

COOLIDGE POLICE DEPARTMENT		
	CHAPTER 44 JUVENILE OPERATIONS CALEA Standard(s):	General Orders
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44.1 Arrests of Juveniles

- A. Pursuant to A.R.S. §8-303, an officer shall take a juvenile in custody:
1. pursuant to an order of the juvenile court, or
 2. pursuant to an arrest warrant, or
 3. when there is probable cause to believe the juvenile has committed a felony or breach of the peace, or
 4. when the child has been apprehended in the commission of a felony, or in fresh pursuit
- B. Pursuant to A.R.S. §8-303, an officer may take a juvenile into custody:
1. if there are reasons to believe that the juvenile has committed a delinquent act or is incorrigible, or
 2. there are reasonable grounds to believe the child has run away from the child's parents, guardian or other custodian,
- C. In deciding whether to take a juvenile into custody for detention in a juvenile facility, officers should consider the nature of the offense, the juvenile's age, and other relevant facts. Generally the decision whether to arrest a juvenile will follow the policy for the arrest of adults.
- D. Depending on the situation and the offense, juveniles may be cited for the offense using an Arizona Traffic Ticket and Complaint citation (ATTC), may be released on a paper referral to a parent or guardian, or taken to the County Juvenile Center.

44.2 Juvenile detention at police facilities

- A. Both federal and state law require that juveniles be handled differently than adults when detained. The key differences are that a juvenile:

1. may be held in secure detention only if being held for a delinquent offense, and
2. must be separated by sight and sound from adult detainees.

B. A delinquent offense is defined by statute as an act which is a crime or petty offense whether committed by a juvenile or an adult, or which has been designated as a delinquent offense. A status offense, by contrast, is an offense which would not be an offense if committed by an adult. For example, a minor in possession of alcohol, or one consuming alcohol, has committed a status offense.

C. The type of detention that is permitted by law depends on the type of offense committed by the juvenile. A juvenile who has committed a delinquent offense may be held in secure detention. Secure detention is detention which restricts freedom of movement, such as handcuffing to a fixed object or being placed in a room with a door that locks, whether or not the door is locked. A juvenile cannot be held in secure detention in a police facility for longer than six (6) hours.

D. A juvenile who has committed a status offense may not be securely detained. A juvenile who has only committed a status offense may not be handcuffed to a stationary object, or kept in a room with a locking door, whether or not the door is locked. If necessary for safety, such juveniles may be handcuffed, but not to a stationary object.

E. All juveniles must be separated by both sight and sound from all adult arrestees.

F. Each facility in which juveniles may be detained must maintain a log that records the detention of all juveniles. Any officer bringing a juvenile into the facility, or removing a juvenile, no matter the length or purpose of the detention (including processing or interrogation) must make an entry into the log. The log, entitled Juvenile Detention Log, shall be completed with the following information:

1. date,
2. time in and out,
3. name and number of officer who secured the juvenile
4. the name and number of the officer who removed the juvenile,
5. the juvenile's name, date of birth, and gender,
6. the case number,

7. all charges,
8. whether a meal or snack was provided
9. whether the juvenile was securely or non-securely detained.

44.3 Interviews of Juveniles

A. Generally, a juvenile who is in custody and being interrogated has the same rights as an adult under the 5th Amendment. See G.O.1.4.3. Juveniles will be immediately advised of his/her constitutional rights when required and agency/ juvenile justice system procedures that are relevant or will aid the juvenile in making decisions.

B. In addition, a juvenile's parents may become involved in a custodial interview. Prior to or during an interview with a juvenile, an officer may contact the juvenile's parents, legal guardians or custodian. If the juvenile requests to speak with the juvenile's parents, or the parents request to speak with the juvenile, that communication shall be permitted unless exigent circumstances exist or the parents are involved in the alleged criminal activity. A parent who is present and requests to be permitted in the interview with the juvenile shall be allowed to be present, unless the parent is involved in the alleged criminal activity, interferes with the interview or investigation, or the juvenile does not want the parent present.

C. Juveniles who are not suspects, but are only victims or witnesses, may not be involuntarily detained or taken into custody without the juveniles' consent if they are of suitable age and maturity, parental consent or an appropriate court order.

44.4 Disposition of detained juveniles

A. Depending on all of the circumstances, including consideration of the juvenile, the offense and the victims, if any, there are a variety of options for the disposition of a juvenile offender, including the following.

1. Parental Referral - The officer may release the juvenile to his/her parents. This alternative may be appropriate when, in the officer's opinion, the parents can correct the juvenile's behavior and the intervention of Juvenile Court is not required. A DR will be completed, with the juvenile listed as the arrestee on all paperwork, and the release of the juvenile to the parents shall be documented. Parental referral is not an option if the juvenile is taken into custody for any sex-related offense, for domestic violence, or for being a runaway.

2. Paper Referral - The officer may complete a paper referral, which is a referral of the juvenile to Juvenile Court with the parent or guardian signing a promise to appear with the juvenile. The parent or guardian must be located and must agree to sign the referral. This alternative is appropriate when the parents appear to be able and willing to handle the juvenile. This alternative will be utilized when parental custody will, in the opinion of the officer, be sufficient to control the juvenile's behavior pending action by the Juvenile Court.

3. County Juvenile Court Center Detention - Officers shall be aware of what crimes constitute status offenses. Status offenders cannot be transported to juvenile court for detention, but must be released to a parent or guardian.

4. Detention in the County Jail - Arizona law provides that juveniles who are 15, 16, or 17 years of age and are charged with first degree murder, second degree murder, forcible sexual assault, armed robbery, and violent felony offenses shall be booked into the County Jail as adults. Effective Jan. 1, 2017, such juveniles may be housed in a juvenile detention facility if the juvenile is not charged with a dangerous offense and such placement is ordered by the court.

B. County Juvenile Court Center Detention. If the juvenile has committed a serious crime, or is a repeat offender, or if the parents do not appear able or willing to handle the juvenile, the juvenile may be transported to the County Juvenile Court Center. A Juvenile Complaint/Referral form and the Affidavit in Support of Probable Cause form shall be completed prior to any juvenile being incarcerated at the detention facility. A juvenile shall be transported for detention when he or she is:

1. an escapee from a juvenile detention facility or has an outstanding warrant
2. under age 15 and charged with murder, manslaughter, kidnapping, sexual assault, arson of an occupied structure, armed robbery, or aggravated assault. Juveniles 15 or older arrested under these charges shall be booked at the County Jail as an adult.
3. charged with a delinquent offense and there is no less restrictive alternative that will reduce the risk of serious harm to the juvenile or others (e.g., DUI with severe intoxication).

4. charged with a serious property crime or a crime of violence other than listed above, which, if committed by an adult, would be a felony, and the juvenile:
 - a. is already detained or on conditional release in connection with another delinquency proceeding.
 - b. has a demonstrable record of willful failures to appear in Juvenile Court proceedings.
 - c. has a demonstrable record of violent conduct resulting in physical injury to others.
 - d. has a demonstrable record of adjudication for serious property offenses.

44.5 Juvenile Traffic and Liquor Offenses

All juvenile civil traffic violations may be cited into the appropriate Magistrate or JP court.

All criminal offenses, including criminal traffic violations, liquor offenses, etc., should be referred into the juvenile court system.

44.6 Juvenile Victims

A. Interviewing juvenile victims and witnesses may present special challenges, especially if the child is very young or has been traumatized. If information concerning the alleged crime is available from an independent adult source, the information should be sought from that adult, so that the child does not need to be interviewed on scene. If the juvenile victim must be questioned, officers should ask only basic questions to gather basic information; details should not be elicited. Questions should be limited and simple, such as: what happened, who did it, where, when, whom did you tell?

B. If it appears that a crime has in fact been committed, no further questioning of the child should occur without the assistance of an officer or detective who has received training in interviewing child victims.

C. DCS shall be notified in any incident in which the suspect resides in the home or has access to the child, if the officer reasonably believes that the child is not safe at the home, or if there is concern for any other child associated with the suspect. Officers shall include in their DR the date and time DCS was contacted and the name of the person at DCS who took the report.

44.7 Welfare Calls Involving Children

A. If the officer is asked to check on an ill or injured child, officers should seek consent to speak with any adults who are present and the child or children separately. The following types of questions should be asked and observations made:

1. Children's names, ages and whereabouts.
2. Name of the school and caretakers before and after school.
3. When the child last ate and if the child eats regularly; the officer may ask to look in the refrigerator and kitchen cabinets to see if there is available food.
4. Officers should observe the visible areas of the child, especially the head, neck, arms and legs, looking for injuries, bruises in different stages of healing, injuries in areas not explained by childhood accidents. Ask about any injuries or bruising. Ask the child if he/she feels safe at home.
5. If the child is an infant or is asleep, have the parent or guardian expose the child's chest, back, and legs, checking for bruising, pattern marks, breathing difficulties, and/or any other injuries on exposed areas.

B. If the officer is asked to check on the conditions in which the child is residing (dirty house calls), the officer should ask for permission from the parent or guardian to walk through the house. Depending on what the officer finds, officers have the following options:

1. Document and photograph the condition of the house, if it does not rise to a criminal level.
2. Document, photograph and contact a supervisor to discuss further actions that should be taken. Depending on the condition of the house, options may include citing the parent for A.R.S. §13-3613 (contributing to the delinquency/dependency of a minor), contacting DCS and removing the child, and/or pursuing felony charges.

C. When a call involves ongoing violence between adults, Communications will seek to determine if children are present at the scene and will relay that information to the officer who is responding. In such situations, as soon as

feasible, officers should locate the children and, if possible, remove them from the immediate area.

D. If the children need to be interviewed, such interviews should be done by officers with training in interviewing child witnesses, if possible. In any event, the interviews should be done without blaming the parents or guardians and should focus on the children. Any questions concerning what happened should be asked in an open ended style and in language that is age appropriate to the child. The children should be told that the officers will make sure they have a safe place to stay.

E. In any situation in which there is immediate concern for the welfare of the child, whatever the circumstances (child victim, neglect or abuse), or if the parent or guardian refuses to allow access to the child, the officer shall remain at the scene and call for both a supervisor and Department of Child Safety. Before leaving a crime scene where children are present, ensure that there is a parent or caretaker present to care for the children. If there is not, contact DCS regarding placement of the child. If a neighbor or relative offers to care for the child, do not allow the child to go with the person without DCS permission. The DR on any incident involving children shall include name and contact information of the caregivers.

F. The agency should maintain a list of social service agencies available in their area, including information about local children's advocacy centers.

44.8 DEPARTMENT OF CHILD SAFETY (DCS)

If an officer believes a child has suffered or will imminently suffer abuse or neglect, the officer is to contact the DCS Child Abuse Hotline. Officers should be prepared to provide the following information:

1. Officer's name and contact number
2. Names and ages of children
3. Names of parents or guardians, including mother's maiden name
4. Location of events
5. Reason for concern for the child(ren)'s welfare
6. Relatives or others available for emergency care
7. Information concerning the mental and physical health of the children

8. Names and contact information for others who may have information regarding the abuse or neglect of the child.

44.9 Temporary Custody for Abuse or Neglect; Temporary Custody Notice (TCN)

A. Pursuant to A.R.S. §8-821, a child suspected to be the victim of abuse or neglect may be taken into custody by DCS as set forth in the statute. Temporary custody is authorized only when:

1. there is a court order to do so, see A.R.S. §8-821(A)(1).
2. with consent of the parent or guardian, see A.R.S. §8-821(A)(3).
3. if there is probable cause to believe that the child is either:
 - a. A victim or will become a victim of abuse or neglect in the time it would take to obtain a court order, see A.R.S. §8-821(D)(1).
 - b. suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist, see A.R.S. §8-821(D)(2).
 - c. physically injured as a result of living where dangerous drugs or narcotics are being manufactured, see A.R.S. §8-821(D)(3).
 - d. Reported by DCS to be a missing child at risk of serious harm, see A.R.S. §8-821(D)(4).

B. Whenever a child is taken into temporary custody under these situations, a Temporary Custody Notice shall be provided to the parent or guardian. If the parent or guardian is present within the state, the Notice must be provided within 6 hours; if the parent or guardian is out of state, the Notice must be provided within 24 hours.

If neither the parent nor guardian is present at the place from which the child is removed, notice will be given to an adult at the residence or posted at that location. If the residence is not known, a reasonable effort shall be made and documented to locate and notify the parent or guardian.

C. DCS must be contacted whenever a Temporary Custody Notice is served. Children taken into temporary custody for medical or psychological services must be immediately taken for examination. Officers should work closely with DCS to ensure that children are held only for the time permitted by statute and that proper notice is provided to the parents.