

<b>JUVENILE OPERATIONS</b>	<b>Chapter No. 44</b>
<b>Effective Date:</b> <b>04/01/2018</b> <b>Revised: 9/6/2018</b>	<b>Reference:</b> <b>Chapter 1 – Law Enforcement Role &amp; Authority</b>

#### **44.1.1 JUVENILE POLICY**

The Pasco Police Department is committed to developing and implementing programs which are directed at the prevention and control of juvenile delinquency. Enforcement of the law as it relates to juveniles has the following purpose: To hold the juvenile responsible for their actions while working toward rehabilitative efforts, protect society and prevent recidivism.

Employees of the department are to follow all department policies and procedures regarding juvenile matters. Officers will maintain a working knowledge of the Revised Code of Washington (RCW) reference juvenile laws.

Records staff send felony and misdemeanor juvenile case filing packets to the detective section for subsequent filing with the Franklin County Prosecutor's Office. The detective section is responsible for several functions related to juveniles and juvenile investigations. The juvenile function for detectives includes:

- A. Follow-up processing of juvenile felony arrests.
- B. Follow-up processing of all missing and runaway juveniles.
- C. Serving as a resource to other department components on the follow-up and coordination of juvenile offenses.

The responsibility for supporting the department's juvenile operations function is shared by all members and divisions of the department. Patrol officers assigned juvenile cases will investigate and follow up in accordance with current practice while following department procedures.

#### **Explorer Program**

The department operates this program to provide an alternative for youth in the community. It introduces youth to a work environment and prepares them to meet future job expectations. The program introduces the youth to the profession of law enforcement and helps to them be successful in any future career.

#### **44.1.2 INPUT ON JUVENILE PROGRAMS**

The Pasco Police Department receives and encourages input on juvenile programs and policies from outside or support agencies.

The Support Operations Captain evaluates all input and routes information to the respective divisions dealing with juvenile related issues. Each division captain then determines if input and ideas will be used in the various juvenile programs or policies.

### **44.1.3 JUVENILE PROGRAM EVALUATION**

The Field Operations Captain coordinates an annual review of juvenile enforcement and prevention programs sponsored by the Pasco Police Department. The evaluation will include whether the program is providing the service that was intended and the effect it has on actual crime reduction and perception of crime. Findings are reported to the Chief of Police.

### **44.2.1 HANDLING JUVENILE OFFENDERS** (Reference Standard 1.1.3)

- A. The Pasco Police Department requires officers to use appropriate alternatives to court when working with juvenile offenders. The officers' actions should be consistent with preserving public safety, order and individual liberty. Any action taken should conform to and not violate Title 13 of the Revised Code of Washington (RCW).

Pasco Police Officers can refer juvenile offender contacts to social service agencies or juvenile court. Alternatives to referral to juvenile court include:

1. Release to parent or guardian with no further action taken.
  2. Verbal warning.
  3. Note behavior/actions on a Field Interview (FI) report.
  4. Information case only, with release to parent or guardian.
  5. If taking the juvenile directly home, release the juvenile to a parent, guardian or other responsible person.
    - No charges: forward as any other report.
    - Charges: also complete a juvenile referral request form and forward the forms to Juvenile Court.
  6. Request a voluntary program of treatment using the services of one or more social agencies.
- B. Officers should attempt to refer juveniles into court rather than place them in the Juvenile Detention Center. When making the decision, the officer should consider the circumstances of the offense, the offender's record and the intake criteria of the Franklin County Youth Center.

For serious offenses, or if the officer believes that court action is necessary, forward the suspect/arrest report to the Franklin County Juvenile Court Prosecutor's Office for review and disposition.

Make official referrals to the Franklin County P.A. on all serious criminal conduct and repeated criminal violations. This includes:

1. Felony crimes

2. Crimes involving weapons
  3. Gang related crimes
  4. Aggravated assaults
  5. Crimes committed by juveniles under probation or parole or with cases pending in juvenile court
  6. Repeated criminal acts
  7. Cases where parental supervision is not effective
  8. Cases where the juvenile refuses to cooperate or participate in a diversion program
- C. The Washington State Juvenile Code, RCW 13, authorizes the Juvenile Court System to administer diversion programs for juvenile offenders in the following circumstances.
1. When one or two minor crimes have been committed.
  2. There is no prior record of criminal behavior.
  3. The juvenile offender is under the age of 18 years.
  4. By RCW, the prosecutor is guided by the length, seriousness, how recent the criminal history record is and the circumstances surrounding the commission of the offense.
  5. The availability of community-based rehabilitation programs.

#### **44.2.2 PROCEDURES FOR CUSTODY**

A juvenile is taken into custody:

1. By order of the court.
2. According to the laws of arrest.
3. By a law enforcement officer believing the child is in immediate danger and removal from the surroundings is necessary to protect the child. The officer contacts Washington State Child Protection Services (CPS) for further instructions. CPS is a division of the Department of Social and Health Services (DSHS).
4. At the request, and with the assistance of CPS.
5. If the juvenile is a reported runaway officers take protective custody of the juvenile and deliver them to a parent or a Department of Social and Health Services Office.

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6. Any juvenile taken into custody shall be released to the care of the juvenile's parents or responsible adult or transported to the Juvenile Detention Center or authorized facility as soon as practicable.
7. Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Pasco Police facility. There should also be sight and sound separation between non-offenders and juvenile status offenders.

In situations where a brief or accidental contact may occur, a member of the Pasco Police Department shall maintain a constant, immediate presence with the juvenile to minimize contact with any adult offender.

[RCW 46.61.687](#) requires that a child under the age of three be properly restrained in a federally approved child car seat that is secured in the vehicle according to the manufacturer's instructions. An approved car seat is available at the station for use in these circumstances. For a child under the age of six, but at least three years of age, the child shall be restrained in a car booster seat.

When possible, use reasonable alternatives when dealing with juvenile offenders. Officers making a physical arrest take the juvenile to the Pasco Police Department for processing. When appropriate, transport the juvenile to the Pasco Corrections Facility for fingerprints and photographs. Advise the parent or guardian of the juvenile taken into custody of the arrest. Complete a case report, including suspect/arrest, juvenile referral and incidents report forms when possible.

#### Detention

Use the following procedures for placing juveniles in detention in the Youth Center.

1. Advise them of their Constitutional Rights.
2. Contact the Youth Center Intake Office and explain the reason(s) for the detention. If the intake screener authorizes the detention, a Pasco police officer transports the juvenile to the Franklin County Youth Center for processing.
3. If the juvenile is injured or under the influence of drugs or alcohol, a medical examination is given before the Youth Center accepts the juvenile.

The Pasco Fire Department Medical Aid Unit examines the juvenile if the injury or health appears of an emergency nature.

If the juvenile cannot be identified, or a parent or guardian cannot be located, and the injury is not serious, do the following:

- A. An officer transports the juvenile to the Youth Center and stands by.
- B. The Youth Center processes the juvenile for admission.
- C. The intake screener contacts the juvenile court and explains the situation.

- D. A court order authorizing the medical examination and treatment is completed for a Juvenile Court Judge's signature.
- E. If this occurs when a judge is not readily available, the officer takes the order to a judge and transports the juvenile to a hospital emergency room for examination.
- F. After examination and treatment, return the juvenile to the Youth Center if hospitalization is not necessary.

If the juvenile's injuries are serious and immediate medical treatment is needed, take the juvenile directly to a hospital for treatment. The emergency room staff has the authority to treat injuries without the consent of a parent or court order.

- 4. The officer provides arrest reports to the Youth Center intake screener at the time of detention. When filing, the complete investigation packet goes to the Juvenile Court Prosecutor's Office.
- 5. Thoroughly search all juveniles before turning over to the Youth Center for detention.
- 6. Under no circumstances can a juvenile alleged to have committed a Status Offense (chronic or persistent truancy, running away, being ungovernable or incorrigible, violating curfew laws, or possessing alcohol or tobacco), including those returned on court orders for contempt, be held in a secure location at the Pasco Police Department. If such a juvenile is transported to the department, the juvenile shall not be placed in any holding cell or interview room where the door is locked requiring a key to exit. Nor will they be secured to any fixed object. They may be taken to a DSHS approved facility or location but not be held in a detention environment or come into contact with adults in custody in the police department.

Contact the parent or guardian of the detained juvenile when possible and advise them of the situation and location of the youth.

#### **44.2.3 CUSTODIAL/ NON-CUSTODIAL INTERROGATION OF JUVENILES**

- A. Officers should re-advise juveniles in detention of their constitutional and juvenile rights prior to interviewing them.
- B. If possible, officers advise a parent or guardian of the juvenile of the intent to question the juvenile.
  - 1. Limit the number of officers in the interrogation to two.
  - 2. Limit the interrogation to a prudent amount of time.
- C. Any officer questioning a juvenile offender or suspect should explain:
  - 1. The department's procedures in dealing with juvenile offenders.

2. The juvenile justice system process.
  - D. Notification / Presence of Parent(s): In most cases, the investigating officer will confer with the juvenile and parents / guardians prior to the interrogation to explain agency and juvenile justice system procedures and advise of the reason for the interrogation. It is not required that a parent be present during the interrogation, although the parent's presence may be helpful at times. If a parent insists that he/she be present during an interrogation, a supervisor shall be contacted prior to the interrogation. The supervisor will consider the following factors when deciding whether or not to allow the parent to be present.
    - The crime being investigated
    - The age of the violator and ability to understand his/her constitutional rights per Miranda
    - The desire of the juvenile to have his/her parent present
    1. Children Under 12: Only a parent (guardian) may waive a child's constitutional rights when the child is under 12 years of age
  - E. If it is necessary to conduct a non-custodial interview of a pupil on school premises, officers follow these guidelines.
    1. Before interviewing the juvenile on school premises, attempt to contact the parent or guardian of the juvenile to explain the nature of the incident. If the parent requests to be present, delay the interview for a reasonable amount of time until their arrival; provided the parent or guardian is not suspect in crimes against child to be interviewed.
    2. Upon arrival at the school, contact the principal or assistant principal and explain the nature of the interview. Call the student to the office. Conduct the interview in the presence of the principal or another person acting for the principal if the juvenile prefers.
    3. If unusual circumstances require a change from the above guidelines, contact the shift supervisor.
  - F. Juveniles will not be subject to Strip Searches or Cavity Searches by members of the Pasco Police Department.

#### **44.2.4 SCHOOL ASSIGNED OFFICERS**

The Pasco Police Department, in contract with the Pasco School District, designates School Resource Officers to function as liaison officers with its schools.

- A. The school resource officers are primarily responsible for handling reports of criminal activity or other problems occurring on school district property. The school resource officer may:
  1. Act as a resource for delinquency prevention.

2. Provide guidance on ethical issues in a classroom setting.
  2. Provide individual counseling and/or mentoring to students.
  4. Explain the law enforcement role in society.
- B. The school resource officer may coordinate school/department activities, such as:
1. Crime prevention programs
  2. Substance abuse programs
  3. Educational instruction

#### **44.2.5 PARTICIPATION IN COMMUNITY RECREATIONAL YOUTH PROGRAMS**

The Pasco Police Department supports the philosophy of police and youth interaction. The department encourages its members to volunteer their time to become active in community recreational and other youth oriented programs.