

233. JUVENILE OPERATIONS



RICHFIELD POLICE DEPARTMENT POLICY

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Authority:	Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this Policy is to establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses, and those charged with criminal offenses.

II. POLICY

The Department's interests concerning juvenile offenders reflect those of the community: to prevent and control juvenile delinquency. The Department expects officers to handle juveniles consistent with common sense and the dictates of state law. The Department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes.

The best interests of juveniles and the community, however, dictate limited application of our arrest powers against juveniles who are charged with status offenses. Officers should use the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual liberty. Accordingly, officers may handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor criminal offenses.

The authority to carry out the provisions of this order derives from Minn. Stat. 260, et seq. In case of minor or status offenses, officers should divert juveniles from the formal criminal justice process, and instead choose community referral when appropriate.

III. PROCEDURE

FORMAL VS. INFORMAL HANDLING

There are two general categories for handling juvenile cases. Formal handling involves referral to juvenile court. Informal handling involves diversion to other social service agencies or the adjustment of juvenile cases by our agency.

Apart from diverting juveniles to other social service agencies or referring them to the juvenile courts, officers have a wide range of alternative remedies that they may employ. Warnings, informal referrals, consulting with and arranging for corrective action by parents, and dropping charges are examples of such alternative actions which are referred to as "juvenile case adjustments."

Guidelines for Informal or Formal Handling

The officer may handle a juvenile either informally or formally. Informal handling is managing a situation by releasing the juvenile under warning to a parent or guardian. This requires either the parent picking up the child or the officer taking the child home and informing the parents of the alleged offense. Formal handling occurs when the juvenile is referred to juvenile court.

In making the decision to handle either informally or formally, the officer should consider the following:

- Nature of the alleged offense;
- Prior record of the child;
- Age and circumstances of the alleged offender;
- Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated;
- Degree of wrongful intent, violence, premeditation, knowledge of violation;
- The availability of community-based rehabilitation programs;
- Likelihood that the child or parent can be successfully referred to a social service agency.

Informal Handling

Generally first offenses involving the following types of offenses should be handled informally; however, the list is not complete and officers' good judgment is important:

- 1) Runaways;
- 2) Annoying telephone calls;
- 3) Cursing and abuse;
- 4) Creating a nuisance;
- 5) Disorderly conduct;
- 6) Curfew violation and other status offenses
(more specific discussion of status offenses follows).

When handling a case informally, the officer should keep in mind that the objective of the juvenile justice system is to rehabilitate rather than punish. Keeping the child in the patrol car discussing the case for an inordinate length of time will appear to the juvenile to be punishment, and might be unconstitutional or illegal. Officers should decide without delay whether formal or informal handling is in order, then apply the appropriate guidelines of this order.

Informal handling includes the officer's use of:

- 1) Warning and releasing to a parent or guardian;
- 2) Referring the family to a community social service agency;

Guidelines on Informal Handling

When handling informally, the officer should complete a uniform crime report. Information required for this report should include the full juvenile name, date of birth, physical description, parents' names and addresses, school attended, and the juvenile's grade (K – 12). This provides the Department and juvenile court with the means of charting the juvenile's behavior patterns.

When handling the juvenile informally, the police officer must ensure that the parents are notified.

When the police officer encounters a victim/complainant who demands to bring a child before the juvenile court, and it is believed the matter should be handled informally, the officer should notify the Duty Sergeant and discretion should dictate their action(s).

If officers handle a case informally, they may follow-up the case or refer the juvenile and parents to an appropriate social service agency or juvenile court at any time.

Formal Handling

Formal handling occurs when the juvenile is taken into custody by the officer and referred to juvenile court for their decision on the proper disposition. Generally, the following situations require formal handling of the juvenile:

- 1) Delinquent acts that, if committed by an adult, would be felonies;
- 2) Delinquent acts involving weapons;
- 3) Delinquent acts involving aggravated assaults and batteries;
- 4) Delinquent acts committed by juveniles under court supervision or parole or with a case pending;
- 5) Delinquent acts that are repeated;
- 6) When the police arrive at the scene of domestic violence and discover a child at risk;
- 7) Delinquent acts that are gang related;
- 8) Any chemical abuse including alcohol.

TAKING JUVENILES INTO CUSTODY

No child may be taken into immediate custody except in accordance with Minn. Stat. 260B.175:

- With a court order or properly issued warrant; or
- In accordance with the laws relating to arrest; or
- When an officer has a reasonable belief that the child's health or welfare is in danger; or
- When there is a reasonable belief that the child has violated the terms of probation, parole, or other court supervision; or
- When an officer has a reasonable belief that the child has run away from a parent, guardian, or custodian; or
- When, in the presence of an officer, the juvenile commits a delinquent act and the officer believes that custody is necessary for the protection of public interest.

1) Guidelines for Taking Juveniles into Custody

Do not take custody of a juvenile or assume an overly authoritative position when the purposes can be accomplished by asking appropriate, permissible questions at the location of the contact. Generally, officers should not take status offense violators into custody.

When stopped on the street, detain juveniles for the shortest time that will permit the purpose of the stop to be accomplished. The decision of either formal or informal handling should be made in a reasonable time. After booking, juveniles taken to the Hennepin County Juvenile Center should be transported there without delay (unless a juvenile is in need of emergency medical treatment).

If it is necessary to take the juvenile into custody, do so with the least possible embarrassment to the juvenile and the juvenile's family. For example, when picking up a juvenile at school, work through the principal's office. Have the juvenile brought there instead of going to the classroom. Try to arrange to pick the juvenile up before or after working hours if the juvenile is employed.

2) Notification When a Child is Taken Into Custody

When an officer takes a juvenile into custody, the juvenile's parent, guardian, or custodian **shall** be notified. If the juvenile is hospitalized while in custody of this Department, the officer is responsible for parental notification. If the juvenile is booked at the Juvenile Detention Center, the Center's staff will normally make the notification. The officer should ensure that parental notification is made.

3) Release or Detention of Juveniles

The decision to release or detain juveniles should be made in accordance with Minn. Stat. 260B.176. Unless there is reason to believe that the juvenile is a danger to himself or others, or would not appear for a court hearing, not remain in the care or control of the person to whose lawful custody the juvenile is released, or the juvenile's health or welfare would be immediately endangered, the juvenile should

be released to the custody of a parent, guardian, custodian or other suitable adult. The Hennepin County Juvenile Detention Center requires officers to comply with admission criteria they have established. The most current criteria are provided in the Department's Standard Operating Procedures or by calling the Hennepin County Juvenile Detention Center.

INTERROGATION

1) Custodial Interrogations

When a juvenile is a suspect or participant to an offense, the officer should consider attempting to contact the parents or guardians before questioning the juvenile. However, parental presence is not required by Minnesota law. It is not imperative to forego interviewing a juvenile until a parent or guardian can be contacted. However, if the juvenile requests the presence of a parent, guardian or other interested adult, and that child does not have an attorney, the interview should not continue until the parent or other adult is present. Parents should be informed as to what the questioning covers and that the parent may be present during custodial questioning.

Any statement, written or oral, taken from a juvenile, whether a parent or adult advocate is present, is to be conducted in accordance with the rules of criminal procedure. Juveniles are entitled to the full Miranda Warnings and these rights must be explained prior to custodial questioning. A juvenile must voluntarily and intelligently waive the right to remain silent and the right to an attorney. A totality of circumstances will be used to determine if the juvenile was capable of understanding and waiving the rights. The court will consider the juvenile's age, education and prior experience in the criminal justice system along with other factors to determine if the juvenile was capable of fully understanding and waiving the Constitutional rights.

The duration of the interrogation should depend upon the circumstances of the case involved (i.e. time of occurrence, type of incident, etc.) and the mental and physical condition of the juvenile suspect. If the youth exhibits visible signs of duress or fatigue, the interrogation should be terminated.

It is generally recommended that no more than two officers conduct the interrogation; however, certain circumstances and officer discretion could dictate otherwise. The officers conducting the interrogation should be attentive to any undue stress or feelings of intimidation caused by the number of officers present.

The following should be explained to any juvenile suspect:

- a) Miranda warning;
- b) The identity of anyone present during interrogation;
- c) The position within the agency of those conducting the interrogation.
- d) A written or oral statement may be taken from a juvenile that is a victim or witness to an incident or offense.

2) Non-Custodial Interrogations

When a juvenile suspect is interviewed in a non-custodial setting, the totality of the circumstances will determine if a Miranda warning is needed. The standard the courts will apply is whether a reasonable juvenile of similar age, education, and experience would believe him/herself to be in custody. If a reasonable juvenile would believe the questioning took place in a custodial setting, a Miranda warning must be given. If the questioning occurs in a non-custodial setting, no Miranda is necessary.

To assist officers in determining if an interview should be viewed as custodial or non-custodial, the following factors should be considered prior to questioning and then detailed in the officer's report:

- a) Time, place, and purpose of interview;
- b) Physical surroundings of the interview location;
- c) Persons present during interview;
- d) Officer's words, tone of voice and general demeanor;
- e) Any physical restraint used on juvenile;

- f) Juvenile's age, education, and experience; include prior police contacts.

When conducting an interview which the officer believes is non-custodial, the interviewing officer should advise the juvenile that the juvenile is not in custody and include this statement in the report.

Interviews conducted over the telephone are generally considered non-custodial because an officer is unable to exert immediate control over the juvenile. In telephone interviews, a Miranda warning is generally not required.

JUVENILE CITATIONS

Hennepin County Juvenile Citations (Juvenile Citation Book) should be used for Status Offenses only. The ticket writer program should be used for all other offenses. Refer to the Department's SOP Manual for additional procedures involving juvenile citations.

PHOTOGRAPHING JUVENILES

Juveniles arrested for any crime may be photographed, except for those arrested for traffic or status offenses. Juveniles arrested for status offenses may not be photographed. .

JUVENILE RECORDS

Officers may release, upon request to one another and to other local, state, or federal law enforcement officers, current information on juveniles. Such information will be released only if the requesting agency is initiating, furthering, or completing a criminal investigation and on a need-to-know basis (Taken from Minn. Stat. 260B.171 Subd.5 (B)).

By Order Of:



Chief of Police