

Peoria Police Department Policy and Procedure Manual

Policy 4.04 Juvenile Operations



**“Our Community...
Our Commitment”**

I. POLICY

The basic philosophy of juvenile law is to protect children from abuse or neglect, to prevent delinquency, and to rehabilitate juveniles where possible. The Peoria Police Department is committed to establishing, implementing, and perpetuating programs committed to preventing and controlling delinquency. Members of the Peoria Police Department will take special precautions when dealing with juveniles to ensure that the least coercive methods are used in addressing any problems, in accordance with the Arizona Revised Statutes (ARS). (44.1.1.a)

II. PROCEDURE

A. While both the Criminal Investigations Bureau (CIB) and the Patrol Services Bureau (PSB) have the responsibility of overseeing juvenile enforcement efforts, the Family Crimes Unit (FCU) will assume primary responsibility on efforts to address truancy, and the Community Relations Unit will have primary responsibility for overseeing juvenile-related programs. All Peoria Police Department employees will contribute to the control and prevention of juvenile delinquency by supporting and/or participating in programs and activities for juveniles. (44.1.1.b)

B. School Liaison Programs

1. Delinquency Prevention (44.2.4.a)
2. Classroom Guidance (44.2.4.b)
3. Individual Counseling to Students (44.2.4.c)

a. Officers and investigators, assigned to the schools in any capacity, are always available to the students.

b. These officers and investigators should be familiar with outside agencies that may provide the needed services for on-going concerns.

4. Law Enforcement Role in Society (44.2.4.d)

a. Officers and investigators assigned to the schools play an important role in explaining our presence in society. These individuals are encouraged to become acquainted with the students in the hopes of earning a mutual respect.

b. These individuals should not act as security guards on campus as this may damage any positive relationships between the police and students. However, an officer or investigator on campus is expected to take the appropriate action when an unlawful or dangerous act is occurring in their presence.

C. Related Juvenile Agencies - The following agencies are involved in the juvenile justice system:

1. Maricopa County Juvenile Court Center (MCJCC) - The agency considered as a holding facility for

juveniles who, after arrest, fall under one of the four categories requiring detention.

2. State Department of Economic Security (DES)/Child Protective Services (CPS) - The agency responsible for the welfare of juveniles in the State and for the authority to take appropriate action in situations where the morals or health of the juvenile are in danger.

3. Department of Juvenile Corrections - The department that maintains records on juveniles who have been incarcerated in a State facility at the direction of the Superior Court.

4. Maricopa County Attorney/Juvenile Division - The agency that handles prosecution matters concerning juveniles who are brought before the Juvenile Division of Superior Court.

5. Youth and Family Services - The agency which coordinates the diversion of youths involved in selected minor first offenses from the Maricopa County Juvenile Court Center to the Youth Diversion Program. In this program, counselors involve the youths in work projects, counseling, special classes, alcohol or drug abuse awareness sessions, volunteer service projects, or any other appropriate program.

D. Juvenile Enforcement Actions

1. The original premise of juvenile law is to protect children from abuse or neglect, to prevent delinquency, and to rehabilitate juveniles, where possible. Officers will use their discretion when dealing with juveniles and will use the least coercive among reasonable alternatives consistent with preserving public safety, order, and individual liberty. The outcome of an officer's contact with a juvenile may include:

- a. Release with no further action. (44.2.1.a)
- b. Release to the parent/guardian with conditions of treatment and supervision agreed to by the parent/legal guardian.
- c. Referral to the juvenile court system. (44.2.1.c)
- d. Referral to the juvenile system or city court for prosecution and adjudication. (44.2.1.c)

E. Criteria for Diversion (1.1.3)

1. While MCJCC is the control point for juvenile diversion decisions, Peoria police officers have a wide range of available resolution methods short of a referral to the court system. These resolution methods include:

- a. Warnings,
- b. Corrective action by parents,

- c. Informal referral to voluntary treatment programs or
- d. Counseling and corrective action or
- e. Reparation with the consent of the victim.

2. Officers will document misdemeanor "victimless" crimes in an Incident Report (IR).

3. Victim crimes with the victim's consent will be documented with an IR. This IR will include a description of the corrective action and comments concerning the victim's willingness to divert the case prior to referral or arrest.

4. The factors to be considered in diversion decisions include:

- a. The nature of the offense.
- b. The age and circumstances of the offender.
- c. The offender's prior record, if any.
- d. The availability of community based rehabilitation programs.

5. The formal MCJCC Juvenile Diversion Program allows law enforcement personnel to recommend certain juvenile offenders to the Diversion Program.

a. Requirements for Diversion.

- (1) The offender must be a resident of the City of Peoria.
- (2) The offender must be currently enrolled and attending a Peoria Public School.
- (3) The offense charged must be included on the approved list of diversion eligible offenses provided by MCJCC.
- b. When an offender is found to be eligible for diversion, the referral will be forwarded to the county attorney's office.

F. Court Jurisdiction in Juvenile Matters (44.2.1.b)

1. The following matrix will be used to determine court jurisdiction in juvenile matters.

Peoria City Court	Civil Traffic Offenses ONLY
Lake Pleasant Justice Court	Criminal Traffic Offenses, Peoria City Code Violations, Title 4 Violations
Juvenile Corrections Center	All other criminal acts as well as those listed in section F of this Policy

2. Juveniles will be directed to appear in city court by citation and will not be held to see a judge where the city magistrate has jurisdiction.

a. The citation will be completed following Peoria Police Department guidelines with the added requirement that the officer will include a notation on the citation that a parent/guardian must accompany the juvenile to court.

b. The long form complaint will be completed following Peoria Police Department guidelines.

3. If the juvenile is to be charged with any of the listed city court violations in combination with any other violation, they must be referred to the juvenile court system. A city court citation will not be used in combination with a juvenile referral.

G. Mandatory Juvenile Referral (44.2.1.c)

1. A juvenile offender will be referred to MCJCC in the following circumstances:

- a. Delinquent acts that, if committed by an adult, would be a felony.
- b. Delinquent acts that involve weapons.
- c. Serious gang-related delinquent acts.
- d. Delinquent acts involving serious assault.
- e. The offender is on probation, parole, or other form of conditional release.

f. The offender has other cases pending in the juvenile court system.

g. The offender has repeated delinquent acts in a one (1) year period.

h. Other circumstances which lead the officer to believe that formal legal proceedings are in the best interest of the juvenile and the state.

i. Runaway juveniles from other states that are listed in the National Crime Information Center (NCIC).

2. When a "Juvenile Referral" form is used to forward charges on a juvenile to MCJCC, the following documentation will be attached by the officer:

a. A complete copy of the IR, after a supervisor's review.

b. A copy of the "Juvenile Miranda" form.

c. The signed, notarized "Juvenile Affidavit" form signed by an officer involved in the case investigation.

3. Records will verify the contents of the referral packet and then forward the packet to the Maricopa County Attorney's Office, Juvenile Division, for filing at MCJCC.

H. Interviews and Interrogations (1.2.3.a and b)

1. Officers will advise a juvenile suspect or investigative lead of their rights per Miranda following the same guidelines as for an adult interview or interrogation, except for when the interview or interrogation is to occur at the police station. To ensure statements may be used later in a criminal prosecution, when the interview or interrogation is to take place at the police station or any other police facility, juveniles shall be advised of their rights per Miranda and knowingly and voluntarily waive the rights, regardless of if they are in custody or are free to leave.

a. The "Juvenile Rights" form will be read verbatim and the officer will document the juvenile's responses to the questions. The form will be completed and submitted along with the IR.

b. If an explanation is needed for the juvenile to understand their rights, the explanation will be documented within the narrative of the report or supplement.

2. The officer will explain to the juvenile and parent or guardian, if present, any Peoria Police Department policies or juvenile criminal justice system procedures that apply to the case at hand. A full understanding of the criminal justice system will ensure that the juvenile knowingly and intelligently waived their rights. (44.2.3.c)

3. Whether a minor child intended to cause harm is best left to the trier of fact upon consideration of all relevant circumstance, including the ages, experiences, and relationship of the parties and the capacity of the juvenile to form the requisite intent. Officers will aid in this determination by asking the following questions:

a. "Do you know the difference between right and wrong?" Have the juvenile explain the difference between right and wrong and document the answer.

b. "Do you know what you did was wrong?" The officer will attempt to record comments explaining the answer and not just a simple "yes" or "no."

4. The duration of an interview will be no more than two hours in length. (44.2.2.c) (44.2.3.b)

a. At the two-hour limit, the officer shall contact a supervisor and advise that the interview will go beyond the established limit.

b. The supervisor and officer will take into consideration the age and psychological state of the juvenile before making the decision to extend the time limit of the interview.

5. During an interview with a juvenile, there will be no more than two (2) uniformed officers or detectives engaging in the interview without the approval of a supervisor. (44.2.3.b)

6. When serious felony offenses are committed by juveniles, the possibility exists that they may be remanded to adult court for prosecution. In these situations, the juvenile and/or their parent/guardian will be advised of the remand possibility.

7. The juvenile's parent/guardian will be contacted during the investigation when it is practical to do so. In cases where the juvenile is under fourteen (14) years of age, or has been traumatized, the parent shall be contacted before the interview takes place. (44.2.3.a.)

a. If the parent/guardian is present at the time of the interview, they may choose to advise their child to remain silent or to answer certain questions. The parent will not be allowed to force a child to give up the right to remain silent.

b. If the parent/guardian is not present at the time of the interview, they will not be allowed to invoke the child's right to remain silent. Questions may be asked of the juvenile despite the parent's wishes.

8. When a child is attending school, the school acts as their guardian and is responsible for the juvenile until the parent/guardian can be contacted.

a. Officers intending to interview a student at school will contact school authorities and request permission to do so.

b. Officers will request that either the parents, guardian, principal, or school representative be present when the interrogation is conducted at the school to act as an advocate for the child.

c. The above requirements do not prohibit an officer from arresting any student on campus, regardless of parental or school authorities' permission to do so.

I. Physical Arrest, Detention, and Booking:

1. When a juvenile is detained, it will be the responsibility of the detaining officer to notify the parent/guardian of the detention of the juvenile.

a. Officers will notify the parent/guardian of any juvenile that has been taken into custody for a delinquent act, even when the child is released.

b. When released, officers will include in the IR, the name, address, and telephone number of the person to whom the juvenile was released. (44.2.2.e)

2. Unless it is impractical or a court has ordered otherwise, officers will give preference to the release of a juvenile to their parents or responsible party pending action by the Juvenile Court Center. Offenders will only be taken to MCJCC intake for serious offenses and then only with the prior approval of a supervisor and MCJCC.

3. Juveniles will not normally be brought into the station for prints and photographs when charged with status offenses, however, refer to the current Automated Fingerprint Information System (AFIS) protocol concerning all arrested juveniles. Juveniles will not be detained at MCJCC for status offenses unless exigent circumstances exist i.e., there is no parent or guardian available and Child Protective Services (CPS) has been contacted and refused to take custody of the child. (44.2.2.a)

4. In cases where the field release is to a parent/guardian or responsible party, that person will be summoned to the officer's location. If that is not practical and the juvenile's destination is within a reasonable distance, the officer may transport the juvenile.

5. The secure detention of status offenders and non-offenders in an adult jail is against federal law. A juvenile may be securely detained only under one or more of the following conditions:

a. When there is reason to believe they will not appear at the hearing.

b. That they are likely to commit an offense injurious to themselves or to others.

c. That they must be held for another jurisdiction.

d. That the interests of the child or the public require custodial protection.

6. In any case involving the detention of a juvenile:

a. All of the juvenile's constitutional rights will be preserved. (44.2.2.c)

b. The juvenile will be transported to the station or detention facility without undue delay. (44.2.2.d)

c. All juvenile prisoners brought into the juvenile processing area must be logged in and out on the juvenile tracking log.

(1) The log must accurately reflect the charge the juvenile is being processed for.

(2) If more than one charge, the most serious should be listed.

d. Any necessary medical treatment will be provided following detention facility guidelines. (44.2.2.d)

7. In cases where a juvenile is being transported to the police station only for a delinquent act, the juvenile shall not be cuffed to the cuffing rings or locked in the interview room.

a. At no time shall the juvenile prisoner be within sight of an adult prisoner, nor be able to hear any portion of what an adult prisoner is saying. Juveniles must be continually supervised in person while in a police facility.

b. If a parent/guardian or a responsible party cannot be located, Child Protective Services (CPS) will be contacted with a supervisor's approval for assistance in temporary placement of the child. If CPS will not accept custody of the child, the officer will note this in their IR and the child will be transported to MCJCC.

7. Juveniles may be taken into protective custody when a parent/guardian is not available or is alleged to have harmed the child, or when the child is in danger of harm. In these cases, a supervisor and CPS will be notified along with any necessary investigative unit. (44.2.2.b)

8. Juveniles accused of delinquent acts may be securely detained for up to six (6) hours, but must be "sight and sound" separated from adults during this time. If they are to remain in custody longer than the six hour time limit, they will be transported to intake at MCJCC prior to the time limit expiring.

9. Requests for physical evidence, other than photographs and fingerprints, will be presented to the Presiding or Associate Presiding Juvenile Court Judge during normal working hours.

a. Emergency requests for physical evidence during non-working hours should be made to the Judicial Officer on-call.

b. Warrants for the production of physical evidence executed by a judicial officer not assigned to the Juvenile Court are not legally valid and will not be honored.

10. MCJCC intake has the most current status regarding juvenile warrants; therefore all juvenile warrants shall be confirmed through MCJCC intake prior to arrest.

11. Governor's Office for Children, Youth and Families (GOCYF) Compliance reports – The Station Sergeant will be responsible for completing compliance reports as required by the GOCYF.

J. Fingerprints and Photographs (82.1.1.b)

1. Juveniles will be fingerprinted (one card) and photographed when referred for any felony, to juvenile authorities.

2. Juvenile arrest record information will be stored in Records Management in a separate file from adult records.

a. The records may be used internally for identification purposes.

b. Dissemination of juvenile arrest record information outside the agency will be limited to other criminal justice agencies or to individuals based on a court order.

3. Other forms of identification such as physical samples of hair, blood, or stomach contents will only be obtained pursuant to a juvenile court order or with the consent of the juvenile and the parent/guardian.

4. Breath samples and urine samples may be obtained by Peoria Police Department personnel pursuant to Admin Per Se by consent of the juvenile, or pursuant to a search warrant.

K. Traffic Offenses (61.1.3.b)

1. Juveniles who are to be charged with a civil violation of the traffic code will be cited into the Peoria City Court according to the appearance schedule for juveniles.

a. Officers will inform the juvenile that they must be accompanied by at least one parent/guardian. This shall be so noted in writing on the citation.

b. If a juvenile turns eighteen (18) years old before the assigned court date, they will be cited with the juvenile court appearance date and time.

2. Juveniles arrested for Driving Under the Influence (DUI) will be candidates for the blood draw procedures as outlined in Policy 6.04. In cases involving Aggravated DUI, and a search warrant is required, the warrant must be obtained through a Presiding or Associate Presiding Juvenile Court Judge during working hours and the on-call Judicial Officer during non-working hours.

L. Liquor Law Violations

1. Juveniles arrested for ARS Title 4 violations will be cited into the Peoria Justice Court.

2. Juveniles under the influence of alcohol will be tested with a Portable Breath Test (PBT). If the Blood Alcohol Content (BAC) indicates .2 or higher, paramedics will be requested and the juvenile shall be transported to the hospital regardless of the juveniles physical status.

a. If the juvenile’s parent or legal guardian is present, they shall be advised of the BAC test results and that the juvenile needs to be taken to the hospital to be seen.

b. If requested by the parent/legal guardian, the juvenile may be released to them under their responsibility for care.

M. Truancy

1. Arizona law requires every person having custody of a child from the age of eight (8) years up to the age of sixteen (16) years to send the child to school, unless the child has graduated from the 10th grade or is otherwise legally excused in accordance with the law.

a. A parent/guardian failing to send a child to school may be prosecuted pursuant to ARS § 15-802(C), as amended, or Peoria City Code § 13-73.B.

b. If a parent/guardian is knowingly involved in the truancy or habitual truancy of the child, they may be subject to prosecution pursuant to contributing to the delinquency of a minor.

c. The juvenile age eight (8) years up to the age of sixteen (16) years who refuses to attend school may be prosecuted pursuant to ARS § 15-802, as amended, or Peoria City Code § 13-73.B.

2. The Juvenile Court has jurisdiction in truancy cases.

3. The school is the primary source of reports for truancy cases. It will be the school's responsibility to notify

the Peoria Police Department when they wish to report a truancy matter.

4. If truancy enforcement is necessary by a Peoria Police Officer, the student will be referred to the Juvenile Court.

5. When truancy charges are to be filed on a parent/guardian, a long form complaint will be forwarded to the Peoria City Court for misdemeanor charge filing. A physical arrest will not be made on an adult for a truancy charge unless an arrest warrant has been issued by the Court.

N. Curfew: The philosophy of the Peoria Police Department is that curfew enforcement is meant to prevent juveniles from being tempted to commit crimes during the hours which most people are asleep and supervision of the juvenile is minimal. However, juveniles have constitutional rights, which protect them from undue infringement by law enforcement personnel. Officers shall utilize curfew enforcement as a tool to reduce juvenile crime in our community and not to interfere with the legal actions and activities of our juvenile population.

1. Peoria's City Code § 13-71 makes it unlawful for juveniles to remain or loiter in, about, or upon any public place in the City away from the dwelling house or usual place of abode of the juvenile in accordance with the following limits:

a. Age 15 years and under: All days of the week 10:00 PM until 5:00 AM

b. Age 16 years and 17 years: All days of the week midnight until 5:00 AM

2. The City Code does not apply to any emancipated minor, or to a juvenile when accompanied by their parent, guardian, or other person having the care, custody, or supervision of the juvenile, or where the juvenile is on reasonable, legitimate and specific business, or activity directed or permitted by their parent, legal guardian or other adult person who, by operation of the law, has or should have had the care, custody, or supervision of the juvenile at the time of the violation.

3. If an officer believes that action should be taken when a juvenile is found in violation of the curfew, they may cite the juvenile into the Peoria Justice Court.

O. Juvenile Operations Review

1. Revisions to policies pertaining to juvenile operations will be distributed to appropriate individuals throughout the justice system, such as the Peoria City Prosecutor and the Maricopa County Attorney's Office Juvenile Division for their review. (44.1.2)

2. The Community Services Supervisor will conduct an annual review (due in January) of juvenile related programs conducted by the Community Services Section. Based on this review, specific programs will be maintained, altered, or discontinued, and procedures for handling juvenile matters may be revised. (44.1.3)

P. Missing Juveniles (See Policy 4.29)

Q. News and Information Release Procedures for Juveniles (See Policy 5.06)

R. Physical Punishment of Juveniles: The Peoria Police Department does not recommend or oppose parents or guardians to use a lawful means of physical punishment to maintain discipline of a minor child.

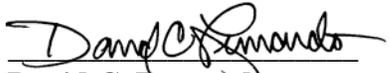
1. This right is outlined within ARS § 13-403(1): "A parent or guardian and a teacher or other person entrusted with the care and supervision of a minor or incompetent person may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent reasonably necessary and appropriate to maintain discipline."

2. Our responsibility as a law enforcement agency is to assess the reasonableness and appropriateness of the physical force that may have been used to determine whether or not a crime was committed.

3. In order to make an informed judgment of criminality, the totality of circumstances on a case-by-case basis must be made. The following issues will be recorded in the Incident Report:

- a. Was a weapon used?
- b. What are the extent of injuries? Medical attention required?
- c. What was the child being disciplined for?
- d. Were other methods of discipline attempted?
- e. Was the discipline planned or and angry reaction?
- f. How old was the child?
- g. What parts of the body was injury inflicted?
- h. Was the adult under the influence of drugs or alcohol

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