 – Runaway Juveniles**

Officers receiving reports of runaway juveniles shall complete a missing person/runaway report as soon as the information is received. Information contained in the report will be immediately forwarded to Communications for entry into the police computer system. Officers will respond to the residence of the juvenile, upon notice that they have returned or been located, and check their well-being. Officers will complete a supplemental report noting information regarding the return of the juvenile.