



CRYSTAL POLICE DEPARTMENT

Department Policy Manual

TITLE: Juvenile Suspect Procedures
NUMBER: 6.4
DATE: 12/01/2010
NO. PAGES: 2

PURPOSE

To ensure safe and proper procedures when dealing with juvenile suspects and status offenders.

SCOPE

All sworn and non-sworn employees of the police department.

DEFINITIONS

JUVENILE: any person under the age of 18 years

STATUS OFFENDER: a juvenile suspected or detained for absencing (runaway), truancy, curfew, underage use of tobacco, or any other offense which is prohibited solely based upon the age of the offender.

POLICY

When information of a public offense by a juvenile or a condition dangerous to his/her physical or moral well-being is brought to the attention of a law enforcement officer, such officer shall make a complete investigation of the complaint and the person complained of, to determine whether or not the juvenile shall be arrested and/or complaint report submitted for subsequent follow-up investigation by investigators.

No child may be taken into immediate custody except:

- A. With an order issued by the court in accordance with the provisions of Section 260.145; or
- B. In accordance with the laws relating to arrests; or
- C. By a peace officer
 1. When a child has run away from a parent, guardian or custodian, or when the peace officer reasonably believes such child has run away from a parent, guardian or custodian; or
 2. When a child is found in surroundings or conditions which endanger the child's health or welfare of or which such peace officer reasonably believes will endanger such child's health or welfare; or
 3. By a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of probation, parole, or other held supervision.

If a child is taken into custody, the parent, guardian, or custodian of the child shall be notified as soon as possible. Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released, or that the child's health or welfare

would be immediately endangered, the child shall be released to the custody of the parent, guardian, custodian, or other suitable person. That person shall promise to bring the child to the court, if necessary, at the time the court may direct. If the officer taking the child into custody believes it desirable, the officer may request the parent, guardian, custodian, or other person designated by the court to sign a written promise to bring the child to court as provided above.

If the officer who has taken the child into custody determines that the child should be placed in a secure detention facility or a shelter care facility, the officer shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:

- A. The reasons why the child has been taken into custody and why the child is being placed in a secure detention facility or a shelter care facility; and
- B. The location of the secure detention facility or shelter care facility. If there is reason to believe that disclosure of the location of the shelter care facility would place the child's health and welfare in immediate endangerment, disclosure of the location of the shelter care facility shall not be made; and
- C. The child's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the secure detention facility or shelter care facility at any time. Subsequent visits by a guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney or guardian ad litem at reasonable hours; and
- D. The child may telephone parents and an attorney or guardian ad litem from the secure detention facility or shelter care facility immediately after being admitted to the facility and thereafter on a reasonable basis to be determined by the director of the facility.

****Anytime a juvenile is taken into custody and/or is held at the police department, and placed at a juvenile detention facility or placed at a shelter care facility (e.g., SOS, St. Joseph's, the Bridge, a Detox, etc.), or released to a parent, guardian, custodian, or other suitable adult, a juvenile contact report shall be made by the police officer taking the juvenile into custody. ****

In all cases where a juvenile is stopped and questions regarding a possible violation of the law, and a violation has in fact taken place, three types of dispositions are available to the police officer:

- A. Warn; or
- B. Refer to court by citation or referral form; or
- C. Forward a written report for further investigation.

Parents must be notified as soon as practical following apprehension by the arresting police officer that their offspring have been arrested. The Miranda Warning rules apply to juvenile suspects.

All juveniles when arrested shall be searched upon arrest immediately for the following:

- A. Dangerous or offensive weapons
- B. Narcotics or drugs; or
- C. Items of evidential value.

No status offenders shall be placed in a locked setting or photographed.

Information regarding juveniles brought to the Crystal Police Department under public authority shall be entered into the jail booking log to comply with the JJDP Act (Juvenile Justice Delinquency Prevention). This included any juvenile brought to the front lobby of the police department by police department staff for a status offense.