

# UW Whitewater Police



## Juvenile Operations

Number: 44.1	No. Pages: 6		
Special Instructions: CALEA 44.1.1, 44.2.1, 44.2.2			
Approved By: Chief Kiederlen	Effective Date: 10/11/2023	Revised Date: New	Revision number:

### I. Purpose

To provide guidelines for overall juvenile operations policy, handling offenses by juvenile offenders, and procedures for taking juveniles into custody.

### II. Definitions

**Custody:** Legal or physical control of a person in an area or facility or while in transit; legal, supervisory, or physical responsibility for a person.

**Delinquent:** as defined in Wis. Stat. § 938.02(3m) means a juvenile who is 10 years of age or older who has violated any state or federal criminal law, except as provided in §§ 938.17, 938.18, and 938.183, or who has committed contempt of court, as defined in § 785.01(1), as specified in § 938.355(6g).

**Juvenile:** According to Wisconsin State Statute 938.02(10m) refers to a person who is less than 18 years of age except for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "juvenile" does not include a person who has obtained 17 years of age.

**Status Offender:** Refers to a juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if the crime was committed by an adult. Examples of status offenses include: truancy, curfew violations, underage possession or use of tobacco products.

### III. Policy

It is the policy of the UW-Whitewater Police Department that personnel will handle juvenile operations consistent with the authority and limits imposed by state and federal laws.

### IV. Procedure

#### A. Juvenile Operations Policy (44.1.1):

The Department is committed to the development and continuation of programs designed to prevent and control juvenile delinquency. The responsibility for participating in, or supporting, the Department's juvenile operations process is shared by all agency components and personnel.

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1. Although, UW-Whitewater typically has a very small juvenile population on our main campus, thousands of juveniles visit the Whitewater and Rock County campuses each year as part of sporting events, theatre performances, or other regional engagement opportunities for juveniles. In addition, the UW-Whitewater campuses host numerous summer camp opportunities during mainly the summer months that brings thousands of juveniles to campus, including overnight housing on the Whitewater Campus.
2. Officers shall investigate incidents involving juveniles consistent with the authority and limits imposed by state and federal laws and ensure their constitutional and statutory rights are protected.
3. The Special Events Lieutenant will coordinate the department's staffing and planning for any large events that involve juveniles on campus to include prevention and control of juvenile crime related to these events.
4. One of the Residence Hall Officers will be appointed the liaison with the Children's Center on the Whitewater Campus to do year-round programming and assist with educational measures on safety items as the juveniles in this setting are under school age.
5. The Special Events Lieutenant will appoint, usually a Residence Hall Officer, to be the liaison each summer with Continuing Education which oversees the juvenile camps on the campuses. This person will bring information back to the department for large camps and ensure officers have access to the materials for each camp including camp leaders, recreational times and locations, and housing information.
6. On the Rock County Campus, the officer assigned this post will be the liaison with staff at this campus and any events, camps, or other educational opportunities that bring juveniles to this campus.
7. Although the above listed positions are liaisons, it is expected that all staff, but especially sworn patrol staff, will make it part of their patrol duties to interact and patrol areas with juveniles on campus during their events and open recreational times.

## **B. Handling Offenses by Juvenile Offenders (44.2.1)**

1. UWWPD personnel should seek the least restrictive alternative while considering dispositions for cases involving juvenile offenders.
2. When dealing with juvenile offenders, personnel should consider the following factors:
  - a. The nature of the alleged offense;
  - b. The age and background of the alleged offender;
  - c. The alleged offender's police records, if any;
  - d. The availability of community-based rehabilitation/diversion programs;
  - e. Request for diversion made by a complainant or victim.
3. In cases where the facts indicate a juvenile has committed a minor offense and counseling and/or parental involvement shall address the matter, the officer may issue a written or verbal warning, or citation, while advising the parents or legal guardian(s) of the situation.

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4. The least restrictive informal alternatives, including: release to a parent, legal guardian, or responsible adult, with no further action, may be used if they are in the best interest of the juvenile, their family, and the community.
5. Juveniles may be able to complete the Department's alcohol, marijuana, and traffic diversion programs according to those programs' guidelines. When questions about their eligibility are in question the officer in charge of each program should be consulted before the juvenile is placed in the program.
6. A juvenile may be issued a uniform traffic citation or a UW System Chapter 18 Violation rather than being taken into custody when the officer feels that this action is in the best interest of the juvenile and the community. The following guidelines exist for juvenile citations under Wisconsin State Statute 938. 17(2):
  - a. A juvenile must be at least 12 years of age in order to be issued a citation, whether a non-uniform traffic citation or a uniform traffic citation.
  - b. Under Wisconsin State Statute 938.20 (2)(c) a juvenile must be at least 15 years or older to be released, unaccompanied, and on his or her own recognizance, by the officer. If the juvenile is 14 years of age or younger, they can only be released to a responsible adult, preferably a parent. The release shall not occur if the officer feels that the juvenile may pose a danger to themselves or others.
  - c. Juveniles 12 through 15 years of age who receive a citation for a traffic offense shall be under the jurisdiction of the juvenile court. In the bond section of the citation, the officer shall list "must appear."
  - d. Juveniles 12 through 15 years of age who commit a traffic crime shall be referred to the appropriate juvenile intake. A juvenile referral form shall be completed. A uniformed traffic citation shall be completed and attached to the referral form. No court date or bond amount is required. A copy of the citation shall be attached to the referral.
  - e. Juveniles aged 11 and under who commit any violation shall be referred to the appropriate juvenile intake office, if appropriate.
  - f. Juveniles 12 through 16 years of age who have been cited for an alcohol-related offense or criminal offense shall have a mandatory appearance.
  - g. Juveniles 12 through 16 years of age, cited for UW code violations, shall have a non-mandatory appearance, and officer(s) shall follow citation procedures established in Wisconsin State Statute 778.25
  - h. Juveniles 16 or 17 years of age shall be treated as adults when receiving uniform traffic citations. The bond and court schedules that apply to adults shall apply to these juveniles. These juveniles may be taken into custody for traffic crimes under Section 2 of the Uniform Traffic Bond Schedule. The case should then be referred to the appropriate district attorney's office.
  - i. Juveniles 17 or older shall be referred to the circuit court for alcohol-related and criminal offenses. A court date shall be mandatory.
  - j. Juveniles 17 years of age shall be given a non-mandatory court appearance date for UW code violations.

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7. Agency referral of alleged juvenile offenders for formal legal proceedings should be restricted to those cases involving serious criminal conduct or repeated criminal violations. In general, delinquent acts requiring referral to the juvenile justice system include:
  - a. All delinquent acts that if committed by an adult would be felonies.
  - b. All delinquent acts involving weapons or that are gang-related.
  - c. All delinquent acts involving aggravated assault and battery.
  - d. All delinquent acts committed by juveniles under a court order or by those with a pending case.
  - e. All delinquent acts involving controlled substances under Chapter 961.
  - f. All repeated delinquent acts within the preceding twelve months, excluding tobacco violations.
  - g. Any other violation an officer feels requires a referral in light of special or unusual circumstances.
8. If the juvenile has committed a misdemeanor violation, the officer may arrest, cite, and release the juvenile offender using the same arrest procedures as for adults.

## C. Taking Juveniles into Custody (44.2.2)

1. When juveniles are going to be taken into custody, UWWPD personnel must determine whether the juvenile is alleged to have engaged in noncriminal misbehavior/status offense and whether the juvenile is alleged to have been harmed or to be in danger of harm.
2. Personnel shall ensure the rights of juveniles are protected at all times.
3. Officers are authorized under Wis. Stat. §§ 48.19 and 938.19 to take a child or juvenile into custody when the following circumstances are present:
  - a. An order was issued by a judge based upon the welfare of a child to take them into custody.
  - b. The officer has reasonable grounds to believe that a writ of habeas corpus or a warrant for the child's apprehension has been issued in this state or that the child is a fugitive from justice.
  - c. The officer has reasonable grounds to believe that a writ of habeas corpus or a warrant for the child's apprehension has been issued in another state.
  - d. The officer has reasonable grounds to believe that the child has committed or is committing an act that is a violation of state or federal criminal law.
  - e. The officer has reasonable grounds to believe that the child has run away from their parents, guardian, or legal or physical custodian.
  - f. The officer has reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from their surroundings and removal from those surroundings is necessary.
  - g. The officer has reasonable grounds to believe that the child has violated the terms of court-ordered supervision or after-care supervision administered by the department or a county department.

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- h. The child has violated the conditions of an order under Wisconsin State Statutes 48.21(4) or the conditions of an order for temporary physical custody by an intake worker.
- i. The child is an expectant mother and there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered due to the child's expectant mother's habitual lack of self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, unless the child expectant mother is taken into custody.
- j. The officer has reasonable grounds to believe that the child has violated a civil law or a local ordinance punishable by a forfeiture provided that in such cases the child shall be released as soon as reasonably possible under Wisconsin State Statutes 48.20(2) or 938.20(2).
- k. The juvenile has violated a condition of court-ordered supervision, community supervision, or aftercare supervision; a condition of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth; or a condition of the juvenile's participation in the intensive supervision program under s. 938.534.
- l. The juvenile has violated the conditions of an order under s. 938.21 (4) or of an order for temporary physical custody issued by an intake worker.
- m. The juvenile has violated a civil law or a local ordinance punishable by a forfeiture, except that in that case the juvenile shall be released immediately under s. 938.20 (2) (ag) or as soon as reasonably possible under s. 938.20 (2) (b) to (g).
- n. The officer has reasonable grounds to believe that the juvenile is absent from school without an acceptable excuse under Wisconsin State Statute 118.15.

- 4. All juveniles taken into custody shall not be left unattended at any time and must be continuously monitored until their release.
- 5. Adult and juvenile detainees shall not be transported in the same vehicle.
- 6. Juveniles shall remain out of the sight and hearing range of adult detainees.
- 7. Status offenders shall not be secured to an immovable object.
- 8. When a juvenile is taken into custody, a search shall be conducted in the same manner as with adults. Juveniles shall be handcuffed in instances where the officer believes the juvenile may attempt to escape from custody or is a risk to the safety of the officer, themselves, or anyone else.
- 9. If the juvenile is to be charged with an offense, advise the juvenile of the reason for the arrest or temporary detention, and the procedures of the Department and the appropriate county juvenile court.
- 10. When an officer takes a juvenile into physical custody under the circumstances outlined above, the officer taking the juvenile into custody shall immediately attempt to notify the parent, guardian, or legal custodian of the juvenile by the most practical means. The person taking the juvenile into custody shall continue such attempt until

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the parent, guardian, or legal custodian of the juvenile is notified, or the juvenile is delivered to an intake worker, whichever occurs first.

11. If the juvenile is not going to be transported to a juvenile detention facility and the parent(s) or guardian(s) cannot be notified, the officer shall contact Child Protective Services.
12. Upon taking a juvenile into custody, officers should, without delay, deliver the juvenile to the individual or agency having ultimate authority over the juvenile under given circumstances, unless they need emergency medical treatment.
13. Officers may encounter juveniles who need protection from their surroundings or are suffering from illnesses or injuries and not receiving proper care. If an officer takes custody of a juvenile under these circumstances, the officer shall contact the appropriate child protection unit. If a juvenile is incapacitated by alcohol or drugs, mentally ill, or developmentally disabled to the point that they represent a danger to themselves or others, officers shall take the juvenile to an emergency room for evaluation. If the problem is related to mental illness or developmental disability, the officer shall contact the appropriate county mental health provider and request assistance for an assessment of the juvenile.