

JOPLIN POLICE DEPARTMENT	9-09 STANDARD OPERATING GUIDELINE
SUBJECT: Juvenile Procedures	REVIEW DATE: Annually - September
EFFECTIVE DATE: December 13, 2012	ACTION DATE:
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I. POLICY

It shall be the policy of this Department to deal with juvenile offenders in the least coercive manner possible. All officers of this department will respect the juvenile's family autonomy and will use the most reasonable alternatives consistent with preserving public safety, order, and individual liberty. All members, regardless of duty assignment, are charged with the responsibility of participating in and supporting the Department's juvenile operation function. Each officer shall be familiar with the unique requirements of juvenile matters and shall respond to those requirements by ensuring that the constitutional rights of the juvenile are protected, as provided by procedure or statute. (44.2.2 C)

Police officers have, by law, certain duties and responsibilities pertaining to children under the age of seventeen. The police role in juvenile justice and delinquency prevention must be responsive to community needs. Officers must focus on both enforcement and prevention functions, realizing neither role at the expense of the other. Officers should first be concerned with rehabilitation and treatment of the juvenile and, when appropriate, refer the juvenile to the courts for sanctioning. The Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.

II. PURPOSE

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.

III. DEFINITIONS

A. Abuse

Any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse (RSMo 210.110(1)).

B. Child

Any person regardless of physical or mental condition, under eighteen years of age (RSMo 210.110 (2)).

C. Children's Center

Refers to the Children's Center of Southwest Missouri. The Children's Center includes cooperating agencies/organizations participating to provide specially trained professionals with skills in interviewing, assessment, investigation, treatment, education, and prevention of child abuse.

D. Incorrigible

Incorrigible means a juvenile is beyond parental control.

E. Juvenile

Any person under seventeen years of age (RSMo 211.021).

F. Multi-disciplinary Team

Professionals from various agencies and organizations specially trained in the investigation and prevention of child abuse who work under the auspice of the Children's Center of Southwest Missouri.

G. Neglect

Failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being (RSMo 210.110 (5)).

H. SAFE Examination

A sexual abuse forensic examination of a child victim provided by highly trained medical professionals who are a part of the multi-disciplinary team in association with the Children's Center of Southwest Missouri.

I. CARE Examination

A physical abuse examination of a child victim provided by highly trained medical professionals who are a part of the multi-disciplinary team in association with the Children's Center of Southwest Missouri.

IV. PROCEDURES

A. Protective Custody (Abuse or Neglect) (44.2.2)

1. When any law enforcement officer has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect, or observes a child be subjected to conditions or circumstances which would reasonably result in abuse or neglect, the officer shall immediately make a report to the Missouri Child Abuse Hotline, 1-800-392-3738. (RSMo 210.115)
 - a. When a report is filed with the state, the reporting officer shall also complete a police incident report.
2. An officer who has reasonable cause to suspect a child is suffering from illness or injury or is in danger of personal harm by reason of his surroundings and that a case of child abuse or neglect exists, the officer may request that a juvenile officer take the child into protective custody. (RSMo 210.125(.1))
3. An officer who has reasonable cause to believe that a child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect, and that harm or threat of life may occur before the juvenile court may act may take the child into protective custody without the consent of the child's parents (RSMo 210.120 (.2)). If a child

is taken into protective custody the officer responsible shall complete the following activities: (44.2.2 B)

- a. Immediately notify a Jasper County Juvenile Officer, Missouri Division of Family Services, and the Missouri Child Abuse Hotline, 1-800-392-3738.
- b. Make attempts to contact parents or guardians.
- c. The investigating officer will insure photographs are taken to assist with the initial investigation.
- d. Complete an incident report to include the facts and circumstances, which gave reasonable belief of the imminent danger.
- e. The Missouri Division of Family Services will decide appropriate placement of the child.

B. Investigation of Child Abuse and Neglect Cases

1. Purpose of the investigation - The goal is the discovery of evidence that can be used to prove that a crime has been committed and that a specific individual committed the crime. Child abuse and neglect investigations focus on the protection of the child. This investigation may include:
 - a. Joint interviews by the department and Division of Family Services;
 - b. Assessing the safety of the child;
 - c. Determining appropriate police action;
 - d. Collecting and preserving evidence;
 - e. Identifying the suspect.
2. In sexual crime cases, this involves any victim under the age of seventeen; the preliminary investigating officer will do the following:
 - a. Make immediate contact with victim's parent/guardian;
 - b. Complete incident report by interviewing reporting party;
 - c. Victim will not be interviewed by preliminary investigating officer if possible. This is due to the fact that the number of victim interviews must be very limited. A Multi-disciplinary Team coordinated by the Investigations Bureau will generally conduct victim interviews;
 - d. DFS will immediately be notified and asked to respond to the scene;
 - e. Incident must be hotlined to the Child Abuse Hotline, 1-800-392-3738;
 - f. Arrangements must be made to have a SAFE/CARE Examination conducted on the victim, coordinated by the Investigations Bureau at the Children's Center;
 - g. Detectives will conduct a complete follow-up investigation.

C. Confidentiality of Juvenile Records

1. The chief of police is responsible for the department's compliance with Missouri Statute requirements on dissemination and retention of juvenile records including fingerprints and photographs.
 - a. No juvenile who is a suspect of a crime, has committed a crime, has been arrested or taken into protective custody will have their name released or have their name appear in any records that are kept in the Central Records Division or where public access can be had to them.

D. Handling of Juveniles

1. When dealing with a juvenile offender, Officers should use the least coercive among reasonable alternatives. Officers should consider the following guidelines in making a choice for diversion. (44.2.1)
 - a. Nature of offense – The character of an incident or condition surrounding the juvenile's involvement.
 - b. Age of the juvenile – Involvement may have been precipitated by an older juvenile influence or other factors.
 - c. Attitude (or mental position) of the juvenile with regard to a fact, state or situation.
 - d. Officer's access to parent/guardian.
 - e. Knowledge of previous records may be indicative of the juvenile's attitude causing the officer to be more forceful in alternative placement and decisions.
 - f. Complaint/victim's comments may be taken into account, especially where repetitive incidents are reported for the first time.
 - g. Gang affiliation may alter and accelerate the normal handling of a juvenile.
 - h. Direction received by juvenile authorities, previous record.
2. The officer may use the following procedures in handling and resolving the immediate juvenile situation:
 - a. Release the juvenile with no further action. (44.2.1 A)
 - b. Warn and inform the juvenile of their wrongful act.
 - c. Complete juvenile complaint on location for the violation. Make a diligent effort to contact the Juvenile Office to verify the juvenile is not wanted. If no want exists, release the juvenile to a parent or guardian at the scene. (44.2.1 B)
 - d. Transport the juvenile to the Police Department for completion of paperwork and release to a parent/guardian with later referral to Juvenile Court. (44.2.1 C)
 - e. Transport the juvenile to the Jasper County Juvenile Detention Center.
 - i. No juvenile under the age of 17 shall be transported in the same vehicle with adults suspected of or charged with criminal acts.

3. Juveniles taken into custody for serious acts shall be referred to the Jasper County Juvenile Office after initial processing. (44.2.1 C)
 - a. Juveniles shall be referred to the Jasper County Juvenile Office for:
 - i. Crimes that if committed as an adult would be a felony.
 - ii. Repeat offender.
 - iii. Multiple offenses.
 - iv. Gang related delinquent acts.
 - v. Misdemeanors.
4. Those offenses that fall into the guidelines set forth by the State of Missouri under RSMo Chapter 211 will be referred to the Juvenile Court.
5. Officers shall ensure that the constitutional rights of juveniles are protected. (44.2.2 C)

E. Guidelines for Taking Juveniles into Custody (44.2.2)

1. Permission from a County Juvenile Officer is required prior to transporting all juveniles to the Jasper County Juvenile Detention Center, unless the arrest is made by a School Resource Officer or at least one of the following criteria is met AND your immediate supervisor has been notified:
 - a. The juvenile has committed a felony offense;
 - b. The juvenile is found in possession of drugs that are commonly considered to be illegal to possess (i.e. marijuana, methamphetamine, cocaine, heroin, etc.);
 - c. The juvenile is considered to be the aggressor in a fight that causes serious and/or obvious physical injuries (i.e. loss of blood, broken bones, etc.);
 - d. The juvenile is found to be in possession of a dangerous or deadly weapon at school;
 - e. If during the investigation of any incident an officer is required to use force against the Juvenile.
2. School Resource Officers may make an arrest of a juvenile and transport them to the Jasper County Juvenile Detention Center when one of the following has occurred.
 - a. A juvenile has found to have committed an offense that would be a misdemeanor or felony if committed by an adult;
 - b. A juvenile is found to have committed the juvenile status offense of runaway;
 - c. A juvenile is found to have committed the juvenile status offense of curfew violation;

- d. A juvenile warrant or detention order has been issued and verified through the issuing juvenile court;
 - e. After conferring with a juvenile officer, the juvenile officer authorizes transport for any other offense they deem necessary
3. If it is determined that a juvenile is to be taken into custody and transported either the Jasper County Juvenile Detention Center or the Joplin Police Department, the transport will be completed without delay unless it is determined that the juvenile is in need of emergency medical treatment. (44.2.2 D)
- a. If the juvenile is in need of emergency medical treatment, the juvenile will be transported to a medical facility, without delay, before proceeding to the Juvenile Detention Center. (44.2.2 D)

F. Processing Juveniles in Custody

1. Apprehension of felony offenders
- a. Probable cause must exist before a juvenile who is a suspect in a felony case may be apprehended. The apprehending officer will:
 - i. Notify the juvenile of the reason for the apprehension;
 - ii. Notify the parent/guardian of the apprehension as soon as possible. The date and time of notification, or attempted notification, shall be recorded in the appropriate apprehension report. (42.2.2 E)
 - b. Juveniles apprehended for a felony will be transported to the Jasper County Detention Center and a Juvenile Complaint/Summons completed. (44.2.1 B) Fingerprints and photographs will be taken of all juveniles who commit a crime that, if committed by an adult, would be a felony by statute.
 - c. Arrangements can be made with the Jasper County Juvenile Office to interview or interrogate juveniles.
 - d. All physical evidence will be processed and preserved using procedures outlined by Joplin Police Department policy.
2. Apprehension of misdemeanor offenders (44.2.1 B)
- a. Probable cause must exist before a juvenile who is a suspect is apprehended. The apprehending officer shall notify the juvenile of the reason for the apprehension.
 - b. The apprehending officer upon completing a Juvenile Complaint/Summons may:
 - i. Take the juvenile into custody and release to a parent/guardian.
 - ii. Transport the juvenile to the station and release to a parent/guardian.
 - iii. Transport to the Jasper County Detention Center without delay, if guidelines in section (E.) are met.

- c. Officers are to determine if juveniles have committed a criminal violation or a “status offense”. (44.2.2 A)
- d. When a juvenile that is taken into custody is transported to a county detention center, the detention center personnel will make contact with the parents or guardian of the juvenile. In the event that detention center personnel request that the police department contact the parent or guardian, the officer will note the date and time of the notification in the offense report. (44.2.2 E)

G. Questioning juveniles (44.2.3)

- 1. Juveniles may be interviewed by officers only to the point where they become a suspect. Once the juvenile becomes a suspect, all questioning must stop and a County Juvenile Officer will be contacted.
 - a. During the questioning of a juvenile suspect:
 - i. A parent, guardian, or lawyer will be present during the questioning.
 - ii. The juvenile will be given the Miranda Warnings by a county juvenile officer. No juvenile can be compelled to answer any questions that may tend to incriminate him or her. Juveniles are entitled to the full *Miranda* warnings and these rights must be explained in the presence of parents, (circumstances permitting), guardian, or counsel.
- 2. The interviewing officer (s) should explain to the juvenile and his/her parent, or legal guardians, the process and procedures of the department and juvenile court relevant to the investigation.
- 3. When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed. Under no circumstances shall the child, any more than an adult, be compelled to answer questions either by physical force or psychological pressure or deceptions.
 - a. While the officer may be conducting a non-custodial interview, the juvenile may construe it to be a custodial interrogation. When conducting an interview or an interrogation with a juvenile, the officer shall consider the duration of the questioning, and the juvenile's age, mental capacity, education, and experience.
- 4. When questioning a juvenile, officers shall not prolong the interview beyond what is needed in order to complete their investigation. Also, one officer shall handle the interrogation if at all possible in order to lessen the chance of the juvenile feeling intimidated or pressured. If an officer interrogates a juvenile of the opposite sex, the officer should request the presence of another officer if one is available.
- 5. Officers are reminded that the rules governing searches, frisks or pat-downs, reasonable suspicion, and probable cause all apply to juveniles.

H. Interviewing of detained juveniles

Officers wishing to interview or question juveniles held **in detention** shall perform the following:

- 1. Inform the juvenile's parent or guardian and the attorney, if any, that an interview will be requested.

2. Request permission of the County Juvenile Division to conduct the interview.
3. Arrange the interview, if approved, consistent with detention home rules and regulations.
4. Provide a copy of the court's approval to the detention home.
5. Before the interview, inform the juvenile of his or her legal rights.

I. Fingerprints and photographs of children

RSMo. § 211.151.3 provides that fingerprints and photographs be taken and filed under the following circumstances.

1. Without the approval of the juvenile judge, in all cases when a child is taken into custody for offenses that would be considered felonies if committed by adults.
2. Only with the consent of the juvenile judge when a child is taken into custody as a victim of abuse or neglect or as a status offender, or for an offense that would be considered a misdemeanor if committed by an adult.

V. **TRAFFIC OFFENSES (44.2.1 B)**

A. Traffic Violations – (juveniles over 15 ½ years of age)

Section 211.031, 211.031.2.e, RSMo states that Juvenile Court shall not have jurisdiction over any child, over fifteen and one-half years of age, who is alleged to have violated a municipal traffic ordinance or a nonfelony state traffic regulation. When charged with a violation of city traffic ordinance, or a nonfelony state traffic regulation, they shall be treated in court as an adult traffic violator.

1. Traffic tickets issued to juveniles over fifteen and one-half years of age will be set on a regular arraignment date.
2. Juveniles will not be detained in a jail or other adult facility (RSMo 211.033) where they will have any contact with adult prisoners. This provision includes “sight and sound separation”.
 - a. Juveniles are to be released to a parent/guardian as soon as possible.
3. Driving under the influence
 - a. Officers are authorized to administer chemical tests to juveniles suspected of operating a motor vehicle while under the influence of intoxicants.
 - b. The adult Miranda Warning will be read to the juvenile prior to questioning as required on Missouri Department of Revenue Alcohol Influence Report form # 2389.
 - c. Intoxicated juveniles will not be released on their own. Juvenile traffic offenders will be released to a parent/guardian.
 - d. Officers shall take possession of any Missouri Driver’s License held by an intoxicated juvenile driver in accordance with administrative revocation procedures required by the state.

B. Traffic Violations (juveniles under 15 ½ years of age)

1. In traffic cases involving juveniles under the age of fifteen and one-half, the following guidelines shall be followed:
 - a. Any vehicle operated by a juvenile who is charged with a traffic violation shall be towed unless the vehicle can be released to its legal owner.
 - b. If a Missouri Uniform Accident Report is completed and a juvenile is involved, do not enter any information concerning criminal charges against the juvenile in the narrative.
 - c. When apprehended, the juvenile may be released to a parent/guardian at the scene or transported to the station.
 - d. A juvenile information report will be completed and forwarded to the juvenile office in the county where the juvenile resides.
2. Driving under the influence
 - a. A Jasper County Juvenile Officer must be notified before the juvenile is administered a chemical test to determine intoxication.
 - b. The juvenile will be informed of his/her Constitutional Rights as prescribed in the Miranda/McMillen warning.
 - c. Juveniles will also be advised prior to submitting to a chemical test that:
 - i. It is not mandatory
 - ii. If the test indicated that they were under the influence, the information can and will be used against them in a Juvenile Court.
 - d. DOR Form 2839 will be completed by the arresting officer and submitted with the test results through normal channels to the Records Division. DOR Form 2839 will be completed even if the chemical test was not administered.
 - e. A Missouri Uniform Citation will be forwarded with the DOR Form 2839.
 - f. The Juvenile will be released to the custody of a parent/guardian.
 - g. Juveniles are not to be detained in a jail or adult detention facility where they will have sight or sound contact with adult prisoners.

VI. STATUS OFFENSES (42.2.2 A)

A. Investigations of runaways

Officers taking a report of a runaway child shall perform the following:

1. Complete an incident report on the matter.
2. Complete a State of Missouri Missing Person Report form
3. Broadcast or send on computer a lookout for the runaway juvenile.

4. Ensure the entry of the juvenile's information into NCIC.
5. Enter SHP # on last line of report narrative.

B. Taking runaway into custody

When probable cause exists that a juvenile has run away from home, the officer shall perform the following:

1. Local
 - a. Verify runaway status.
 - b. Take the child into custody (unless child is already back in the custody of parent guardian, or legal custodian).
 - c. If the child is not already in the custody of a parent, guardian, or legal custodian, notify the intake officer of the juvenile detention facility who will then determine whether to:
 - i. Place the child in the detention facility.
 - ii. Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent.
 - iii. Release the juvenile.

In any event, officers shall request the original case number and complete a supplemental incident reports for any runways taken into custody.

2. Out-of-town
 - a. Take the child into custody and verify runaway status with the other jurisdiction. If a detention order is on file, follow the instructions for serving a detention order as discussed below.
 - b. Notify the intake officer of the juvenile detention facility of the action taken. The intake officer will then determine what the next step will be. The officer shall:
 - i. Follow the intake officer's instructions for detention or child placement.
 - ii. Notify parents that the child is in custody.

C. Truant

1. When custody occurs because a juvenile is a reported truant by school officials, or an officer reasonably determines because of the child's age and circumstances that a juvenile is a suspected truant, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.
2. The officer shall complete a juvenile incident report which includes the name of the parent notified of the truancy and the name of the person to whom the juvenile was released.

D. Incorrigibility

Incorrigible juveniles are classified as “status offenders” due to the conduct would not be a crime if committed by an adult.

1. Officers who come into contact with a reported incorrigible juvenile will:
 - a. Determine if a criminal offense has been committed by the juvenile (e.g. property destruction, assault) and properly document that information. (42.2.2 A)
 - b. Determine if the juvenile has displayed behavior that is injurious to themselves or others.
2. In the absence of a documented offense or injurious behavior displayed by the juvenile, officers may allow the parent/guardian to sign a complaint for “incorrigible behavior” and a juvenile information report will be completed. The officer will contact the juvenile office in the county where the juvenile resides to determine what action to take. If no complaint is signed, inform parents/guardians of their responsibility to seek assistance from the Jasper County Juvenile Office. Contact can be made with a Jasper or Newton County Juvenile Officer to discuss the particular problem and seek advice for guidance or alternative solutions.
3. When there is a criminal offense, normal juvenile processing procedures will be followed.

VII. DETENTION ORDERS AND WARRANTS

A. Release or detention of juveniles charged with delinquent acts

1. Whenever possible, officers shall release a juvenile to a parent, guardian, or legal custodian who, (1) is available and willing to provide supervision and care; and (2) promises to bring the juvenile before the court when requested. However, the arresting officer shall transport the juvenile to the detention center whenever there is probable cause to believe that the juvenile committed a felony

B. Handling of escapees

1. Immediate custody of escapees:
 - a. Juveniles who are escapees from jail, a detention home, or other institution in which they were placed by order of juvenile court, Child Protective Services, or other licensed child welfare agency may be taken into immediate custody when:
 - i. A detention order or warrant is known to be on file in this or another jurisdiction.
 - ii. An officer has probable cause to believe that a juvenile has escaped or run away from jail, detention home, residential child care facility, or home in which they were placed by the court, the Department of Family Services, or a licensed child welfare agency.
2. Return or placement of escapees
 - a. The officer shall contact the juvenile detention center who will determine where the juvenile will be placed.

- b. The juvenile may be returned and released to the facility from which the juvenile escaped or fled.
- 3. Reporting requirements
 - a. The officer shall complete an offense report with applicable supplements.
 - b. When a juvenile runs away from a local unsecured group home the officer shall:
 - i. Take an offense report for a missing juvenile (runaway).
 - ii. Complete a State of Missouri Missing Person Report form. The adult reporting the juvenile missing will sign the report.
 - c. When an escaped juvenile or one that has run away from a group home is apprehended, the officer shall:
 - i. Complete a supplement to the original report, if a locally placed juvenile.
 - ii. Complete an original offense report if a juvenile from an out-of-town facility.
- 4. Officers shall initiate a search and broadcast a lookout for any juvenile reported missing or escaped from a local facility.

VII. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies, shall comply with this policy.

VIII. APPLICATION

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