



# Peoria Police Department

Policy Manual

## Juvenile Operations

### 325.1 PURPOSE AND SCOPE

While both the Operations Support Bureau (OSB) and the Patrol Services Bureau (PSB) have the responsibility of overseeing juvenile enforcement efforts, the Special Victims Unit (SVU) 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.

### 325.2 SCHOOL LIAISON PROGRAMS

Delinquency Prevention (44.2.4)

Classroom Guidance (44.2.4)

Individual Counseling to Students (44.2.4)

- Officers and investigators, assigned to the schools in any capacity, are always available to the students.
- • These officers and investigators should be familiar with outside agencies that may provide the needed services for on-going concerns.
- Law Enforcement Role in Society (44.2.4)
- 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.
- 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.

### 325.3 RELATED JUVENILE AGENCIES

The following agencies are involved in the juvenile justice system:

- 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.
- 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.
- 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.

*Juvenile Operations*

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

**325.4 JUVENILE ENFORCEMENT ACTIONS**

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

**325.5 CRITERIA FOR DIVERSION**

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:

- Warnings,
- Corrective action by parents,
- Informal referral to voluntary treatment programs or
- Counseling and corrective action or
- Reparation with the consent of the victim.

Officers will document misdemeanor "victimless" crimes in a Report.

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

The factors to be considered in diversion decisions include:

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

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

*Juvenile Operations*

Requirements for Diversion:

- The offender must be a resident of the City of Peoria.
- The offender must be currently enrolled and attending a Peoria Public School.
- The offense charged must be included on the approved list of diversion eligible offenses provided by MCJCC.

When an offender is found to be eligible for diversion, the referral will be forwarded to the county attorney's office.

**325.6 COURT JURISDICTION IN JUVENILE MATTERS**

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

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.

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

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

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.

**325.7 MANDATORY JUVENILE REFERRAL**

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

- Delinquent acts that, if committed by an adult, would be a felony.
- Delinquent acts that involve weapons.
- Serious gang-related delinquent acts.
- Delinquent acts involving serious assault.
- The offender is on probation, parole, or other form of conditional release.
- The offender has other cases pending in the juvenile court system.
- The offender has repeated delinquent acts in a one (1) year period.
- Other circumstances which lead the officer to believe that formal legal proceedings are in the best interest of the juvenile and the state.
  - Runaway juveniles from other states that are listed in the National Crime Information Center (NCIC).
- When a "Juvenile Referral" form is used to forward charges on a juvenile to MCJCC, the following documentation will be attached by the officer (82.1.2.c):
- A complete copy of the report, after a supervisor's review.

*Juvenile Operations*

- A copy of the "Juvenile Miranda" form.
- The signed, notarized "Juvenile Affidavit" form signed by an officer involved in the case investigation.

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. (82.1.2.c)

### **325.8 INTERVIEWS AND INTERROGATIONS**

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.

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.

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.

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.

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:

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

"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."

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

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

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.

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)

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.

*Juvenile Operations*

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)

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.

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.

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.

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

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.

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

**325.9 PHYSICAL ARREST, DETENTION AND BOOKING**

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) (82.1.2.b)

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.

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:

- When there is reason to believe they will not appear at the hearing.
- That they are likely to commit an offense injurious to themselves or to others.
- That they must be held for another jurisdiction.
- That the interests of the child or the public require custodial protection

In any case involving the detention of a juvenile:

- All of the juvenile's constitutional rights will be preserved. (44.2.2.c)
- The juvenile will be transported to the station or detention facility without undue delay.
- (44.2.2.d)
- 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

*Juvenile Operations*

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.

- 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)
- 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. (82.1.2.b)
- Emergency requests for physical evidence during non-working hours should be made to the Judicial Officer on-call.
- 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.
- MCJCC intake has the most current status regarding juvenile warrants; therefore all juvenile warrants shall be confirmed through MCJCC intake prior to arrest.
- 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.

**325.10 FINGERPRINTS AND PHOTOGRAPHS**

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

Juvenile arrest record information will be stored in Records Management in a separate file from adult records. (82.1.1.a) (82.1.2.c)

The records may be used internally for identification purposes.

**325.11 JUVENILE OPERATIONS REVIEW**

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)

The Community Relations Lieutenant will conduct an annual review (due in January) and written evaluation of juvenile related programs conducted by the Community Relations 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)