

PINEVILLE POLICE DEPARTMENT

GENERAL ORDER

SECTION: 8 ARREST AND DETENTION

SUBJECT: 803 JUVENILE ARREST

EFFECTIVE: 01/01/2015

1. **PURPOSE.** The purpose of this policy is to provide guidelines for officers when dealing with juveniles in enforcement and custody situations.

2. **POLICY.** It is the responsibility of all members of this department to know and support the department's established procedures for handling both criminal and non-criminal juvenile incidents as defined in this policy. Officers shall, whenever reasonable and justified under this policy, take those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community. When an officer becomes involved with a juvenile who has committed a criminal act or a violation, the officer is expected to use the least coercive, reasonable alternative consistent with preserving public safety and order, in dealing with the juvenile offender.

3. **RESPONDING TO JUVENILE OFFENDERS.** An officer has four general alternatives from which to choose when dealing with a juvenile. These are:
 - A. The verbal warning for minor offenses;
 - B. Divert the offender to a social service agency, if the contact does not constitute criminal behavior;
 - C. Arrest by taking the juvenile into temporary custody. In this event the officer will write an arrest report and release the juvenile to a parent or concerned adult. The Juvenile Officer may choose to handle the situation in a counseling environment or refer the case to the juvenile court system.
 - D. Arrest of the juvenile and detention at the Renaissance Home.

4. **TAKING CHILD INTO CUSTODY WITHOUT A COURT ORDER CHC ARTICLE 621.**
 - A. A peace officer or probation officer of the court may take a child into custody without a court order if he has reasonable grounds to believe that the child's surroundings are such as to endanger his welfare and immediate removal appears to be necessary for his protection.

5. **TAKING CHILD INTO CUSTODY WITHOUT A COURT ORDER CHC ARTICLE 814.**
 - A. A child may be taken into custody without a court order or warrant by a Peace officer or probation officer if the officer has probable cause to believe that the child has committed a delinquent act.
 - B. If a child is taken into custody without a court order or warrant, the officer shall have the responsibility to either:
 1. Counsel and release the child to the care of his parents upon their written promise to bring the child to court at such time as may be fixed by the court.

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2. Promptly escort the child to the appropriate facility in accordance with Article 815.

6. ARREST AND RELEASE OF A JUVENILE.

A. Once an officer has taken a juvenile into custody for a criminal offense the juvenile will be transported to the Police Department without delay. The officer shall notify the juvenile's parent, guardian, or other person responsible for the juvenile of the custody situation. The officer will be responsible to complete the following:

1. PPD juvenile face sheet;
2. Arrest report will be completed;
3. Miranda warning.
4. Post Affidavit;
5. Custodial agreement;
6. Incident report and investigation report.

B. If the juvenile is to be placed in Renaissance Home prior approval must be obtained from the Juvenile Officer.

7. IDENTIFICATION PROCEDURES. A child may be photographed or fingerprinted in connection with being taken into custody for the commission of either:

- (1) A felony-grade delinquent act.
- (2) A misdemeanor-grade delinquent act.

8. JUVENILE TRANSPORT. Juveniles taken into custody for criminal offenses should normally be frisked for weapons prior to being transported and shall be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others. Juveniles taken into custody for criminal offenses shall not be secured to a fixed object.

9. INTERVIEWS OF JUVENILES. When a juvenile has been taken into custody for a crime, the officer will advise the juvenile their constitutional rights as required by the Miranda. The following criteria must be met prior to conducting any interviews:

- A. The juvenile must be informed of his Miranda right in the presence of a parent or concerned adult.
- B. The juvenile and adult must understand the Miranda warning.
- C. The juvenile and adult must have at least five minutes alone, without the officer present.

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10. CONFIDENTIALITY OF RECORDS. All juvenile arrest / detention records are confidential and shall not be released or copied.

By order of

Darrell Basco
Chief of Police